

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN E. DEAN

Appeal 2007-3974
Application 10/214,930
Technology Center 2100

Decided: April 24, 2008

*Before JAMES D. THOMAS, ALLEN R. MACDONALD, and
JEAN R. HOMERE, Administrative Patent Judges.*

MACDONALD, *Administrative Patent Judge.*

DECISION ON APPEAL
STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. §§ 6(b) and 134(a) from a final rejection of claims 1-6, 9, 11-14, and 16-20. Claims 7, 10, and 15 are not subject to this appeal.¹ (App. Br. 4.)

¹ Claim 15 stands allowed and claims 7 and 10 stand objected to but would be allowed if rewritten in independent form. (Final Office Action 9.)

Claim 1 is exemplary:

1. A circuit comprising:

a shared memory device;

a plurality of process queues coupled to the shared memory device for temporarily storing data, wherein each process queue includes a system for determining a fullness of the process queue; and

a memory control system that examines the fullness of each process queue and schedules data communications between the process queues and the shared memory device, wherein the memory control system comprises:

a scheduler that receives a fullness measure from each process queue; prioritizes the process queues based on each of the received fullness measures, and outputs a selected process queue; and

a controller for causing the shared memory device to communicate with the selected process queue.

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

Ziegler US 6,182,176 B1 Jan. 30, 2001

Webopedia Home Page,
http://www.webopedia.com/TERM/D/DDR_SDRAM.html (last visited Oct. 15, 2003).

Claims 1-6, 9, 11-14, and 16-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ziegler.

We reverse.

ANALYSIS

All appealed claims are subject to the same rejection. (Ans. 3.) Appellant presents the same arguments of Examiner error for all appealed claims. (App. Br. 5-7.) We select claim 1 as the representative claim on which to decide the appeal of all claims on appeal.

The Examiner finds that Ziegler anticipates claim 1. (Ans. 3-6.) Appellant alleges that Ziegler fails to disclose a claimed selecting aspect comprising “a scheduler that receives a fullness measure from each process queue; prioritizes the process queues based on each of the received fullness measures, and outputs a selected process queue.” (App. Br. 5-6.) Thus, the issue is whether Appellant has shown that the Examiner erred in finding that Ziegler discloses the claimed selecting aspect.

We agree with Appellant. We begin our analysis by construing “outputs a selected process queue” of the claimed selecting aspect. Appellant’s Specification provides no explicit definition of the phrase “outputs a selected process queue,” but describes selecting a queue based on fullness measurements and issuing commands that include address information that is used to identify the selected queue. (Spec. ¶ [0015].) Thus, we broadly but reasonably construe “outputs a selected process queue” to encompass identifying a selected queue from among multiple queues, where the selected queue is selected based on queue fullness.

Ziegler discloses disallowing use of I/O queues if the I/O queues are full and disallowing transactions requiring coherency checks if any coherency queue is full. (Col. 5, ll. 15-17.) We find that Ziegler discloses categorically allowing or disallowing information transfer to selected queues

based on queue fullness measurements. However, Ziegler fails to disclose the claimed “outputs a selected process queue” because Ziegler fails to disclose identifying a selected queue from among multiple queues, where the selected queue is selected for outputting data based on queue fullness. Thus, we hold that Appellant has shown that the Examiner erred in finding that Ziegler discloses the claimed selecting aspect.

Because we hold that Appellant has shown that the Examiner erred in finding that Ziegler fails to anticipate claim 1, it is not necessary at this time to address the further arguments made by Appellant (e.g., App. Br. 6).

Therefore, we conclude that Appellant has shown that the Examiner erred in finding that Ziegler anticipates claim 1 and claims 2-6, 9, 11-14, and 16-20.

CONCLUSION OF LAW

We conclude that:

(1) On the record, Appellant has shown that the Examiner erred in finding Claims 1-6, 9, 11-14, and 16-20 anticipated by Ziegler under 35 U.S.C. § 102(e) and

(2) On the record, Claims 1-6, 9, 11-14, and 16-20 have not been shown to be unpatentable.

DECISION

The Examiner’s rejections of claims 1-6, 9, 11-14, and 16-20 under 35 U.S.C. § 102(e) are reversed.

REVERSED

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