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HARNESS, DICKEY, & PIERCE, P.L.C
7700 Bonhomme, Suite 400
ST. LOUIS, MO 63105

EXAMINER
ABDUR RAHIM, AZIM

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WILLIAM P. BUTLER and JAMES P. GAROZZO

Appeal 2010-007135
Application 11/526,268
Technology Center 3700

Before STEFAN STAICOVICI, MICHAEL C. ASTORINO, and BARRY L. GROSSMAN, *Administrative Patent Judges*.

STAICOVICI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

William P. Butler and James P. Garozzo (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's decision finally rejecting under 35 U.S.C. § 102(b) claims 6-11 and 14 as anticipated by Murata (US 5,265,436, iss. Nov. 30, 1993) and under 35 U.S.C. § 103(a) claim 12 as unpatentable over Murata and Gauthier (US 2004/0079093 A1, publ. Apr. 29, 2004) and claim 13 as unpatentable over Murata and Winkler (US 3,643,457, iss. Feb. 22, 1972). Claims 1-5 and 15-22 have been withdrawn by the Examiner (*see* Ans. 2). We have jurisdiction over this appeal under 35 U.S.C. § 6.

THE INVENTION

Appellants' "invention relates to controllers for interactively controlling an HVAC system." Spec. 1, para. [0002].

Claim 6, the sole independent claim, is representative of the claimed invention and reads as follows:

> 6. An interactive system for controlling the operation of a climate control system, the interactive system comprising:
>
> a two-wire network for permitting communication between one or more controllers;
>
> a thermostat controller, an air conditioner compressor controller, and at least a heating or ventilation apparatus controller for controlling the operation of a heating or a ventilation apparatus, the controllers being connected to each other only through each controller's individual connection to the two-wire network such that each controller sends signals directly to another controller without being transmitted through any other controller, where each of the controllers are capable of transmitting data signals that include information identifying a specific destination of the thermostat controller, the air conditioner compressor controller or the heating or ventilation apparatus controller that each data signal is intended for;
>
> wherein the heating or ventilation apparatus controller is configured to receive the data signals that are intended for a controller

> other than the heating or ventilation apparatus controller, which include information about the operation of at least one of several components in the climate control system that are not controlled by the heating or ventilation apparatus controller, and in response to which the heating or ventilation apparatus controller is capable of modifying the operation of at least one component that is controlled by the heating or ventilation apparatus controller in response to the information.

SUMMARY OF DECISION

We REVERSE.

ANALYSIS

Independent claim 6 recites, *inter alia*, "a two-wire network for permitting communication between one or more controllers." App. Br., Clms. App'x.

The Examiner found that Murata teaches a thermostat controller 10 that is connected to outdoor controllers 19-21 using signal line 22 and to indoor controllers 8 by signal line 9. Ans. 12.

Appellants argue that the Examiner has misconstrued Murata's signal lines 9 and 22 as the claimed "two-wire network." Pointing to paragraph [0018] of the Specification and Figure 2 of Appellants' Drawings, Appellants argue that the claimed "two-wire network" is defined as a "two-wire 'bus' network" and hence, a person of ordinary skill in the art would not have reasonably interpreted Murata's separate signal lines 9, 22 as the claimed "two-wire network." App. Br. 9-10[1,2].

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[1] Appellants did not provide page numbers in the Appeal Brief and Reply Brief. However, for ease of referring to Appellants' arguments, we assign page numbers 1 through 17 to the Appeal Brief and page numbers 1 through 7 to the Reply Brief.

In response, the Examiner takes the position that "Appellant has defined that the two-wire network as being the controllers being connected to each other only through each controller's individual connection to the two-wire network, such that each controller sends signals directly to another controller without transmitting a signal through any other controller." Ans. 12. Thus, according to the Examiner, Murata's outdoor controllers 19-21 communicate with thermostat controller 10 and thermostat controller 10 communicates with indoor controllers 8 without transmitting a signal through another controller. Ans. 12-13. Likewise, indoor controllers 8 communicate with thermostat controller 10 and thermostat controller 10 communicates with outdoor controllers 19-21 without transmitting a signal through another controller. *Id*.

