

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(2) is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES S. WOODWARD

Appeal No. 1997-1541
Application 08/223,890

ON BRIEF

Before URYNOWICZ, HAIRSTON, and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims
2 through 23 and 25 through 29.

The disclosed invention relates to a method and apparatus
for reprogramming a portion of a sector in a flash ROM device
in a PC system.

Appeal No. 1997-1541
Application No. 08/223,890

Claim 8 is illustrative of the claimed invention, and it reads as follows:

8. A method for reprogramming a portion of a sector in a flash ROM device, which is included in a PC system that includes RAM, wherein the sector includes at least two different programs, one of which is to be reprogrammed and one of which is not to be disturbed, the method comprising the steps of:

- (a) detecting a write function request to the sector of flash ROM;
- (b) monitoring the address of the write request to prevent a write to the portion of the sector that is not to be disturbed;
- (c) placing the flash ROM in a Command Mode; and
- (d) writing the data to the portion of flash ROM which is to be reprogrammed.

The reference relied on by the examiner is:

Chan et al. (Chan)	5,388,267	Feb. 7,
1995		
		(filed May 29, 1991)

Claims 2 through 23 and 25 through 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Chan.

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

OPINION

According to the examiner (Answer, pages 4, 5 and 8),

Appeal No. 1997-1541
Application No. 08/223,890

"Chan did not explicitly give details about the sector of the flash ROM includes [including] at least two different programs, one of which is to be erased and one of which is not to be disturbed." We agree. Chan uses an INTEL flash ROM (column 7, lines 35 through 45) that is not concerned with storing a plurality of different types of data (e.g., boot code, EISA configuration code, Ediags instruction code, and main BIOS data) in a single sector (e.g., sector 7 in an AMD flash ROM used by appellant in Figure 3). Thus, we agree with appellant's argument (Brief, pages 4 and 5) that:

Chan teaches the one-way transfer of data from the UV-PROM to the Flash EPROM, and has no teaching or discussion about transferring a portion of a sector of Flash EPROM to RAM and then back to the Flash EPROM after the Flash EPROM has been erased, as in the present invention. In fact, Chan teaches away from this proposition because the Flash EPROM is only written to when there is a data inconsistency with the UV-PROM, thus rendering the data in the Flash EPROM obsolete. (Emphasis added).

We also agree with appellant's arguments (Brief, page 5) that "Chan is completely devoid of any teaching or suggestion of, among other features, installing a new Interrupt 15 routine and executing the new Interrupt 15 routine whenever an Interrupt

Appeal No. 1997-1541
Application No. 08/223,890

15 is requested," and that "Chan is completely devoid of any teaching or suggestion of steps of determining if the flash ROM is an AMD flash ROM and modifying the Interrupt 15 routine in response to an affirmative determination."

In summary, the obviousness rejection of claim 2 through 23 and 25 through 29 is reversed.

DECISION

The decision of the examiner rejecting claims 2 through 23 and 25 through 29 under 35 U.S.C. § 103 is reversed.

REVERSED

)	
STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
KENNETH W. HAIRSTON))
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
LANCE LEONARD BARRY))
Administrative Patent Judge)	

KWH:hh

Appeal No. 1997-1541
Application No. 08/223,890

DAVID L. MCCOMBS
HAYNES AND BOONE, LLP
3100 NATIONSBANK PLAZA
901 MAIN STREET
DALLAS, TX 75202-3789