

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 EINO JACOBS and
MICHAEL ANG

Appeal No. 2001-0820
Application No. 09/128,832

ON BRIEF

Before HAIRSTON, RUGGIERO, and SAADAT, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 21 through 24, 29 and 31 through 33.

The disclosed invention relates to a computer storage medium with a stream of stored instructions for execution on a digital data processing device. The stream of instructions comprises at least one first uncompressed instruction that is a branch target, and at least one second compressed instruction following the branch target.

Claim 33 is illustrative of the claimed invention, and it reads as follows:

33. A computer storage medium comprising a stream of stored instructions for execution on a digital data processing device, the stream of instructions comprising:
- at least one first instruction which is a branch target and which is uncompressed; and
- at least one second instruction following the branch target which is compressed.

The references relied on by the examiner are:

Louie et al. (Louie)	4,547,849	Oct. 15, 1985
Lumelsky et al. (Lumelsky)	4,823,286	Apr. 18, 1989
Yokota	5,652,852	July 29, 1997 (filed Oct. 17, 1994)

Claims 21, 29 and 31 through 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokota.

Claims 22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokota in view of Louie.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokota in view of Lumelsky.

Reference is made to the final rejection (paper number 10), the answer (paper number 17) and the briefs (paper numbers 16 and 18) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 21 through 24, 29 and 31 through 33.

The examiner is of the opinion (final rejection, page 3) that “JMP A” is a first uncompressed instruction that is a branch target, whereas the appellants argue (brief, page 4; reply brief, page 2) that Yokota only shows a branch instruction as opposed to an uncompressed instruction that is a branch target.

Yokota discloses (column 4, lines 65 and 66) that a program to be executed is compressed “by unit of several modules as shown in FIG. 6.” When the program is compressed, “a table of branch instruction to the program to be compressed and of branching addresses is made . . . , and a non-branching sequence of instructions is compressed as a module . . .” (column 4, line 67 through column 5, line 4). Yokota shows two branch instructions “JMP A” and “JMP B” (column 5, lines 5 through 7), and “each module is compressed” during the compressing process (column 5, lines 7 through 11). In subsequent inconsistent statements, Yokota indicates that “the branch instruction is separately compressed” (column 5, lines 29 through 32) and that “the branch instruction itself is not compressed” (column 5, lines 49 through 52). Based upon such disclosures in Yokota, it appears that each of the modules is compressed while both branch instructions (i.e., JMP A and JMP B) are compressed or both branch instructions are uncompressed. Thus, even if we assume for the sake of argument that the branch instruction in Yokota is a branch target, it appears that the teachings of Yokota are limited to two compressed branch instructions or to two uncompressed branch

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instructions. In other words, Yokota neither teaches nor would have suggested to one of ordinary skill in the art one uncompressed branch instruction followed by a compressed branch instruction. Accordingly, the obviousness rejection of claims 21, 29 and 31 through 33 is reversed.

The obviousness rejection of claims 22 through 24 is reversed because the teachings of Louie and Lumelsky do not cure the noted shortcoming in the teachings of Yokota.

DECISION

The decision of the examiner rejecting claims 21 through 24, 29 and 31 through 33 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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MAHSHID D. SAADAT)	
Administrative Patent Judge)	

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