

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JOHN I. GARNEY, RIBERT J. ROYER, JR.,  
JEANNA N. MATTHEWS, and KIRK D. BRANNOCK

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Appeal 2007-2754  
Application 10/739,254  
Technology Center 2100

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Decided: March 17, 2008

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Before LANCE LEONARD BARRY, ALLEN R. MACDONALD, and  
JAY P. LUCAS, *Administrative Patent Judges*.

MACDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

*Introduction*

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1-28. We have jurisdiction under 35 U.S.C. § 6(b).

*Exemplary Claim(s)*

Exemplary independent claim 1 under appeal reads as follows:

1. A method comprising:

responsive to enabling a cache, scrambling a partition table of a disk drive associated with said cache.

*Rejection*

The Examiner rejected claims 1-28 under 35 U.S.C. § 112, first paragraph as not being enabled.

*Result*

We reverse.

**ISSUE(S)**

Have Appellants established that the Examiner erred in rejecting claims 1-28 under 35 U.S.C. § 112, first paragraph, as not being enabled?

**PRINCIPLES OF LAW**

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

**ANALYSIS**

The Examiner concludes that the disclosure is not sufficient to enable Appellants' claimed invention.

Appellants argue that the Examiner has erred because it is explained in the Specification at page 6, lines 12-21, that scrambling can be

determined by comparing the disk partition table to an industry standard format. Thereafter it is indicated that a nonstandard format (i.e., one that is different when compared to the standard format) indicates that the disk partition table has been scrambled. (Amended App. Br. 12.)

Essentially, Appellants contend that the disclosed process is sufficient on its face to enable the claimed method. We agree with Appellants. Thus, Appellants have established that the Examiner erred with respect to the rejection of claims 1-28 under § 112.

#### CONCLUSION OF LAW

- (1) Appellants have established that the Examiner erred in rejecting claims 1-28 under 35 U.S.C. § 112, first paragraph, as not being enabled.
- (2) On this record, claims 1-28 have not been shown to be unpatentable.

#### DECISION

The Examiner's rejection of claims 1-28 is reversed.

REVERSED

clj

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