

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VERNON R. LITTLE

Appeal No. 1998-2435
Application No. 08/516,216

ON BRIEF

Before DIXON, GROSS, and BARRY, Administrative Patent Judges.
GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 2 through 4. Claims 5 and 6 have been objected to as being dependent upon a rejected base claim. Claims 1 and 7 through 9 have been cancelled.

Appellant's invention relates to a method and apparatus for providing broadband communication (asynchronous transfer mode (ATM) signals and integrated circuit digital network (ISDN) signals) to a subscriber using unshielded twisted pair

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wires. The method includes providing a SONET-ATM communication link from a neighborhood pedestal system over the unshielded twisted pair wires to a subscriber location, and providing ISDN services within the overhead data and ATM services within the payload data of a SONET-ATM data frame. Claim 2 is illustrative of the claimed invention, and it reads as follows:

2. A method of providing broadband communication services to a subscriber comprising:

(a) providing first broadband services from a central office via an ATM link to a neighborhood pedestal system,

(b) providing time division multiplex (TDM) services including voice communication services from said central office via a TDM link to said neighborhood pedestal system,

(c) providing a SONET-ATM communication link from said neighborhood pedestal system over two unshielded pair of twisted wires to a user-to-network interface (UNI) at a subscriber location, and

(d) providing ATM services over said SONET-ATM communication link and providing integrated services digital network (ISDN) or voice services within a SONET-ATM data frame using timing of said SONET-ATM communication link, to the UNI,

whereby ATM, ISDN and voice services are provided between said neighborhood pedestal system and said subscriber location over said unshielded wires,

said SONET-ATM data frame being comprised of a repeating frame structure comprised of overhead data and payload data, said method including providing said ISDN or voice services

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within the overhead data and ATM services within the payload data.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Parruck 1993	5,265,096	Nov. 23,
Look et al. (Look) 1995	5,387,927	Feb. 07,

Claims 2 through 4 stand rejected under 35 U.S.C. § 103 as being unpatentable over Look in view of Parruck.

Reference is made to the Examiner's Answer (Paper No. 17, mailed May 7, 1998) for the examiner's complete reasoning in support of the rejection, and to appellant's Brief (Paper No. 15, filed March 13, 1998) and Reply Brief (Paper No. 18, filed June 1, 1998) for appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 2 through 4.

As pointed out by appellant (Brief, pages 9-10), Look discloses transmitting

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channels of digital information down a fibre optic cable 12 in Sonet frames to an outside box (OF) 16 The outside box 16 receives the information from cable 12, converts it to electrical signals, strips off and processes the Sonet control channels from the Sonet frame, and broadcasts the information along corresponding twisted pairs of copper wires 18 leading to the various subscribers.

Thus, Look removes the information from the Sonet frame before transmitting signals over the twisted pairs rather than transmitting the information over the twisted pairs using the Sonet frame format.

The examiner asserts (Answer, page 4) that it would have been obvious to transmit using the Sonet format in view of Look's disclosure that the twisted pairs permit frequencies up to 100Mhz to be transmitted. In particular, the examiner states (Answer, page 4) that "[o]ne skilled in the art would have no difficulty using SONET frame format, in Look's system, between the outside box and the set to terminals at the subscriber site if it is desired, especially since Look et al teaches that the twisted pair can support the SONET speed and timing."

We are not convinced by the examiner's line of reasoning. First, Look explicitly teaches eliminating the Sonet format

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between the outside box and the subscriber terminal. Thus, rather than suggesting using the Sonet format over the twisted pair, Look teaches away from the proposed modification. See In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988).

Second, the examiner has provided no art that suggests using the Sonet format between the outside box and the subscriber terminal for both ATM and ISDN signals. Although Parruck discloses substituting an alarm for part of the overhead portion of the Sonet frame, none of the prior art teaches using the overhead portion of the Sonet frame for ISDN signals. Therefore, the examiner has failed to establish a prima facie case of obviousness, and we cannot sustain the rejection of claims 2 through 4.

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CONCLUSION

The decision of the examiner rejecting claims 2 through 4 under 35 U.S.C. § 103 is reversed.

REVERSED

JOSEPH L. DIXON)	
Administrative Patent Judge)	
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)	
)	
)	BOARD OF PATENT
ANITA PELLMAN GROSS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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LANCE LEONARD BARRY)	
Administrative Patent Judge)	

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