

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte PAUL M. KINZELMAN

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Appeal No. 96-1714  
Application 08/073,911<sup>1</sup>

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ON BRIEF

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Before KRASS, BARRETT and CARMICHAEL, Administrative Patent Judges.

CARMICHAEL, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of Claims 2-10, which constitute all the claims remaining in the application.

Claim 5 reads as follows:

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<sup>1</sup> Application for patent filed June 9, 1993.

5. A method for simulating memory in a computer system comprising the steps, performed by a simulator of:

allocating, from a memory, a first block of contiguous memory cells;

storing in said memory a model of memory corresponding to a memory device;

assigning a corresponding one of said memory cells of said first block of contiguous memory cells to said model of memory;

storing a location of said corresponding one of said memory cells of said first block of contiguous memory cells within said model of memory;

generating a randomly selected computer transaction;

translating a physical bus address which identifies said memory device in said computer system to a mapped bus address which identifies said model of memory;

predicting an effect of said randomly selected computer transaction on said first block of contiguous memory cells:

completing said randomly selected computer transaction and storing a result of said completed randomly selected computer transaction within said first block of contiguous memory cells; and

comparing said predicted effect of said randomly selected computer transaction with the result of said completed randomly selected computer transaction stored within said first block of contiguous memory cells.

The examiner's Answer cites the following prior art:

Rudy

4,862,347

Aug. 29, 1989

***OPINION***

The claims stand rejected under 35 U.S.C. § 103 as unpatentable over Rudy.

***Claim 5***

We will sustain the rejection of Claim 5 for the reasons set forth by the examiner, amplified as follows.

Claim 5 relates to a method for using a computer to simulate a memory device. The examiner sets forth a detailed correspondence of the claimed steps to Rudy, saying that Rudy discloses the invention substantially as claimed. Examiner's Answer at 3-4.

Appellant argues that the translating step is not disclosed by Rudy. Appeal Brief at 9. However, as the examiner points out, Rudy discloses an input permutation memory that stores translations between a physical bus address 46 and a mapped bus address 50. Appellant did not file any reply brief to respond to the examiner's explanation. We agree with the examiner.

Appellant also argues that Rudy fails to disclose the step of storing a location of a memory cell. Appeal Brief at 11. However, Rudy stores within the memory model the address of such a location. Column 7, lines 21-42; Figure 10B.

Therefore, Rudy fully discloses the method recited by Claim 5 and we will sustain the rejection.

***Claims 2-4, 6-7, and 9***

Claims 2-4, 6-7, and 9 stand or fall with Claim 5 because appellants have presented no arguments for the separate patentability of those claims under 37 CFR § 1.192. Therefore, we will

sustain the rejection of Claims 2-4, 6-7, and 9.

***Claim 8***

According to the examiner, Rudy discloses the claimed subject matter, presumably because there is an input permutation memory 50 and output permutation memory 78 that may well map to the same respective locations in first and second memory blocks. Without more reasoning from the examiner, we are unable to assume the predicted and actual results do in fact map to the same relative location. Therefore, we will not sustain the rejection.

***Claim 10***

Claim 10 recites a method including the step of selecting at least one bit, but less than all bits, from two address fields while selecting all of the bits from two other fields. The Appeal Brief argues that the examiner never addressed that limitation. The examiner's Answer fails to address the limitation or appellant's argument. Upon our own review of Rudy, with no guidance from the examiner, we do not immediately see where the limitation is disclosed.

Because the examiner did not set forth a prima facie case of obviousness for Claim 10, we will not sustain the rejection.

**CONCLUSION**

The rejection of Claims 1-7 and 9 is sustained. The rejection of Claims 8 and 10 is not sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

**AFFIRMED IN PART**

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	BOARD OF PATENT
	)	APPEALS AND
LEE E. BARRETT	)	INTERFERENCES
Administrative Patent Judge	)	
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	)	
JAMES T. CARMICHAEL	)	
Administrative Patent Judge	)	

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