

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM N. WAGGENER JR. and THOMAS A. BRAY

Appeal No. 1997-0637
Application 08/265,965¹

HEARD: October 20, 1999

Before HAIRSTON, GROSS and LALL, Administrative Patent Judges.

LALL, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection² of Claims 1 to 20.

¹ Application for patent filed June 27, 1994.

² An amendment after final was filed on July 14, 1995 [paper no. 8] but was denied entry [paper no. 9]. Another amendment after final was filed on Nov. 14, 1995 [paper no. 15] and was entered in the record for the purposes of the

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The disclosed invention is directed to a system and a method of storing data in a linked list memory architecture which supports a plurality of linked lists. The system and the method of the present invention improves system efficiency by writing data and a corresponding pointer to a single memory location in a single write cycle. The invention is further illustrated by the following claim.

Representative claim 1 is reproduced as follows:

1. A method for storing data in a memory having a plurality of linked lists and a free list, comprising the steps of:

(a) determining one of the plurality of linked lists in which data is to be stored;

(b) determining a next available address for said linked list determined in said step (a), wherein said next available address points to a current location at which the data is to be stored for said linked list;

(c) determining a free list start address, wherein said free list start address indicates an address of an available location in the free list; and

(d) writing the data and said free list start address to said current location in a single write cycle.

appeal [paper no. 16].

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The Examiner's rejection³ relies on the following
reference:

Livay et al. al. (Livay) 5,359,568 Oct. 25,
1994

Claims 1 through 20 stand rejected under 35 U.S.C. § 102
as being anticipated by Livay.

Rather than repeat the arguments of Appellants or the
Examiner, we make reference to the briefs⁴ and the answer for
the respective details thereof.

OPINION

We have considered the rejections advanced by the
Examiner and the supporting arguments. We have, likewise,
reviewed the Appellants' arguments set forth in the briefs.

It is our view that claims 1 to 20 are not anticipated by
Livay. Accordingly, we reverse.

³The Examiner has also listed in the Examiner's answer
Burrows, U.S. Patent 5,303,302 and Wirth, a publication
entitled "Algorithms+ ...". However, they are not relied on
in the rejection on appeal. As such, they are not discussed
here.

⁴A reply brief was filed on Jul. 8, 1996 and was entered
in the record on Aug. 5, 1996 without any further response by
the examiner.

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In our analysis, we are guided by the precedence of our reviewing court that the limitations from the disclosure are not to be imported into the claims. In re Lundberg, 244 F.2d 543, 548, 113 USPQ 530, 534 (CCPA 1957); In re Queener, 796 F.2d 461, 464, 230 USPQ 438, 440 (Fed. Circuit. 1986). We are also mindful of the requirements of anticipation under 35 U.S.C. § 102. Anticipation under 35 U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of a claimed invention. See RCA Corp. V. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Circuit. 1984).

Rejection of claims 1 to 20 under 35 U.S.C. § 102

These claims are rejected as being anticipated by Livay. We first consider independent claim 1. We have studied the positions of the Examiner [answer, pages 3 to 10] and Appellants [brief, pages 5 to 13 and reply brief, pages 2 to 3]. While the Examiner has made an excellent effort in responding to the Appellants' arguments, the rejection fails. An anticipation rejection requires that each and every element

of a claimed invention be disclosed by a single reference. Here, we find that Livay falls short of that requirement. For example, Livay does not disclose the claimed feature of "writing the data and said free list start address to said current location in a single

write cycle" (claim 1, lines 9 to 10). The Examiner contends, in response to the Appellants' argument that a single memory location is used to store data and a corresponding pointer, that "there is no mention of adjacent storage of such elements in the claim language" [answer, page 9]. The Examiner seems to view the "location" as comprised of elements 212, LLT and the POINTER-TABLE in Livay, see figure 1. Before going further with this interpretation, we note that such interpretation is not consistent with Appellants' specification. For example, Appellants, on page 4, lines 24 to 26, disclose that "[A]s noted, each memory location has two fields: a data field to store the packet data; and a pointer

field to store a pointer to the next space in memory for that chain." On the other hand, Livay utilizes two separate locations to store the data and the pointer address, see 212 or 10 and LLT in figures 1 and 2. Livay does disclose that one read and one write can be done during the same memory cycle and FIFO memory system is capable of updating the tables LLT and PT during the same cycle in which a FIFO is accessed, see column 5, lines 52 to 57. However, the pointer information is being updated in the tables LLT and PT, and the

data is being accessed elsewhere (i.e., another location) in FIFO. Therefore, we conclude that Livay does not anticipate claim 1. Consequently, we do not sustain the anticipation rejection of claim 1 over Livay.

The other independent claims, 8, 15 and 20, each have a limitation which corresponds to the limitation discussed above, namely: "fourth means for writing . . . data and . . . start address to said current location in a single write cycle" (claim 8), "means for writing . . . data and said free

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list start address to the location indicated by said next available address" (claim 15) and "writing the data and said . . . start address to one of said . . . addresses in a single write cycle" (claim 20). Therefore, we also do not sustain the anticipation rejection of claims 8, 15 and 20. Since the dependent claims have at least the limitation of the respective independent claims above, the anticipation rejection of dependent claims 2 to 7, 9 to 14 and 16 to 19 over Livay is also not sustained.

The decision of the Examiner rejecting claims 1 to 20 under 35 U.S.C. § 102 is reversed.

REVERSED

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