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

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MANICKAM SELVAKUMAR

Appeal 2007-1240
Application 09/733,596[1]
Technology Center 2100

Decided: May 21, 2007

Before JOHN C. MARTIN, JAY P. LUCAS, and MARC S. HOFF, *Administrative Patent Judges*.

HOFF, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellant appeals under 35 U.S.C. § 134 from a Final Rejection of claims 1-16. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

---

[1] Application filed December 8, 2000. Appellant claims benefit under 35 U.S.C. § 119 of Provisional Application No. 60/173,751, filed December 30, 1999. The real party in interest is Texas Instruments Incorporated.

Appellant's invention relates to a distributed web common gateway interface (CGI) architecture and a method for the distribution of data files in a distributed organization. In the words of the Appellant:

> The distributed web common gateway interface architecture includes a primary network having a primary server. A database communicates with the primary server. A plurality of secondary networks are provided, with at least one secondary server in the secondary network (Specification 2: 3-8).
>
> A method for the distribution of data files in a distributed organization is provided. The distributed organization has a plurality of networks that communicate with a primary server, and each network has a web browser running on it. The method involves the steps of (1) entering a URL of a data management system for a primary server in a web browser; (2) entering user information; (3) entering metadata for a data file to be transferred to the primary server; (4) validating the data file at the secondary server; (5) correcting errors responsive to a failed validation; (6) releasing the validated data file; (7) transferring the validated data file to the primary server; and (8) storing the data files in the primary server (Specification 2: 17-25).

Claims 1 and 11 are exemplary:

> 1. A distributed web common gateway interface architecture, comprising:
>
> a primary network having a single primary server for processing validated files;

a database communicating with the primary server;

a plurality of secondary networks; and

at least one secondary server for each secondary network wherein the secondary server only validates a data file and communicates results to a user before it is released to the primary server.

11. A method for the distribution of data files in a distributed organization, the distriubed organization having a plurality of networks communicating with a single primary server, each network having a web browser running on it, comprising the steps of:

entering a URL of a data management system for a primary server in a web browser;

entering user information;

entering metadata for a data file to be transferred to the single primary server for processing a validated data file;

validating the data file at a secondary server that only functions to validate a data file and communicating results to a user before that file is sent to the primary server;

correcting errors responsive to a failed validation;

releasing the validated data file;

transferring the validated data file to the primary server;

storing the data files in the primary server.

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

Braddy	6,304,967	Oct. 16, 2001
Dole	6,634,008	Oct. 14, 2003

Claims 1-16 stand rejected under 35 U.S.C. 103(a) as being obvious over Dole in view of Braddy.

Appellant contends that the claimed subject matter would not have been obvious, in that (1) neither Dole nor Braddy teaches validation of a data file, and communication of the results thereof to a user, before release of the file to a primary server; (2) neither Dole nor Braddy teaches a primary network having a primary server, in combination with a plurality of secondary networks each having at least one secondary server. The Examiner contends that Dole does teach such validation, as well as the claimed primary and secondary networks.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the Briefs and the Answer for their respective details. Only those arguments actually made by Appellant have been considered in this decision. Arguments that Appellant could have made but chose not to make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(vii) (2004).[2]

[2] Appellant has not presented any substantive arguments directed separately to the patentability of the dependent claims or related claims in each group,

ISSUES

There are two principal issues in the appeal before us.

The first issue is whether Appellant has shown that the Examiner failed to establish a prima facie case of obviousness, because no reference of record teaches validating a data file at a secondary server and communicating validation results to a user prior to release of the data file to a primary server.

The second issue is whether Appellant has shown that the Examiner failed to establish a prima facie case of obviousness, because no reference of record teaches a primary network and a plurality of secondary networks, wherein data files are validated at a secondary server associated with a secondary network prior to release of the data file to a primary server associated with the primary network.

FINDINGS OF FACT

1. Appellant invented a system and process of managing "deliverable" data files of an organization or company distributed across diverse geographical areas.

2. Appellant's system includes a primary server on a primary network, a database in communication with the primary server, and a number of secondary networks, which may be located in different countries and continents (Specification 3: 30).

---

except as will be noted in this opinion. In the absence of a separate argument with respect to those claims, they stand or fall with the representative independent claim. *See In re Young,* 927 F.2d 588, 590, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). *See also* 37 C.F.R. § 41.37(c)(1)(vii).

