

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHEN E. RECORD, ANN M. SHEPHERD
and STEVEN S. SHULTZ

Appeal No. 95-1887
Application 07/744,064¹

ON BRIEF

MAILED

OCT 31 1994

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before KRASS, BARRETT and LEE, *Administrative Patent Judges*.

KRASS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 8, 12 through 14 and 23 through 26. Claims 15 through 22 have been cancelled. Claims 9 through 11, 27 and

¹ Application for patent filed August 12, 1991.

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28 have been indicated by the examiner as being directed to allowable subject matter.²

The invention pertains to a computer system and, more particularly, to operating an event signaller by event management services in the computer system in either an asynchronous or synchronous manner.

Representative independent claim 1 is reproduced as follows:

1. A computer system comprising:

means for receiving and storing definitions of different types of events, each of said definitions specifying a mode of operating a signaller of the event while the event is being handled, the operating modes including a synchronous mode in which the event signaller suspends processing until the event is handled, and an asynchronous mode in which the event signaller continues processing while the event is handled; and

event manager means, coupled to the event signallers and storing means, for receiving event signals for the events, and advising the event signaller of each event whether to proceed synchronously or asynchronously according to the corresponding event definition.

The examiner relies on the following reference:

Mason et al. (Mason) 4,503,499 Mar. 05, 1985

² Although claims 27 and 28 have been allowed, we note that the examiner includes these claims in the statement of rejection at page 3 of the answer. Since there is no accompanying rationale for such a rejection and claims 27 and 28 have been previously indicated as allowable, we assume that their inclusion in the statement of rejection is a typographical error and treat claims 27 and 28 as not being before us on appeal.

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Claims 1 through 8, 12 through 14 and 23 through 26 stand rejected under 35 U.S.C. 103 as unpatentable over Mason.

Rather than reiterate the arguments of appellants and the examiner, reference is made to the brief and answer for the respective details thereof.

OPINION

In accordance with the grouping of claims on page 5 of the brief, claims 2 through 6, 8, 12 through 14 and 23 through 26 will stand or fall with claim 1 and claim 7 will stand or fall on its own. Accordingly, we need only consider independent claim 1 and dependent claim 7 on this appeal.

We will not sustain the rejection of either claim 1 or claim 7, or, of course, claims 2 through 6, 8, 12 through 14 and 23 through 26 under 35 U.S.C. 103 because, in our view, the examiner has failed to establish a case of prima facie obviousness.

As we read Mason, this reference is directed to a controlled work flow system for managing the work flow on documents that are to be created, edited, examined, signed, etc. The "effort manager" described therein is a real person [see column 5, lines 35-45], unlike the "event manager means" of the claimed invention.

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It is unclear, from the examiner's rejection, what, in Mason, is considered to be the claimed "definitions of different types of events," "event signaller" and "event manager means..."

In any event, even the examiner recognizes that Mason did not disclose an "event manager," as claimed, which receives event signals and advises whether to proceed synchronously or asynchronously. However, the examiner points to the identifying label [column 6, lines 4-9 of Mason] to indicate an event which requires completion before another event can be undertaken, i.e., synchronous operation. The examiner then contends, reasonably, in our view, that "in order for an identifying label to have utility, the label must be detectable, and something must detect it."

From this, the examiner concludes that it would have been obvious to use an event manager means to detect the presence of this label in order to advise the event signaller whether or not to proceed synchronously because of some unexplained benefit.

It is our view that the examiner's conclusion is erroneous because the label of Mason is prepared by the effort manager to identify an event which requires completion before another event of the effort can be undertaken. Thus, the label indicates whatever action the effort manager wants taken by a particular person or persons and the order of those actions, or

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tasks. We find no suggestion in Mason of the identifying label being employed in a manner consistent with the claimed "event manager," i.e., for "advising the event signaller of each event whether to proceed synchronously or asynchronously according to the corresponding event definition."

It is not even clear to us what the examiner is relying on in Mason for the claimed "definitions" since Mason does not appear to disclose any event definitions. While the examiner makes clear, at page 6 of the answer in the response to arguments section, that it is the workstation in Mason which is considered to be the claimed "event signaller," we are unsure how such workstation suspends processing until an event is handled in one mode and continues processing while the event is handled in another mode, as required by claim 1. If the examiner considers the "event" to be the return of a document, as stated at page 6 of the answer, the workstation returning the document in Mason is not selectively suspended based on an event definition, as required by claim 1.

Accordingly, we agree with appellants, at page 7 of the brief, that

Mason fails to disclose or render obvious a system where the signaller of the event is selectively controlled (based on an event definition) to suspend itself or continue processing while the event is handled.

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We also agree with appellants that since Mason discloses no event definitions, Mason cannot disclose or suggest modifying event definitions at various times as required by dependent claim 7.

The examiner's decision rejecting claims 1 through 8, 12 through 14 and 23 through 26 under 35 U.S.C. 103 is reversed.

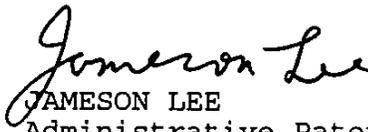
REVERSED



ERROL A. KRASS)
Administrative Patent Judge)



LEE E. BARRETT)
Administrative Patent Judge)



JAMESON LEE)
Administrative Patent Judge)

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