

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOEL D. STANFIELD, JOSEPH R. BRANC,  
THOMAS G. FELDPAUSCH and WILLIAM L. MILLER

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Appeal 2007-0986  
Application 10/214,370  
Technology Center 2600

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Decided: April 30, 2007

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Before KENNETH W. HAIRSTON, ANITA PELLMAN GROSS and  
HOWARD B. BLANKENSHIP, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1 to 54. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants have invented a file tracking system that maintains file folder location information and a unique address of each file folder in a database. A plurality of the file folders are located in a file cabinet, and each file folder includes an addressable switch in communication with a processor via a wireless link (Figures 4 and 15; paragraphs 0044, 0099 and 0100).

Claim 1 is representative of the claims on appeal, and it reads as follows:

1. A file tracking system comprising:

a database for maintaining file folder information including file location, and a unique address of each file folder;

a processor for interfacing with said database and issuing control signals;

a furniture unit; and

a plurality of file folders, each file folder including an addressable switch in communication with said processor through a communication link, wherein at least a portion of said communication link is wireless.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Carroll	US 4,658,357	Apr. 14, 1987
Wakura	US 5,063,380	Nov. 5, 1991
Warren	US 5,389,919	Feb. 14, 1995

The Examiner rejected claims 1 to 4, 7 to 10, 12 to 18, 22 to 25, 27 to 32, 34, 35, 38, 39, 41 to 46, and 49 to 54 under 35 U.S.C. § 103(a) based upon the teachings of Carroll and Wakura. The Examiner rejected claims 5, 6, 11, 19 to 21, 26, 33, 36, 37, 40, 47, and 48 under 35 U.S.C. § 103(a) based upon the teachings of Carroll, Wakura and Warren.

Appellants contend that neither reference teaches nor would have suggested to the skilled artisan a file folder system with addressable switches as set forth in the claims on appeal. (Br. 16).

We sustain the rejections as to claims 1 to 12, 25 to 51, 53, and 54, and reverse the rejections as to claims 13 to 24 and 52.

#### ISSUE

Is a file folder system with addressable switches taught by or would have been suggested to the skilled artisan by either Carroll or Wakura?

#### FINDINGS OF FACT

Appellants describe a file tracking system that comprises a processor 20 and a database therein that maintains file folder information that includes file location, and a unique address of each file folder 70 (Figure 15). A furniture unit (e.g., a file cabinet 50) holds a plurality of the file folders. An addressable switch 76 located on each file folder is in communication with the processor via a wireless link (Figures 3, 4, and 15).

Wakura describes a file tracking system that comprises a processor 1 and a database therein that maintains file folder information that includes file location (col. 7, ll. 17 to 30), and a unique address of each file folder 11 (Figure 4; col. 6, l. 66 to col. 7, l. 4). A furniture unit (e.g., a file cabinet 10) holds a plurality of the file folders. An addressable switch 8 (LED with its own unique address) is located on each file folder, and is in communication with the processor via a wireless link (i.e., infrared).

Carroll describes a transmitting unit 20 that can be placed on a patient's chart/file 76 to track use and movement of the file (Figure 5; col. 10, ll. 18 to 21).

Warren was cited by the Examiner to show a cabinet drawer that supports hanging folders (Answer 4).

#### PRINCIPLES OF LAW

In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on one reference alone without designating it as a new ground of rejection. *In re Bush*, 296 F.2d 491, 496, 131 USPQ 263, 266-67 (CCPA 1961); *In re Boyer*, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444 n.2 (CCPA 1966).

Nonfunctional descriptive material carries no weight in the analysis of patentability over prior art applied by the Examiner. *In re Lowry*, 32 F.3d 1579, 1583, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994). Nonfunctional descriptive material cannot render nonobvious an invention that would have otherwise been obvious. *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ2d 1862, 1864 (Fed. Cir. 2004).

#### ANALYSIS

As indicated *supra*, Wakura describes a file tracking system that includes a database, a processor, a furniture unit, and file folders with addressable switches that communicate with the processor via a wireless link as set forth in claims 1 to 7, 9 to 12, 28 to 51, and 54.

With respect to claim 8, the use of RF receivers on the file folders would have been suggested by Wakura because he expressly teaches that the transmitters and receivers are not limited to infrared (col. 6, ll. 35 to 38).

The obviousness rejections of claims 13 to 24 and 52 are reversed because the applied references neither teach nor would have suggested to the skilled artisan polling the file folders, and updating the database based on the reply to the poll.

With respect to claims 25 to 27 and 53, the teachings of Carroll would have suggested to the skilled artisan to keep a record of the last user to access a file in Wakura for record keeping purposes, and to know the location of the file.

#### CONCLUSIONS OF LAW

As indicated *supra*, the obviousness of the claimed subject matter set forth in claims 1 to 12, 28 to 51, and 54 is demonstrated by the teachings of Wakura considered alone. The obviousness of the claimed subject matter set forth in claims 25 to 27 and 53 is demonstrated by the combined teachings of Wakura and Carroll. The obviousness of the claimed subject matter set forth in claims 13 to 24 and 52 has not been demonstrated by the teachings of the applied references.

#### DECISION

The obviousness rejections of claims 1 to 54 are affirmed as to claims 1 to 12, 25 to 51, 53, and 54, and are reversed as to claims 13 to 24 and 52.

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Application 10/214,370

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

PGC

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