

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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN K. SKOOG,
and GREGORY A TABOR

Appeal No. 1999-1558
Application No. 08/551,303

ON BRIEF

Before HAIRSTON, FLEMING, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 3 through 9, 11 through 22 and 24. Claims 2, 10, 23 and 25 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

The disclosed invention relates to a method and apparatus for transmitting code word from a stylus to a host computer in a continuous stream of packets. At the host computer, the

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	(effective filing date Aug. 30, 1993)	
Abernethy	5,525,981	June 11, 1996
	(effective filing date Jan. 30, 1992)	
Gasparik	5,608,390	Mar. 4, 1997
	(filed Feb. 23, 1994)	

Weldon, "Error-Correcting Codes with Application to Digital Storage Systems," University Consortium for Continuing Education, July 23-26, 1990.²

Claims 1, 6, 9 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano in view of Abernethy.

Claims 16 through 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano in view of Abernethy and Gasparik.

Claims 3 through 5, 7, 8, 11 through 14, 21, 22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kano in view of Abernethy and Weldon.

Reference is made to the brief (paper number 11) and the answer (paper number 12) for the respective positions of the appellants and the examiner.

² Although this reference is not listed under the prior art of record (answer, page 2), the grounds of rejection (answer, pages 5 and 6) clearly mention this reference in the obviousness rejection of claims 3 through 5, 7, 8, 11 through 14, 21, 22 and 24.

OPINION

We have carefully considered the entire record before us, and we will sustain the obviousness rejection of claims 1, 3 through 9, 11 through 13, 15 through 19 and 22, and we will reverse the obviousness rejection of claims 14, 20, 21 and 24.

Appellants argue (brief, page 7) that "[n]one of these cited references [Kano and Abernethy], either singularly or in combination, teach or suggest the claimed feature of 'encoding said input data words into code-words' and 'transmitting said code words from said stylus to said host computer in a continuous stream of packets', where a continuous stream of packets is defined to mean a stream of packets without any framing information between packets" The examiner counters (answer, page 3) that "Kano teaches transferring data from a stylus to a host computer (see Figures 7 and 8), comprising the steps of: trigger generator 1 for providing input data words to be transferred from the stylus to the host computer (see column 5, lines 51-60); encoding input data words into code words (see figure 7 and column 5, lines 51-55); transmitting code words from the stylus in a continuous stream to a host computer (see figures 7, 11 and

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column 6, lines 30-51)." We agree with the examiner's assessment of the teachings of Kano. With respect to appellants' arguments (brief, pages 7 through 9) that the applied references teach the use of framing information/delimiters, we find that appellants' arguments are not commensurate in scope with the claimed invention set forth in claim 1. More importantly, claim 1 on appeal does not preclude the use of framing information/delimiters. Appellants' argument (brief, pages 9 and 10) that "there is no teaching or suggestion of encoding input data words into code-words using a selected code" is without merit since Kano uses a transfer code in transfer code generator 3 to encode the pass code (column 5, line 51 through column 6, line 8).

Based upon the foregoing, and the fact that appellants have not challenged the examiner's reasons for combining the references, the 35 U.S.C. § 103(a) rejection of claim 1 is sustained. The 35 U.S.C. § 103(a) rejection of claims 3 through 9, 11 through 14 and 22 is likewise sustained because appellants have chosen to let these claims stand or fall with claim 1 (brief, page 5).

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Turning next to the 35 U.S.C. § 103(a) rejection of claim 15, appellants argue (brief, pages 10 and 11) that the applied references do not "teach any use of a selected code in either its transmitter or receiver." As indicated supra, Kano discloses the use of a transfer code in the transmitter section of the pen input device 701 (Figure 7). In the information processor 702 disclosed by Kano (Figure 7), the processor 6 receives the output from the receiver 5 and extracts the transfer code from the transmitted signal. Thus, the "selected code" in Kano's transmitter and receiver is the transfer code. For these reasons, the 35 U.S.C. § 103(a) rejection of claim 15 is sustained. The 35 U.S.C. § 103(a) rejection of claims 16 through 19 is sustained because appellants have chosen to let these claims stand or fall with claim 15 (brief, pages 5 and 11).

The 35 U.S.C. § 103(a) rejection of claim 20 is reversed because we agree with the appellants' argument (brief, pages 11 and 12) that "none of the cited references teach or suggest the use of a linear feedback shift register as a part of any encoding means."

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The 35 U.S.C. § 103(a) rejection of claim 13 is sustained because Kano discloses in an alternative embodiment (Figure 13) a timer 72 for imparting timing information to encoded code data.

The 35 U.S.C. § 103(a) rejection of claim 14 is reversed because we agree with appellants' argument (brief, page 13) that "none of the cited references teach or suggest the claimed step of 'further encoding said code-words using a code which creates a DC balanced stream of packets'."

The 35 U.S.C. § 103(a) rejection of claim 21 is reversed because we agree with appellants' argument (brief, page 13) that "none of the cited references teach or suggest the claimed feature of an exclusive-OR tree circuitry."

The 35 U.S.C. § 103(a) rejection of claim 24 is reversed because we agree with appellants' argument (brief, page 14) that none of the cited references teach or would have suggested the claimed "synchronization means for qualifying detected bit-strings."

DECISION

The decision of the examiner rejecting claims 1, 3 through 9, 11 through 22 and 24 under 35 U.S.C. § 103(a) is affirmed as

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to claims 1, 3 through 9, 11 through 13, 15 through 19 and 22,
and is reversed as to claims 14, 20, 21 and 24. Accordingly,
the decision of the examiner is affirmed-in-part.

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

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
HOWARD B. BLANKENSHIP)	
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Letty

JUDGE HAIRSTON

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APJ HAIRSTON

APJ FLEMING

APJ BLANKENSHIP

DECISION: **AFFIRMED-IN-PART**

PREPARED: Sep 24, 2002

OB/HD

PALM

ACTS 2

DISK (FOIA)

REPORT

BOOK