

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRENT C. BEARDSLEY, MICHAEL T. BENHASE
and SUSAN M. WETHINGTON

Appeal No. 96-0028
Application 07/885,099¹

ON BRIEF

Before and THOMAS, MARTIN and CARMICHAEL, ***Administrative Patent Judges.***

CARMICHAEL, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is an appeal from the final rejection of Claims

¹ Application for patent filed May 18, 1992.

Appeal No. 96-0028
Application 07/885,099

1-10 and 15-19, which constitute all the claims remaining in the application.

Claim 1 reads as follows:

1. A method of providing rotational position sensing miss avoidance for data transfer operations between a plurality of computer systems connected to a controller and a plurality of direct access data storage devices which utilize count-key-data field format connected to the controller, wherein the controller includes a plurality of signal paths for completing channel paths between a computer system and a direct access storage device, the method comprising the steps of:

generating a request from a computer system for a data transfer operation for a direct access storage device;

responsive to a device sector ready interrupt from the direct access storage device, determining if a data transfer operation pending on the direct access storage device is a miss avoidance candidate;

responsive to determination that said data transfer operation pending is a miss avoidance candidate, granting a miss avoidance lock to the direct access storage device for a signal path;

upon the device sector ready interrupt dropping and the request from the computer system ageing beyond a predetermined threshold, staging data from the direct access storage device into a controller cache; and

upon reaching a track index on the direct access data storage device, discontinuing staging of data from the direct access storage device, releasing the miss avoidance lock to the direct access storage device, and treating the request from the computer system as a cache hit.

Appeal No. 96-0028
Application 07/885,099

The Examiner's Answer cites the following prior art:

Hartung et al. (Hartung) 15, 1986	4,583,166	Apr.
Beardsley et al. (Beardsley) 8, 1992	5,146,576	Sep.

OPINION

Claims 1-10 and 15-19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hartung in view of Beardsley.

The examiner identifies only two differences between Hartung and the claimed subject matter: Hartung does not disclose a nonvolatile storage or a controller rate change buffer. The examiner relies on common knowledge for teaching the storage and on Beardsley for teaching the buffer. Examiner's Answer at 4-5.

According to appellant, the prior art also fails to teach (1) determining whether an operation is a miss avoidance candidate and (2) staging data into cache upon the device sector ready interrupt dropping and the request from the

Appeal No. 96-0028
Application 07/885,099

computer system aging beyond a predetermined threshold.

Appeal Brief at 6.

As to (1), the examiner provides a rationale for interpreting Hartung as disclosing the recited miss avoidance determination. Examiner's Answer at 5-6.

As to (2), the examiner is silent. The examiner fails to address the recited feature either in the statement of the rejection or in the response to argument. Upon our own review of the references, we do not find any teaching or suggestion for staging data into cache upon the device sector ready interrupt dropping and the request from the computer system aging beyond a predetermined threshold. With no rationale establishing a suggestion for such a system, the rejection cannot be sustained.

CONCLUSION

The rejection of Claims 1-10 and 15-19 is not sustained.

REVERSED

Appeal No. 96-0028
Application 07/885,099

JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
)	
)	
)	
JOHN C. MARTIN)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
JAMES T. CARMICHAEL)	
Administrative Patent Judge)	
)		

Andrew J. Dillon
Felsman, Bradley, Gunter & Dillon
2600 Continental Plaza
777 Main Street
Fort Worth, TX 76102