

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RASIKLAL PUNJALAL SHAH, STEVEN HECTOR AZZARO,
RICHARD LEE FROWEIN, ERNEST JOSEPH WALDRON, and
STEPHEN ROBERT CROWLEY

Appeal 2008-0423¹
Application 10/402,722
Technology Center 2100

Decided: July 8, 2008

Before JEAN R. HOMERE, JAY P. LUCAS, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ Filed Mar. 28, 2003. The real party in interest is GE Medical Systems, Inc.

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1 through 45. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

The Invention

As depicted in Figures 2 and 6, Appellants invented a method and system for defining a service model (64) for a complex system (12), which includes a plurality of failure modes (120) and indicators (122) therefor. (Spec. 2.) Upon creating the service model, it is applied to a component of the complex system to recommend service actions to be performed depending on which of the indicators are affected. The service model is subsequently evaluated based upon the service actions performed. (*Id.*)

Claims 1 and 10 further illustrate the invention. They read as follows:

1. A method for defining a service model for a complex system comprising:

creating a service model for a component, function, subsystem or field replaceable unit of a complex system, the service model including a plurality of failure modes and indicators for the failure modes;

applying the service model for recommendation of a service action addressing a serviceable event based upon the indicators and input data from the complex system; and

evaluating the service model based upon service actions performed.

10. the method of claim 9, comprising adding an additional indicator to provide additional failure mode isolation based upon the cost.

The Examiner relies upon the following prior art:

Cherrington	US 6,070,155	May 30, 2000
Li	US 6,609,050 B2	Aug. 19, 2003

The Examiner rejects the claims on appeal as follows:

A. Claims 1, 2, 5 through 9, 12, 15 through 18, 20, 22, 23, and 26 through 45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Li.

B. Claims 3, 4, 10, 11, 13, 14, 19, 21, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Li and Cherrington.

FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Li

1. As shown in Figure 1, Li discloses a computer-based warranty and repair computer network system (10). It includes a dialog manager (20) that collects vehicle service information from a user. It also includes a case based reasoning module (30), and a repair processing module (40). (Col. 3, ll. 9-14.)

2. Li discloses that the repair system further includes a vehicle quality feedback module (60) containing a repair monitoring system (62), which monitors the evaluation of the repair process. (Col. 3, ll. 15-22.)

3. The repair monitoring system provides a score to the technician who is handling each step of the repair process, and subsequently

recommends which steps in the repair process the technician needs improving. (Col. 3, ll. 23-38).

4. Li further discloses a customer survey as part of the vehicle quality feedback module to allow customers to provide their feedback on the quality of service that they received. (Fig. 1.)

PRINCIPLES OF LAW

ANTICIPATION

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992). “Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference.” *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999) (“In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.”) (Internal citations omitted).

ANALYSIS

35 U.S.C. § 102

Independent claim 1 recites in relevant part evaluating a service model for a complex system based upon service actions performed. (App. Br. 20.) Appellants argue that Li does not teach the recited limitations. (App. Br. 15-

17, Reply Br. 2-3.) Particularly, Appellants argue that Li teaches evaluating problems with a motor vehicle as opposed to evaluating the service model itself. (*Id.*)

The Examiner, in response, finds that Li's disclosure of a vehicle quality feedback module teaches evaluating the service model based upon service actions performed. (Ans. 15-16.)

Thus, the pivotal issue before us is whether one of ordinary skill in the art would find that Li's vehicle quality feedback module evaluates a service model based upon actions performed. We answer this inquiry in the affirmative.

As detailed in the Findings of Facts section above, Li discloses a vehicle quality feedback module having a repair monitoring system for evaluating the repair process of a vehicle. (FF. 2.) Particularly, the repair system reviews the scores given to a technician for each of the steps taken in the repair process, and recommends which steps need improving. (FF. 3.) Additionally, Li discloses customer surveys for allowing customers to provide their feedback on the quality of service that they received. (FF. 4.) One of ordinary skill in the art would readily recognize that Li's repair monitoring system evaluates the repair process as a whole based on the service actions performed on a particular vehicle. We do not agree with Appellants that the vehicle quality feedback module is limited to evaluating problems with a motor vehicle. The ordinarily skilled artisan would duly appreciate that the feedback obtained from the repair system and the customer surveys are intended to be used for future improvement of the repair process itself, which would evidently lead to improving the future

repair of vehicles. Therefore, the ordinarily skilled artisan would appreciate that Li's repair monitoring system, by evaluating the steps taken during the repair process, teaches evaluating the service model based upon the service actions performed, as claimed. It therefore follows that Appellants have failed to show that the Examiner erred in finding that Li anticipates independent claim 1.

Appellants do not provide separate arguments with respect to the rejection of claims 1, 2, 5 through 9, 12, 15 through 18, 20, 22, 23, and 26 through 45. Therefore, we select claim 1 as being representative of the cited claims. Consequently, claims 2, 5 through 9, 12, 15 through 18, 20, 22, 23, and 26 through 45 fall together with representative claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

35 U.S.C. § 103

Appellants argue that Cherrington does not cure the deficiencies of Li. Therefore, the combination of Li and Cherrington does not render dependent claims 3, 4, 10, 11, 13, 14, 19, 21, 24, and 25 unpatentable. (App. Br. 18.) As detailed in our discussion of independent claim 1 above, we find no such deficiencies in Li for Cherrington to cure. It therefore follows that Appellants have failed to show that the Examiner erred in concluding that the combination of Li and Cherrington render claims 3, 4, 10, 11, 13, 14, 19, 21, 24, and 25 unpatentable.

CONCLUSION OF LAW

(1) Appellants have not shown that the Examiner erred in finding that Li anticipates claims 1, 2, 5 through 9, 12, 15 through 18, 20, 22, 23, and 26 through 45 under 35 U.S.C. § 102(b).

(2) Appellants have not shown that the Examiner erred in concluding that the combination of Li and Cherrington renders claims 3, 4, 10, 11, 13, 14, 19, 21, 24, and 25 unpatentable under 35 U.S.C. § 103(a).

DECISION

We affirm the Examiner's rejections of claims 1 through 45.

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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