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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 11/318,412 | 12/23/2005 | Philip N. Eggers | 080623-0679 | 9075 |
| 80236 | 7590 | 02/01/2013 | EXAMINER | |
| McDermott Will & Emery I.I.P The McDermott Building 500 North Capitol Street, N.W. Washington, DC 20001 | | | COBANOGLU, DILEK B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3626 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 02/01/2013 | ELECTRONIC |

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PHILIP N. EGGERS, DAVID L. SCHLOTTERBECK, TIMOTHY
W. VANDERVEEN,
and DAMON J. COFFMAN

Appeal 2010-009751
Application 11/318,412
Technology Center 3600

Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and
BIBHU R. MOHANTY, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 47 and 49 to 58. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

Claim 47 is illustrative:

47. A method of programming a patient care device to deliver a substance to a patient, comprising:

printing a coded label, said label including a substance delivery protocol identifier;

attaching the label to a container holding the substance;

transporting the container to the patient care device;

entering the protocol identifier into the patient care device;

retrieving from a memory in the patient care device a specific protocol identified by the identifier, said specific protocol comprising a plurality of delivery parameters and default values;

selecting a configuration database from a plurality of configuration databases stored in the memory of the patient care device, wherein the selected configuration database includes the specific protocol; and

programming the patient care device to deliver the substance to the patient in accordance with the specific protocol.

Claims 47 and 49 to 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coutre (US 5,317,506; iss. May 31, 1994) in view of Haller (US 2001/0051787 A1; pub. Dec. 13, 2001).

ANALYSIS

The Appellants argue that the cited references do not disclose or render obvious the step of selecting a configuration database from a plurality of configuration databases stored in memory of the patient care device. We agree.

Appellants' Specification teaches that the patient care device 12 can alter its personality based upon information received in selection of specific configuration database defining a particular mode of operation according to patient specific protocol, such as patient treatment location, age, physical characteristics or medical characteristics (Spec. 8, 18).

The Examiner relies on Coutre for teaching most of the invention but relies on Haller's paragraphs [0218] to [0221] for teaching the step of selecting a configuration database from a plurality of configuration databases where the selected configuration database includes the specific protocol.

We find that Haller's paragraphs [0218] to [0221] disclose a configuration database 114 which comprises software database 116 and hardware database 118. Heller also discloses programmer configuration database 126 which includes information and data specifying both the hardware configuration and the software applications or programs installed in various communication modules, mobile telephones or PDAs, and implanted medical devices.

There is no disclosure in the paragraphs relied on by the Examiner in Haller of a configuration database that includes specific protocol much less the step of selecting a configuration database.

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In view of the foregoing, we will not sustain the Examiner's rejection of claim 47 and claims 49 to 58 dependent thereon.

DECISION

The decision of the Examiner is reversed.

REVERSED

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