

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte BYUNG-JOON LEE

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Appeal No. 2001-1573  
Application 08/958,844

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HEARD: AUGUST 14, 2002

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Before KRASS, LALL and SAADAT, Administrative Patent Judges.

LALL, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-9, all pending claims in this application.

According to Appellant (brief at pages 3 and 4), the invention relates to a magnetic disk drive and, in particular, to a method for improving the performance of a read cache for a hard



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Rather than repeat the arguments of Appellant and the Examiner, we make reference to the brief (Paper No. 15), the reply brief (Paper No. 17) and the Examiner's answer (Paper No. 16) for the respective details thereof.

OPINION

We have considered the rejections advanced by the Examiner and the supporting arguments. We have, likewise, reviewed the Appellant's arguments set forth in the briefs. We reverse.

Before entering into the analysis of the rejections, we note below the guidelines for the rejection under 35 U.S.C. § 102.

A prior art reference anticipates the subject of a claim when the reference discloses every feature of the claimed invention, either explicitly or inherently (see Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984)).

At the outset, we note the wide groupings of the claims at page 2 of the reply brief, which generally agrees with the grouping and the arguments presented in the brief, where claims 1 and 5, 2, 3, 4, 6, 7, 8 and 9 are elected to be argued

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separately. In any event, the grouping is not critical to our decision.

Considering independent claim 1 from the Examiner's rejection of claims 1 through 9 under 35 U.S.C. § 102(e) at pages 3-9 of the Examiner's answer, we note that the Examiner has given a detailed analysis of his position.

After reviewing Appellant's arguments and the Examiner's response to those arguments, we are persuaded by Appellant that Ng is directed to a different type of system to read and write to the memory. Column 4, lines 35-53 of Ng state that the invention of Ng exploits both circular and non-circular buffer management techniques by using an adaptive technique that dynamically adjusts the buffer management rules responsive to the access pattern of the incoming data access requests "DARs". The method of Ng establishes an access pattern detection standard that distinguishes between a sequential access pattern (SAP) wherein the incoming DARs specify data blocks in consecutive storage order, and a non-sequential access pattern (NAP) wherein the incoming DARs do not specify data blocks in consecutive storage order. In Ng, the individual buffer memory segments are independently switched between circular overwrite mode (COM) and block overwrite mode (BOM) responsive to the detection of the SAP

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or NAP, respectively. Further Ng discloses that an incoming DAR is considered to be sequential if the requested data block medium storage address is contiguous to the medium storage address of the immediately previous requested data block. We find that the thrust of the invention in Ng is to detect the pattern of the incoming data access requests, and depending upon the nature of the request, the data is either supplied in a sequential manner (BOM) or in a circular or non-sequential manner (COM).

We do not find, and the Examiner has not pointed out in his rejection or in his response to the arguments, where, in Ng, the recited limitations of "first data corresponding in size to said constant unit storage region and taken from a series of data after said correspond data, and storing said first data in said constant unit storage region (Claim 1, lines 7-9)" is found. In contrast, in Ng the data request is coming at a rate which is not responsive to the size of the constant unit of the storage.

Considering independent claim 3, after reviewing Examiner's rejection Appellant's arguments and Examiner's response to the arguments, we again do not find, neither has the Examiner pointed out, where Ng discloses the recited limitations of "temporarily storing said corresponding data in a partial region of said unit storage region of said data transmission storage device (Claim 3,

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lines 5 and 6)", which limitation is related to the preamble "a data read command of host computer is less than a unit storage region of a data transmission storage device within a disk drive" (Claim 3, lines 2 and 3). Therefore we do not sustain the rejection of claim 3.

Considering the last independent claim i.e. claim 6, we do not find in the Examiner's analysis where the Ng reference discloses a teaching dealing with the limitation of "second data comprising all data not included in said first data and taken from said corresponding data, and storing said second data in a partial region of said unit storage region" (Claim 6, lines 8-10), which is related to the recitation in the preamble, "a data read command of a host computer is larger than a unit storage region of a data transmission storage device within a disk drive" (Claim 6, lines 2 and 3). In our view, Ng does not get involved with the reading/writing data in any partial region. Furthermore, Ng does not disclose making a request where the DAR is larger than a unit storage region. Therefore, we do not sustain the anticipation rejection of claim 6 over Ng.

Since Ng does not anticipate the limitation of each of the independent claims 1, 3 and 6, Ng cannot anticipate the dependent claims.

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In conclusion, we do not sustain the rejection of claims 1 through 9 under 35 U.S.C. § 102.

REVERSED

ERROL A. KRASS	)	
Administrative Patent Judge	)	
	)	
	)	
PARSHOTAM S. LALL	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
MAHSHID D. SAADAT	)	
Administrative Patent Judge	)	

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