Although claims are to be given their broadest reasonable interpretation consistent with the Specification, we note that the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1358 (Fed. Cir. 1999). In this case, Appellants' Specification describes a conventional HVAC system in which each component of the system (i.e., heating, fan, or cooling component) is connected by a specific individual wire to a thermostat. Spec. 26, para. [0051]. Actuation of a specific component of the HVAC system occurs when a signal is sent from the thermostat through the individual wire connecting that component to the thermostat. *Id*. In contrast to the conventional HVAC system described

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[2] For the purpose of this appeal we consider Appellants' reference to para. [0014] of the Specification and Figure 3 of the Drawings as a mere typographical error. The correct reference should be to para. [0018] of the Specification and Figure 2 of the Drawings. *See* Reply Br. 2.

supra, Appellants' Specification further describes an HVAC system including a "two-wire network" in which the components of the HVAC system do not need to be connected to the thermostat by a specific individual wire in order to be activated. Spec. 26-27, para. [0052]. Thus, according to paragraph [0018] of the Specification, "[t]he communication means comprises a two-wire peer-to-peer network 48," such as an "RS-485 peer-to-peer Local Area Network," which is "a two-wire, multi-drop network that allows multiple units to share the *same* two wires in sending and receiving information." Emphasis added.

Hence, we determine that a person of ordinary skill in the art would have readily appreciated that a "two-wire network," as called for by independent claim 6, is different from two, individual wires. However, as noted above, the Examiner interprets a "two-wire network" to include Murata's single, individual wires 9 and 22 because each of Murata's controllers "sends signals directly to another controller without being transmitted through any other controller.[3]" Ans. 12. We conclude the Examiner's interpretation to be unreasonably broad.

Although we appreciate the Examiner's position that Murata's wires 9 and 22 constitute the claimed "two-wire network" because each of Murata's controllers "sends signals directly to another controller without being transmitted through any other controller," nonetheless, we do not agree that wires 9 and 22 of Murata constitute a "two-wire network," as called for by independent claim 6. We agree with Appellants that in Murata outdoor

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[3] Outdoor controllers 19-21 send a signal to controller 10; controller 10 sends a signal to indoor controllers 8; indoor controllers 8 send a signal to controller 10; and controller 10 sends a signal to outdoor controllers 19-21. *See* Ans. 12-13.

controllers 19-21 are connected to controller 10 by a first single individual wire 22 and Murata's indoor controllers 8 are connected by a second single, individual wire 9 to controller 10. *See* Murata, fig. 1. Furthermore, Murata describes operation (actuation) of either indoor units 1, 2 or outdoor units 12-14 by sending a signal from controller 10 through individual wires 9 or 22. *See* Murata, col. 4, ll. 42-45 and col. 5, ll. 15-17. Thus, Murata's controllers 8, 10, and 19-21 and wires 9 and 22 function in a manner similar to Appellants' conventional HVAC system described *supra*. As such, we agree with Appellants that a person of ordinary skill in the art would have understood a "two-wire network," as called for by independent claim 6, to be a network that "allows multiple units to share the *same* two wires in sending and receiving information." Reply Br. 2. Emphasis added. Wires 9 and 22 of Murata do not constitute a "two-wire network," as called for by claim 6, because none of Murata's controllers share the *same* two wires. Specifically, outdoor controllers 19-21 and controller 10 share a first wire 22 and controller 10 and indoor controllers 8 share a separate, second wire 9.

Inasmsuch as we found that Murata does not teach a "two-wire network," as called for by independent claim 6, Murata does not teach all the elements of independent claim 6. Accordingly, we do not sustain the rejection of claim 6, and claims 7-11 and 14 depending from claim 6, under 35 U.S.C.§ 102(b) as anticipated by Murata.

With respect to the rejections of claims 12 and 13, the Examiner did not rely on the teachings of Gauthier and Winkler, respectively, to make up for the deficiencies in Murata as discussed above. *See* Ans. 7-8. Therefore, the rejections under 35 U.S.C. § 103(a) of claim 12 as unpatentable over

Murata and Gauthier and of claim 13 as unpatentable over Murata and Winkler likewise cannot be sustained.

SUMMARY

The Examiner's decision to reject claims 6-14 is reversed.

REVERSED

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