

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* ERIC J. BAUER

Appeal No. 95-2265  
Application 07/932,151<sup>1</sup>

ON BRIEF

MAILED

OCT 31 1996

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before KRASS, BARRETT and FLEMING, *Administrative Patent Judges*.  
KRASS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1, 3 through 18 and 20 through 23. Claims 2 and 19 have been cancelled.

The invention is directed to a method and apparatus for accessing the same computer file using different file name formats. The invention enables different operating systems to access files created and named by other operating systems by

<sup>1</sup> Application for patent filed August 19, 1992.

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providing one directory for all of the different file system representations of the same file.

Representative independent method claim 18 is reproduced as follows:

18. A method of operating a computer-based file apparatus to access any of a plurality of previously-stored data files, the method comprising the steps of

storing data files, each file identified by at least two file names formatted using different file name formats;

receiving a user request identifying a file name format to be utilized by said apparatus for a purported file name entered by a user, said user request including a purported file name having one or more appended segments and a base name, at least one of said appended segments being used to identify the file name format of said base name, said base name being used to locate a data file having a matching file name thereto; and

accessing said stored data files and checking file names therein which utilize said identified file name format, to locate a data file having a file name which matches said purported file name.

The examiner relies on the following reference:

Burton "Portable File Services" - March 1992

Claims 1, 3 through 18 and 20 through 23 stand rejected under 35 U.S.C. 103 as unpatentable over Burton.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

#### OPINION

We have reviewed the evidence before us and, as a result of such a review, we will not sustain the rejection of claims 1, 3 through 18 and 20 through 23 under 35 U.S.C. 103

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because, in our view, the examiner has not established a prima facie case of obviousness.

The citation of the NetWare example in Burton appears very relevant to the claimed invention in that it appears clear from the short synopsis on page 9 of Burton that NetWare stores data files and each file is identified by at least two file names formatted using different file name formats. Burton discloses that NetWare supports five name spaces: DOS/Windows, OS/2HPFS, Macintosh, Unix and OS/FTAM.

Based on the disclosure of Burton, NetWare creates derivative file names in any secondary name spaces that have been loaded and these derivative names are file names derived from the originating file name to match the particular conventions of each secondary name space. Further, when a user creates a new file, NetWare creates the file in the primary name space. This new file is the originating file name.

Thus, it appear to us, from a reading of Burton's synopsis of NetWare, that NetWare somehow automatically translates one file name format into another format in a manner closely related to appellant's invention.

However, Burton mentions nothing about the purported file requested by a user "having one or more appended segments...", as claimed by appellant, and for us to infer such

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use in the system described by Burton would amount to unacceptable speculation.

While the examiner recognizes this difference, he explains it away by merely noting that it would have been "obvious...to provide an identifier attached to a file name as claimed because such identifier is necessary for the file server to identify and locate the corresponding data file" [final action, Paper No. 6, page 3].

Even if it may be true that some identifier must be attached to a file name, the examiner has not explained why any such identifier must be "one or more appended segments and a base name," as required by appellant's claims.

We also do not find persuasive the examiner's explanation, at page 4 of the answer, wherein he contends that the use of an appended segment would have been obvious "because of the undoubtedly well-known fact: various types of appended segment or parameters...can be used singly or in combination to specify one or more properties of the file..." Merely because such segments can be used does not explain why such use in the manner claimed would have been obvious within the meaning of 35 U.S.C. 103.

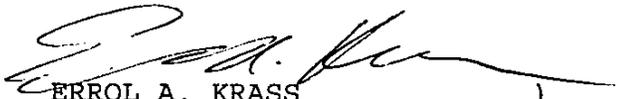
While we do not find persuasive appellant's arguments regarding his use of a single directory rather than multiple directories of the prior art because we find no such limitations

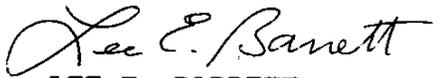
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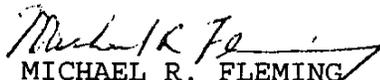
in the instant claims, each of the independent claims does recite "one or more appended segments..." as being part of a user request and we find no cogent reasoning by the examiner as to why it would have been obvious to provide for such appended segments in the system described by Burton.

Accordingly, the examiner's decision rejecting claims 1, 3 through 18 and 20 through 23 under 35 U.S.C. 103 is reversed.

REVERSED

  
ERROL A. KRASS )  
Administrative Patent Judge )

  
LEE E. BARRETT )  
Administrative Patent Judge )

  
MICHAEL R. FLEMING )  
Administrative Patent Judge )

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