

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS  
5 AND INTERFERENCES  
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8 *Ex parte* RANDALL SCOTT SPRINGFIELD and  
9 JOSEPH WAYNE FREEMAN  
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12 Appeal 2007-3238  
13 Application 09/824,595<sup>1</sup>  
14 Technology Center 2100  
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17 Decided: February 11, 2008  
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21 Before HOWARD B. BLANKENSHIP, ALLEN R. MACDONALD, and  
22 CAROLYN D. THOMAS, *Administrative Patent Judges*.

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24 THOMAS, C., *Administrative Patent Judge*.

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26 DECISION ON APPEAL

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<sup>1</sup> Application filed April 2, 2001. The real party in interest is Lenovo Corporation.

1 I. STATEMENT OF THE CASE

2 Appellants appeal under 35 U.S.C. § 134 from a Final Rejection  
3 of claims 1-12 entered March 27, 2006. We have jurisdiction under  
4 35 U.S.C. § 6(b).

5 We affirm.

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7 A. INVENTION

8 Appellants invented a system and method for ensuring that the  
9 computer system boots from a trusted source. (Spec., 1.)

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11 B. ILLUSTRATIVE CLAIM

12 The appeal contains claims 1-12. Claims 1 and 6 are independent  
13 claims. As best representative of the disclosed and claimed invention, claim  
14 1 is reproduced below:

15 1. A method for evaluating a boot source in a computer system  
16 having a processor comprising:

17 determining the boot source used by the processor each time the  
18 computer system boots, the boot source determining further including  
19 writing an identity of the boot source, the identity of the boot source  
20 including a location of a particular number of instructions initially executed;  
21 and

22 allowing the boot source to be specified once as a known boot  
23 source.

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25 C. REFERENCES

26 The references relied upon by the Examiner in rejecting the claims on  
27 appeal are as follows:

28 Anderson US 6,161,177 Dec. 12, 2000







1 suggested the claimed subject matter to a person of ordinary skill in the art."  
2 *In re Bell*, 991 F.2d 781, 783 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531  
3 F.2d 1048, 1051 (CCPA 1976)).

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## VI. ANALYSIS

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### *Grouping of Claims*

7 In the Brief, Appellants argue claims 1-12 as a group. In other words,  
8 for claims 2-12, Appellants merely repeat the same argument made for claim  
9 1. Thus, the Board selects representative claim 1 to decide the appeal for  
10 this group. Accordingly, the remaining claims in this group stand or fall  
11 with claim 1. 37 C.F.R. § 41.37(c)(1)(vii)(2006). *See also In re Young*, 927  
12 F.2d 588, 590 (Fed. Cir. 1991).

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### *The Obviousness Rejection*

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We now consider the Examiner's rejection of claims 1-12 under  
35 U.S.C. § 103(a) as being obvious over the combination of Grawrock in  
view of Anderson.

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Initially, we point out that we disagree with the Examiner's finding  
that "Grawrock does *not* disclose wherein the identity of the boot source  
includes a location of a particular number of instructions initially executed"  
(Answer 4).

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Specifically, we find that while Grawrock discloses a boot block  
memory unit that provides "boot information" to a trusted platform module  
(TPM), whereby the boot information includes a boot block code  
(Grawrock, Abstract and FF 4), the "boot block code" identified in  
Grawrock is not necessarily limited to only boot code instructions itself.

1           For example, Grawrock specifically discloses that the boot block is  
2 coded to “locate” the BIOS (FF 2) and that the term ‘information’ includes  
3 address information (FF 1), i.e., location information. Again, Grawrock  
4 discloses that the boot block is coded so as to *locate* the BIOS (FF 2-3) in  
5 addition to loading and executing the BIOS. As such, we find that Grawrock  
6 reasonably teaches that “boot information” *may* include address information  
7 specifically pertaining to the location of the boot source.

8           Furthermore, Grawrock discloses that a hash operation is performed  
9 on the boot information (i.e., boot address) to produce a boot identifier 330  
10 and that the boot block identifier 330 is calculated for *each* start-up (FF 5).

