

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte REMIGIUS G. SHATAS, ROBERT R. ASPREY, CHRISTOPHER L. THOMAS, GREG O'BRYANT, GREG LUTERMAN, and JEFFREY E. CHOUN

Appeal No. 2003-0440
Application No. 09/430,162

HEARD: October 7, 2003

Before RUGGIERO, GROSS, and LEVY, ***Administrative Patent Judges.***
GROSS, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 21, 29, and 32, which are all of the claims pending in this application.

Appellants' invention relates to a split computer with a processor housed within a first enclosure and with an input and/or output device controller and a video controller housed within a second enclosure. Claim 1 is illustrative of the claimed invention, and it reads as follows:

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1. A split computer comprising:

a first enclosure;

a second enclosure;

a processor and an external network first interface communicating together and housed within the first enclosure;

an input and/or output device controller, a video controller, and an external network second interface communicating together and housed within the second enclosure;

an external network which connects the external network first interface in the first enclosure and the external network second interface in the second enclosure; and

wherein the external network first interface transmits standard bus data including video data.

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

Crump et al. (Crump)	5,764,479	Jun. 09, 1998
Hong	5,764,924	Jun. 09, 1998
Vicard et al. (Vicard)	6,003,105	Dec. 14, 1999 (filed Nov. 03, 1997)
Booth	6,065,073	May 16, 2000 (filed Aug. 17, 1998)

Claims 1 through 4, 6, 7, 10 through 14, 16, 17, 20, 21, and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Vicard in view of Hong.

Claims 5 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Vicard in view of Hong and "well-known in the art."

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Claims 8, 9, 18, and 19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Vicard in view of Hong and Crump.

Claim 32 stands rejected under 35 U.S.C. § 103 as being unpatentable over Vicard in view of Hong and Booth.

Reference is made to the Examiner's Answer (Paper No. 18, mailed November 19, 2002)¹ for the examiner's complete reasoning in support of the rejections, and to appellants' Brief (Paper No. 17, filed August 28, 2002) and Reply Brief (Paper No. 20, filed January 16, 2003) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejections of claims 1 through 21, 29, and 32.

The examiner (Answer, pages 3-4) relies on Vicard for a split computer with multiple enclosures (see column 2, lines 3-7), one including a processor and a second one including user interface components (see column 6, lines 37-50). However, the

¹ The Supplemental Examiner's Answer (Paper No. 23, mailed April 22, 2003) has not been considered as 37 C.F.R. § 1.193(b)(1) states that a Supplemental Examiner's Answer is not permitted unless the Board of Patent Appeals and Interferences remands the application for such purpose. This case was remanded for acknowledgment of entry and consideration of the Reply Brief in accordance with the rule, not for a Supplemental Answer.

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examiner admits (Answer, page 4) that Vicard fails to disclose a video controller within the second enclosure, as recited in independent claims 1, 11, and 21. To remedy this deficiency, the examiner turns to Hong. According to the examiner, Hong discloses

a split computer . . . has a first enclosure [local processor board 100 in fig. 1] including a processor [P6 intel orion in fig. 3] . . . and a second enclosure [remote I/O cabinet 112 in fig. 1] including the plurality of input/output controllers which include a video controller [I/O functions including motion video and multi-media displays: col. 1, lines 20-32].

The examiner asserts (Answer, page 5) that it would have been obvious

to combine the teachings of Vicard et al and Hong because they both teach a split computer comprising a first enclosure including a processor . . . and a second enclosure including the plurality of input/output controllers and Hong's teaching of a video controller included in the plurality of input/output controllers in the second enclosure would increase enhancing I/O functions of Vicard et al and/or increase user adaptability/friendliness of Vicard et al's user interface components by providing video function for display.

Appellants argue (Brief, pages 4-5, and Reply Brief, pages 2-4) that the cited portion of Hong says nothing about locating a video controller in a second enclosure separate from the computer processor. Further, appellants point out (Reply Brief, page 2) that the type of components listed by Vicard as being located in

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the second enclosure are memory access components, which would not include video controllers. In addition, appellants contend (Brief, pages 6-9, and Reply Brief, pages 5-7) that the examiner's motivation for combining the two references "is not based on objective evidence of record and it does not in any way suggest the particular combination of structure recited in the present claims" (see Brief, page 7).

We have carefully reviewed both Vicard and Hong, and we find no suggestion to locate the computer processor in a first enclosure and a video controller separate from the computer processor, in a second enclosure. Vicard (column 6, lines 37-51) discloses which components should reside in each enclosure, but does not mention a video controller. Hong merely states that processor-independence accommodates graphics such as motion video, but makes no mention of the video controller being located in a second enclosure. Therefore, we agree with appellants that neither reference teaches or suggests a second enclosure including a video controller. Likewise, we find nothing in the references that would teach or suggest combining the two references as asserted by the examiner. Consequently, we cannot sustain the obviousness rejection of claims 1 through 4, 6, 7, 10 through 14, 16, 17, 20, 21, and 29 over Vicard in view of Hong.

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Regarding claims 5 and 15, since the claims are dependent upon claims 2 and 12, respectively, with all of the limitations thereof, and the examiner relies on only Vicard and Hong with no additional evidence, the rejection includes the same deficiencies discussed *supra*. Accordingly, we cannot sustain the rejection of claims 5 and 15.

As to claims 8, 9, 18, and 19, Crump fails to remedy the shortcomings of Vicard and Hong. Specifically, Crump teaches (column 3, line 62-column 4, lines 3 and 29-33) that the computer system is split into media console 16 and separate system 18 and that the central processing unit and the video/graphics subsystem are both in system unit 18. Therefore, we cannot sustain the rejection of claims 8, 9, 18, and 19. Booth also fails to cure the deficiencies of Vicard and Hong. Thus, we cannot sustain the rejection of claim 32.

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CONCLUSION

The decision of the examiner rejecting claims 1 through 21, 29, and 32 under 35 U.S.C. § 103 is reversed.

REVERSED

JOSEPH F. RUGGIERO)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
ANITA PELLMAN GROSS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
STUART S. LEVY)	
Administrative Patent Judge)	

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