

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(2) is not binding precedent of the Board.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. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte PETER BRINZER

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Appeal No. 96-2518  
Application 08/040,053<sup>1</sup>

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ON BRIEF

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Before KRASS, FLEMING, and GROSS, Administrative Patent  
Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of  
claims 1 through 20, all of the claims pending in the  
application.

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<sup>1</sup> Application for patent filed March 30, 1993.

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The invention is directed to a method and apparatus for monitoring an automation system and a technical process which is monitored and controlled by the automation system. More particularly, the invention is set forth in representative independent claim 1, reproduced as follows:

1. A method for monitoring an automation system and a technical process monitored and controlled by the automation system, comprising steps of:

transmitting a message from the automation system to an observation system when a fault in the automation system occurs at a location;

accessing important planning and design data of the automation system, said planning and design data comprising at least information about locations related to all possible codes transmitted by the automation system;

determining the location of the fault in the automation system by comparing a code of said transmitted message with the accessed planning and design data; and

displaying a result of the determination on a display unit, wherein the determined location of the fault in the automation system is first displayed coarsely and then in at least one other step in a more detailed manner.

The examiner relies on the following references:

Woods et al. (Woods)	4,816,208	Mar. 28, 1989
Walter et al. (Walter)	5,189,394	Feb. 23, 1993

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Claims 1 through 20 stand rejected under 35 U.S.C. § 112, first paragraph, as relying on a non-enabling disclosure and on an inadequate written description.

Claims 1 through 20 stand further rejected under 35 U.S.C.

§ 103. As evidence of obviousness, the examiner cites Walter with regard to claims 1 through 5, 7 through 18 and 20, adding Woods with regard to claims 6 and 19.

Reference is made to the brief and answer for the respective positions of appellant and the examiner.

#### OPINION

After careful consideration of the evidence before us, we will sustain the rejection of claims 1 through 20 under 35 U.S.C. § 103 but we will not sustain the rejection of claims 1 through 20 under 35 U.S.C. § 112, first paragraph.

Turning first to the non-enablement rejection, the examiner contends that the

specific manner in which the processor evaluates messages transmitted by the automation system by comparing a code of the messages indicating a location of a fault in the automation system with the stored planning and design data of the automation system, and as a result of such determination or evaluation, displaying the results coarsely, and then in more detail is not readily

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apparent from the specification nor the drawings  
[Answer-page 3]

To comply with the enablement clause of the first paragraph of 35 U.S.C. § 112, the disclosure must adequately describe the claimed invention so that the artisan could practice it without undue experimentation. In re Scarbrough, 500 F.2d 560, 566, 182 USPQ 298, 303 (CCPA 1974); In re Brandstadter, 484 F.2d 1395, 1407, 179 USPQ 286, 295 (CCPA 1973); In re Gay, 309 F.2d 769, 774, 135 USPQ 311, 316 (CCPA 1962). If the examiner had a reasonable basis for questioning the sufficiency of the disclosure, the burden shifted to appellant to come forward with evidence to rebut this challenge. In re Doyle, 482 F.2d 1385, 1392, 179 USPQ 227, 232 (CCPA 1973); In re Ghiron, 442 F.2d 985, 992, 169 USPQ 723, 728 (CCPA 1971). However, the burden was initially on the examiner to establish a reasonable basis for questioning the adequacy of disclosure. In re Strahilevitz, 668 F.2d 1229, 1232, 212 USPQ 561, 563 (CCPA 1982).

We find that the examiner in the instant case did not have a reasonable basis for questioning the sufficiency of the disclosure. The level of skill in the computer arts is very high and we find it unreasonable that one skilled in such arts

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would have had any difficulty whatsoever in evaluating messages by comparing codes received from a fault location with stored data. The display of data as a result of such a comparison and zooming in on the display to show greater detail would also have been well within the skill of the artisan in this complex art. We find no need for a "computer program, detail circuitry, or flow-charts," mentioned by the examiner [Answer-page 3] as an apparent necessity for overcoming a charge of insufficient disclosure. The operations recited and the results sought by the instant claimed subject matter are, in our view, of such a straightforward variety that no specific program, flow chart or circuitry would have been needed by the artisan in order to practice the claimed invention without undue experimentation. Accordingly, the examiner has not raised a reasonable challenge, within the meaning of 35 U.S.C. § 112, first paragraph.