3. Each secondary network has at least one secondary server, used to validate data files submitted by users for compliance with an expected specification (Specification 5: 3-5). If a data file contains defects, the user is prompted to correct them and resubmit the file for validation (Specification 9: 10-16). Once a data file is validated successfully, it is "released" by that secondary server and transmitted to the primary server (Specification 7: 3-6).

4. The data files validated may "include files created by CAD tools in a design organization" (Specification 3: 32).

5. Appellant asserts that performing data file validation at the secondary servers prior to transmission of the files to the primary server saves time and network bandwidth as compared to the previous system, in which validation was performed at the primary server (Specification 5: 16-25, 7: 20-28).

6. Dole teaches an environment for the cooperative design of integrated circuits by several teams of designers. Dole teaches remotely controlled workstations and "computer servers" connected to a primary design server or a mirrored design server (col. 6, ll. 30-32).

7. Dole's computerized design process inherently produces data files containing data that describe the newly created design.

8. Workstations 203 and 209 and compute server 211 are associated with the mirrored design server.

9. Dole teaches that engineers use the work stations to do their design work – "access data and information, … provide data and information for execution, … and to otherwise communicate with the primary design server regarding the design" (col. 6, 48-52).

10. Dole teaches that the mirror design server is geographically remote from the primary design server. Each server periodically interrogates the other to determine if data on the other server has been updated, in an attempt to keep identical data stored on both servers (col. 6, l. 63 to col. 7, l. 12).

11. Dole teaches "verification" as the penultimate step in the design process. Verification consists of ensuring that the result of the design conforms with the product specification (Fig. 9, step 415; col. 12, ll. 58-67).

12. Dole contains no teaching that any particular server performs the verification function.

13. Dole does not disclose any time savings or efficiency gains from verifying or validating designs through a secondary server before release thereof to a primary server.

14. Dole teaches a web browser operating on at least one of the networks, the entry of user information to identify a user, and the entry of metadata for a data file to be transferred to the primary server.

15. Braddy teaches a database communicating with the primary server (Fig. 4, data sources 78; col. 8, ll. 8-24).

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of

ordinary skill in the art suggests the claimed subject matter. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellant. *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444. *See also Piasecki*, 745 F.2d at 1472, 223 USPQ at 788. Thus, the Examiner must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the Examiner's conclusion.

ANALYSIS

We agree with the Examiner that the concept of verification taught by Dole, which ensures that the result of a design conforms with the product specification, meets the claimed "validation," defined by Appellant as ensuring compliance of a data file with an expected specification (Finding No. 3). As noted in Finding No. 7, Dole's design process inherently creates computer data files, and Appellant admits that the data files to be validated could "include files created by CAD tools in a design organization" (Finding No. 4).

We do not agree with the Examiner that Dole teaches a plurality of secondary networks (as recited in claim 1), each with an associated secondary server. At most, Dole teaches one secondary ("mirrored") network (Finding Nos. 6 and 8). Dole therefore has a single secondary network, not a plurality, and fails to meet the claim limitation.

Further, Dole does not teach that the mirrored design server is charged with validating data files prior to their release to the primary design server.

Dole teaches that engineers use the work stations to do their design work (Finding No. 9). The mirrored design server is geographically remote from the primary design server (Finding No. 10), and in the absence of a detailed description in Dole we presume that similar design work occurs at the work stations connected to the mirrored design server.

Because Dole does not specify a server (or servers) to perform verification (Finding No. 12), and does not exclude the primary design server as the server to perform verification (Finding No. 13), we conclude that the Examiner erred in stating that the Dole reference teaches data file validation by a secondary server prior to release of the file to a primary server, as recited in claim 1.

For the reasons discussed *supra*, we also do not agree with the Examiner that Dole teaches validating a data file at a secondary server in each one of a plurality of networks, said plurality communicating with a single primary server, as recited in claims 6 and 11.

CONCLUSION OF LAW

We conclude that the Examiner erred in rejecting claims 1-16. The rejection of claims 1-16 is reversed.

DECISION

The Examiner's rejection of claims 1-16 is reversed.

REVERSED

KIS

TEXAS INSTRUMENTS INCORPORATED
P. O. BOX 655474, M/S 3999
DALLAS, TX 75265