Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAMY P. AYOUB,
ARTHUR L. FUMAROLO and
JOHN W. MAHER

Appeal No. 1999-0085
Application 08/427,514

ON BRIEF

Before JERRY SMITH, FLEMING and RUGGIERO, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1, 4-7 and 9-14, which constitute all the claims remaining in the application.

The disclosed invention pertains to a method of providing distributed operational control in a radio communication system.

Representative claim 1 is reproduced as follows:

1. In a radio communication system, a method of providing distributed operational control comprising the steps of:

linking a plurality of autonomously operable computer systems to a radio communication database via a computer network;

at a particular computer system selected from the plurality of autonomously operable computer systems:

storing data in a local database corresponding to a view of the radio communication database;

storing, in a radio system control module, a radio system personality profile corresponding to the local database;

automatically maintaining consistency between the local database and the radio communication database;

retrieving version information for the radio system personality profile stored in the radio system control module;

updating the radio system personality profile in the radio system control module according to the local database when the version information retrieved for the radio system personality profile is not consistent with information stored on the local database;

configuring a radio system console operator

interface according to the local database; and

operating the radio system console operator interface to perform operational control of a portion of the radio communication system through the radio system control module.

The examiner relies on the following reference:

Connor et al. (Connor) 5,341,498 Aug. 23, 1994

Claims 1, 4, 5, 7, 9-11, 13 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the disclosure of Connor. Claims 6 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over the teachings of Connor taken alone.

Rather than repeat the arguments of appellants or the examiner, we make reference to the brief and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our

decision, the appellants' arguments set forth in the brief along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the disclosure of Connor does not fully meet the
invention as set forth in any of the appealed claims. We are also of the view that Connor does not render claims 6 or 12 obvious under 35 U.S.C. § 103. Accordingly, we reverse.

We consider first the rejection of claims 1, 4, 5, 7, 9-11, 13 and 14 as being anticipated by the disclosure of Connor.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L.

Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

The examiner has indicated how he purports to find anticipation of the claimed invention [answer, pages 3-4]. With respect to independent claims 1 and 7, appellants argue that Connor does not teach the storage of a radio system personality profile in both the local database and in a radio system control module, and maintaining consistency between the radio system
control module and the local database through version information. Specifically, appellants argue that the examiner

has failed to show version information being used to maintain consistency between information stored by Connor's console interface and a local database that is maintained as claimed [brief, page 4]. With respect to independent claims 4 and 9, appellants argue that Connor does not teach the use of a validate configuration request as claimed [id.]. Finally, with respect to dependent claim 5, appellants argue that Connor does not teach soliciting operator permission before

storing the updated view of the radio communication database in the local database [id.]. The examiner disagrees with each of appellants' arguments [answer, pages 5-8].

After a careful consideration of the record before us, we agree with appellants that Connor does not anticipate the claimed invention. Although the examiner has found some similarities between the claimed invention and the database management of Connor, we find that Connor does not disclose each of the steps recited in the claimed invention.

The invention of independent claims 1 and 7 refers to three storage areas, that is, a radio communication database, a local database and a radio system personality profile. The information in the radio system personality profile is retrieved

and compared to information in the local database. The radio system personality profile is updated with information from the local database when the compared information does not agree. Finally, the claimed invention performs operational control of the system through the device holding the radio system personality profile by a console operator interface

which has been configured according to the local database.

Although Connor refers to a prior art database for containing personality information for the system [column 1, lines 28-30], the only storage area of Connor's disclosed system which stores operating parameters is the "first data base" [column 1, line 68 to column 2, line 2]. This first database is changed infrequently and only through intervention of service personnel [column 4, lines 24-28]. The second database in Connor gets changed whenever the first database has been changed. Thus, while the claimed invention recites retrieving information from
the database having the personality profile and updating this database based on information from the local database, Connor never updates the first database based on information in the second database. The first database in Connor gets updated only in response to intervention by service personnel.

Independent claims 4 and 9 do not update the personality profile as recited in claims 1 and 7, but these claims recite that the local database is updated in response to a "validate configuration request" message. As noted

above, appellants argue that this feature of claims 4 and 9 is not taught by Connor. We cannot find anything in the examiner's rejection or response which specifically responds to this argument. The local (second) database of Connor is updated in response to intervention by service personnel. We agree with appellants that this does not constitute a validate configuration request message.

Claims 4 and 9 also recite that the local database is updated with an updated view of the radio communication database. Even if the adjustment to the first database in Connor was considered to be a validate configuration request message, Connor
would update the local database with the information from the first database and not the information from the radio communication database.

For the reasons discussed above, we find that Connor does not disclose every feature of independent claims 1, 4, 7 and 9. Therefore, the examiner's rejection of claims 1, 4, 5, 7, 9-11, 13 and 14 under 35 U.S.C. § 102 is not sustained.

We now consider the rejection of claims 6 and 12 under

35 U.S.C. § 103 as unpatentable over the teachings of Connor taken alone. Claims 6 and 12 respectively depend from claims 4 and 9. Since the examiner's rejection of claims 6 and 12 does not address the deficiencies of Connor noted above, we do not sustain the examiner's rejection of these claims.

In summary, we have not sustained either of the examiner's rejections of the appealed claims. Therefore, the decision of the examiner rejecting claims 1, 4-7 and 9-14 is reversed.

REVERSED

JERRY SMITH Administrative Patent Judge	)	
MICHAEL R. FLEMING Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JOSEPH F. RUGGIERO Administrative Patent Judge	)	

js/vsh

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