

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RALPH E. SIPPLE, MICHAEL J. HILL
and DENNIS R. KONRAD

Appeal No. 1996-3701
Application 08/076,587¹

ON BRIEF

Before THOMAS, JERRY SMITH and LALL, Administrative Patent Judges.

LALL, Administrative Patent Judge.

REQUEST FOR REHEARING

Appellants request that we rehear that portion of our decision of September 17, 1999 wherein we sustained the rejection of claim 13 as unpatentable over APA under 35 U.S.C. § 103.

¹ Application for patent filed June 14, 1993.

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Appellants argue that the Board has not correctly interpreted the feature of claim 13, namely, "a data base dump facility coupled to said transaction processing system for storing said data base in response to a filling of said audit trail storage area." (Emphasis added). Appellants assert that the misinterpretation of this feature and the resulting finding that "an artisan, looking at APA, would have found it obvious to dump the contents of the audit trail storage area 24 into the dump tapes 50 in response to when said storage 24 gets filled up, instead of doing the dumping periodically" is not dispositive of claim 13. [Request for Rehearing, pages 2 and 3]. Appellants argue that this is grounds for reversing our decision with respect to claim 13.

We have reviewed our decision of September 17, 1999 in light of Appellants' arguments in the request for rehearing. We agree with Appellants that the above finding in regard to claim 13 is erroneous. We, therefore, reverse our prior decision as to claim 13 for the reasons which follow.

We agree with Appellants that APA does not show or suggest the dumping of the data base from storage areas (16, 18, 20 and 22) in response to any condition of the audit trail storage area (24), much less the filling of the audit trail storage area as

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claimed in claim 13. In APA, the dumping of the data base from said storage areas onto the dump tapes 50 is done periodically [specification, page 9] not in response to a filling of the audit trail storage area as claimed or any other condition relating to the audit trail storage area.

We, therefore, reverse our decision of September 17, 1999 regarding claim 13.

GRANTED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	
JERRY SMITH)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
PARSHOTAM S. LALL)	
Administrative Patent Judge)	

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