

The opinion in support of the decision being entered
today is *not* binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAN KIKINIS

Appeal 2007-2258
Application 09/738,054
Technology Center 2100

Decided: September 27, 2007

Before JAMES D. THOMAS, MAHSHID D. SAADAT,
and JAY P. LUCAS, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1 and 3, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

Appellant's invention relates to a home networking system comprising conventional telephone wirings connected to telephone jacks in a customer's premises (Specification 4). According to Appellant, a customer

demarcation unit at the customer's premises receives signals on the outside telephone wiring and drives the conventional telephone wiring in the inside as a local-area network (LAN) by converting the received signals to the protocol required by the LAN (*id.*).

Independent Claim 1 reads as follows:

1. A home networking system comprising:

conventional telephone wiring connected to telephone jacks in a customer's premises; and

a customer demarcation unit at the customer's premises connected to outside telephone wiring and to the conventional telephone wiring in the customer's premises;

wherein the customer demarcation unit receives Asynchronous Transfer Mode (ATM) signals of multiple protocols from the outside telephone wiring, translates the signals according to a single protocol required by a local-area network (LAN) and retransmits the translated signals over the conventional telephone wiring in the customer's premises according to the single LAN protocol.

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

Chau	US 5,764,750	Jun. 9, 1998
Goodman	US 5,844,596	Dec. 1, 1998

The Examiner rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Goodman and Chau.

We affirm.

ISSUE

The issue is whether the Examiner erred in rejecting the appealed claims under 35 U.S.C § 103(a). With respect to appealed claims 1 and 3, would one of ordinary skill in the art at the time of the invention have found it obvious to combine Goodman and Chau to render the claimed invention unpatentable?

FINDINGS OF FACT

The following findings of fact (FF) are believed to be supported by a preponderance of the evidence.

1. Goodman relates to a system that provides video signal communication between a source of the video signal and a plurality of units that includes an interface coupled to the source and to telephone lines, each of which serves at least one of the units and carries voice signals to and from one or more telephones coupled to the telephone line at said unit. (Abstract).

2. Goodman discloses that in many office buildings, the telephone wiring is not the only network of twisted pair wiring that extends to each office and converges at a common point. Over the past several years, common communication networks that connect personal computers, known as Local Area Networks or LANs, have begun to use twisted pair wiring for their conductive paths. In the typical configuration, a digital electronic device serves as the “hub” for such a system, and a separate twisted pair wire connects from this center to each of the computer nodes. In this application, the technique for communication across a public network trunk (PBX) is expanded to provide the same capabilities for wiring networks that

provide the conductive paths of a computer local area network (LAN). (Col. 7, ll. 16-35).

3. As shown in Figure 1a of Goodman, transceiver/switch 400 is installed interposing between the two ends of each pair 405. One segment of each pair remains connected to trunk 476' while the other end to individual local networks 411a-411e, which are wirings confined to structures such as a house, an apartment, or a room in an office (col. 11, ll. 1-11). Thus, twisted pairs 476' and their associated extended pairs 405 ordinarily constitute an uninterrupted connection between local networks 411 and local telephone exchange 475 (col. 11, ll. 34-39). Transceiver/switch 400 connects to line 402 to receive and transmit signals which are processed and switched onto selected ones of extended wire pairs 405 leading to local networks 411, together with (and without interfering with) the telephone signals (e.g., voice signals) that also use those wires. The switched signals are received by the RF communication devices connected to local networks 411 (col. 11, ll. 52-59).

4. Chau provides voice calls between multimedia workstations of a LAN-based client-server multimedia communications system and telephones of a telephone system by an interface that comprises a pair of ISDN ports interconnected by an ISDN link and that transfers ISDN control signals and user communications between the LAN and the telephone switching fabric (Abstract).

5. The system of Chau, shown in Figure 1, is made up of two communications subsystems 11 and 12 that are interconnected by a

communications link 10. Only two subsystems are shown for simplicity; a plurality of subsystems 11 may be connected to subsystem 12 (col. 3, ll. 53-58).

6. Subsystem 11 illustratively comprises a switching node 33, for example a local area network (LAN) server, a broadband multi-media switching hub, or an asynchronous transfer mode (ATM) packet switch, that provides data or multi-media communications services to a plurality of endpoints such as user workstations 37-39 (col. 4, ll. 9-14).

7. Chau further discloses that communication link 10 interconnects subsystems 11 and 12 as an ISDN link that terminates at switching node 33 in an ISDN port circuit and protocol converter 40. ISDN port circuit and protocol converter 40 not only terminate the ISDN transmission protocol of PRI link 10, but convert between the ISDN transmission protocol and the internal transmission protocol of node 33 (col. 4, ll. 32-40)

PRINCIPLES OF LAW

The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. *See In re Kahn*, 441 F.3d 977, 987-988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), *In re Young*, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991) and *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981).

“The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Leapfrog Enter., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161,

82 USPQ2d 1687, 1691 (Fed. Cir. 2007) (quoting *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727, 1739-40, 82 USPQ2d 1385, 1395 (2007)). “One of the ways in which a patent’s subject matter can be proved obvious is by noting that there existed at the time of invention a known problem for which there was an obvious solution encompassed by the patent’s claims.” *KSR*, 127 S. Ct. at 1742, 82 USPQ2d at 1397.

ANALYSIS

The Examiner relies on Goodman for teaching LAN protocol communications over the twisted pair wiring that exists in homes and offices (Answer 6). Chau was combined with Goodman for its teaching related to conversion of incoming ATM signal to a LAN protocol inside the house or office (*id.*). Appellant, in arguing against Chau (Br. 6), does not take into account that the demarcation unit is taught in Goodman and Chau is combined merely for conversion of the received ATM signals to a single protocol required by the internal LAN (Answer 6-7).

Goodman teaches using twisted pair wiring, not only for telephone signals, but also for LAN signals (FF 1-2). The transceiver switch 400 of Goodman provides the conversion from the telephone wires outside a customer’s premises to the protocol to be used on the wiring inside the premises (FF 3). The Examiner relied on Chau for teaching the specific protocol conversion among known formats such as ATM to TCP/IP protocol (FF 4-7). In that regard, we agree with the Examiner (Answer 8-9) that based on the teaching of Chau, the conversion is from ATM in switching node 33 (FF 6) to ISDN protocol for telephone system connected to PBX 13

(FF 7). Additionally, we note that Appellant's Specification acknowledges that protocols such as ATM and TCP/IP are known protocols and even admits that their conversion using a PBX converter is known by the skilled artisan (Specification ¶ linking pp. 8 & 9 and pp. 10 & 11).

We also remain unconvinced by Appellant's argument that the references cannot be properly combined since no teaching is cited to show that existing telephone wires may accept and convert incoming communications of different protocol (Br. 8). We disagree. Goodman does teach that telephone wirings are used as the conductive path of a computer LAN (FF 2) with the appropriate type of protocol conversion (FF 3). In other words, one of ordinary skill in the art would have used the specific protocol conversion of Chau in combination with the wiring system and the conversion or demarcation unit taught by Goodman in order to benefit from its flexibility (FF 1-2).

CONCLUSION OF LAW

On the record before us, it follows that in this case Appellant has not shown that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103 over Goodman and Chau. Since Appellant's arguments focus on the patentability of claim 1 with no additional arguments for the rejection of dependent claim 3 (Br. 5-8), claim 3 falls with claim 1.

DECISION

The decision of the Examiner rejecting claims 1 and 3 under 35 U.S.C. § 103 is affirmed.

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

AFFIRMED

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