11           Appellants contend that “the boot block identifier of Grawrock merely  
12 corresponds to the contents of (instructions in) the boot source, not the  
13 recited identity (location of instructions executed) of the boot source.” (Br.  
14 9.) We disagree.

15           Having already found *supra* that Grawrock’s “boot information” may  
16 also include “boot address/location”, it goes to follow that a hash operation  
17 performed on a “boot address” will necessarily produce a “boot block  
18 identifier” that represents a location of instructions initially executed.  
19 Grawrock further discloses that during initialization, the boot block  
20 identifier is recorded in memory, then the BIOS is located and loaded for  
21 execution (FF 6), and that such a boot block identifier is calculated for each  
22 start-up (FF 5).

23           In other words, Grawrock discloses determining the boot source each  
24 time the computer system boots, including writing a location of the  
25 instructions initially executed.

1           Regarding Anderson, Appellants contend that “Anderson fails to  
2 remedy the defects of Grawrock. . . . Anderson describes determining  
3 identifying data that merely determines whether the BIOS and hardware  
4 correspond to the same central processing unit and chip set. This identifying  
5 data is, therefore, distinct from the location of a particular number of  
6 instructions initially executed.” (Br. 9-10.) Appellants further contend that  
7 “nothing in Anderson indicates that each time the computer system boots the  
8 identity of the boot source (locations of a number of instructions initially  
9 executed) is written.” (Reply Br. 7.)

10           For at least the reason noted *supra* regarding Grawrock, we find that  
11 Anderson is not needed to show the limitations argued above, because such  
12 features are disclosed in Grawrock. However, we find that Anderson also  
13 discloses the above-mentioned features.

14           For example, Anderson discloses a method for verifying that a  
15 selected BIOS, amongst multiple BIOS programs, is the correct BIOS for the  
16 computer system by comparing BIOS identifying data (FF 7-9).  
17 Furthermore, the Examiner found that “the system disclosed by Anderson  
18 must first select a BIOS for analysis out of a conventional EEPROM  
19 memory unit which is capable of storing a plurality of BIOS programs . . .  
20 the Anderson system must necessarily know what each BIOS’s address is so  
21 as to be able to find it within said EEPROM. As the address of a particular  
22 BIOS in the EEPROM is vital to the function of the Anderson system, there  
23 exists at least the suggestion that it would be included as part of the BIOS  
24 identifying information of Anderson.” (Answer 8-9.) We agree.

25           We find that both Anderson and Grawrock evidence the known usage  
26 of location information, i.e., address information, in identifying a boot

1 source. It is also clear from an examination of the prior arts that those of  
2 ordinary skill in the boot source art at the time of the invention would have  
3 been familiar with using location information to identify a boot source.

4 Furthermore, unlike the Examiner, we do not consider the order in  
5 which prior art is applied in a rejection to be significant. See, for  
6 example, *In re Bush* 296 F.2d 491, 496 (CCPA 1961)

7 ("[i]n a case of this type where a rejection is predicated on two  
8 references each containing pertinent disclosure which has been  
9 pointed out to the applicant, we deem it to be of no significance,  
10 but merely a matter of exposition, that the rejection is stated to be  
11 on A in view of B instead of B in view of A, or to term one  
12 reference primary and the other secondary."); *In re Cook*, 372  
13 F.2d 563 (CCPA 1967).

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15 Rather, the issue before us is whether the applied prior art teaches and/or  
16 suggests all disputed limitations of representative claim 1. As discussed  
17 above, the prior art provides multiple teachings of the limitation that  
18 Appellants argue is missing from the prior art.

19 Thus, we find that the Appellants have failed to show error in the  
20 Examiner's rejection. Therefore, we affirm the rejection of claim 1 and of  
21 claims 2-12, which fall therewith.

## 22 23 VII. CONCLUSIONS

24 We conclude that Appellants have not shown that the Examiner erred  
25 in rejecting claims 1-12.

26 Thus, claims 1-12 are not patentable.

VIII. DECISION

In view of the foregoing discussion, we affirm the Examiner's rejection of claims 1-12.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2006).

AFFIRMED

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