With regard to a lack of support under the written description requirement of 35 U.S.C. § 112, the examiner alleges that there is no support in the disclosure as filed

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for a display which displays results of the evaluation first "coarsely" and then in a more "detailed" manner.

Appellant admits that these particular words were not used in the original disclosure. However, in order to determine compliance with the written description portion of the first paragraph of 35 U.S.C. § 112, a proper inquiry pertains to whether the disclosure (i.e., the specification, claims and drawings as originally filed) reasonably conveys to the artisan that the inventor had possession at that time of that which is now claimed. Literal support in the disclosure for the terms of the claims challenged by the examiner is not necessary in order to show such possession. In re Wright, 866 F.2d 422, 425, 9 USPQ2d 1649, 1651 (Fed. Cir. 1989); In re Kaslow, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983).

While the original disclosure here did not use the terms "coarse" and "detailed," it is clear from the specification, at page 9, bottom of the page, that appellant had possession of the invention now claimed since there is a reference to "precisely" locating the error "to have a closer look."

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Therefore, it is clear that appellant had disclosed a coarse display and then a display in a more detailed manner.

Accordingly, we will not sustain the rejection of the claims under 35 U.S.C. § 112, first paragraph.

We now turn to the rejections under 35 U.S.C. § 103 based on prior art.

We will sustain these rejections because, in our view, the examiner has established a case of prima facie obviousness and

appellant has not successfully rebutted it. Also, appellant has not argued any specific claim apart from any other so all claims will stand or fall together.

More specifically, with regard to independent claim 1 and the application of Walter thereto, Walter discloses the monitoring of an automation system, i.e., a fire alarm system, wherein locations of activated sensors are monitored. The layout of the building is known and stored, which allows "accessing important planning and design data of the automation system" wherein information is available on all possible sensor locations. The enablement of the positions of the sensors to be superposed on the visual displays generated

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by each image file [column 2, lines 39-45 of Walter] is tantamount to the comparison of codes recited by claim 1.

Thus, contrary to appellant's assertion, we find that Walter does, indeed, disclose the monitoring of an automation system by determining a location of a fault (the location of a fire sensor) in the system and displaying the determined location of the fault first coarsely and then in at least one other step in a more detailed manner. We note column 6, lines 15-27 of Walter wherein the option of zooming in on the location of the actuated sensor on the display or for looking at details of other sensors appears to suggest the claimed "coarsely" and "more detailed manner" limitations.

Appellant also argues [top of page 9 of the brief] that Walter does not monitor the electronics between the sensors and the control panel and the control panel itself is not monitored. We find no such limitations required by the claims. Thus, appellant's argument is not commensurate with the scope of the claims. The fire sensors of Walter certainly are within Walter's automation system so appellant's argument that Walter does not disclose or suggest any determination or

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display of a location of a fault which is in the automation system [brief-page 9] is not understood. Appellant's arguments regarding Woods are not relevant to the rejection of any claims but for claims 6 and 19 and appellant has not separately argued the merits of these claims.

We have sustained the rejection of claims 1 through 20 under 35 U.S.C. 103 but we have not sustained the rejection of claims 1 through 20 under 35 U.S.C. § 112, first paragraph.

Accordingly, the examiner's decision is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

	Errol A. Krass	)	
	Administrative Patent Judge	)	
		)	
		)	
		)	
	Michael R. Fleming	)	BOARD OF
PATENT	Administrative Patent Judge	)	APPEALS AND
		)	INTERFERENCES
		)	
		)	
	Anita Pellman Gross	)	
	Administrative Patent Judge	)	

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