

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY BLIGHT, BRIAN JOHN VENN,
and STEPHEN JOHN WOOD

Appeal 2007-2623
Application 10/302,468
Technology Center 2100

Decided: November 27, 2007

Before LANCE LEONARD BARRY, HOWARD B. BLANKENSHIP, and
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1-33. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

A. INVENTION

The disclosed invention is generally directed to a system and method for installing data components on computing devices. Typically, components of applications programs are installed on computing devices where any of the individual components may be interdependent on any of the other individual components. (Spec. 1.) As computing solutions increase in complexity, the process of installing the components becomes error-prone and costly. (*Id.* 2-3.)

In contrast, Appellants invention permits installation of data components of applications based on functional roles associated with the applications. (*Id.* 7-8.)

B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows.

1. A method of managing the installation of a set of data processing components onto a data processing system, the method comprising:

analyzing an existing data processing system solution to identify a set of existing separable functional roles which interoperate to provide an existing solution;

analyzing a user specified potential data processing system solution to identify a set of potential separable functional roles;

determining the required functional roles as the difference between the potential and existing separable functional roles;

partitioning the required functional roles into groups of data processing components wherein each group of components corresponds to one of the required functional roles; and

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installing said groups of data processing components on the existing data processing system using a definition of each of the required functional roles, each definition including a list of the data processing components of the respective group.

C. REJECTION

Claims 1-33 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,581,764 (“Fitzgerald”).

II. CLAIM GROUPING

When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.

37 C.F.R. § 41.37(c)(1)(vii) (2006).¹

Here, Appellants argue claims 1-33, which are subject to the same ground of rejection, as a group. (App. Br. 4-6.) We select claim 1 as the sole claim on which to decide the appeal of the group.

¹ We cite to the version of the Code of Federal Regulations in effect at the time of the Appeal Brief. The current version includes the same rules.

III. ISSUE

"Rather than reiterate the positions of parties *in toto*, we focus on the issue therebetween." *Ex Parte Filatov*, No. 2006-1160, 2007 WL 1317144, at *2 (BPAI 2007). The Examiner finds that Fitzgerald discloses each element of claim 1. (Ans. 3-5.) Appellants dispute the Examiner's findings and assert that the "rejection of the claims is erroneous because all of the elements of Applicants' claims are not found in the Fitzgerald reference." (App. Br. 4.)

Appellants cite numerous passages from the instant specification in support of the assertion that claim 1 differs from the Fitzgerald reference. In particular, Appellants contend that "Applicants' invention discloses a solution to the problems . . . when there is a need to construct a data processing system solution"; (*id.* 5) "Applicants' invention addresses the . . . task of defining the configuration policies (i.e., needs list) which specify the sets of components to install on each data processing system"; (*id.*) "Applicants' invention allows the user or solution architect to decide which functional roles should be performed by which computers within a topology and then automates installation after that decision has been made"; (*id.*) and "Applicants' invention enables users to work with abstract references to functions that will be performed within the User's overall solution, without needing detailed knowledge of which set of components makes up a role group which implements each function." (*Id.* 6.)

We note that none of Appellants' arguments address features recited in claim 1. Rather, Appellants point to supposed differences between

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portions of the instant specification and the Fitzgerald reference. In so doing, Appellants have failed to enumerate any differences between features recited in claim 1 and the Fitzgerald reference. "Moreover, limitations are not to be read into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989)).

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 1. Therefore, we affirm the rejection of claim 1, and of claims 2-33, which fall therewith.

IV. ORDER

In summary, the rejection of claims 1-33 under § 102(b) is affirmed. No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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