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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/403,227	04/11/2006	Keith E. Eldridge	05001	6605
23903	7590	01/31/2013	EXAMINER	
INVENSYS SYSTEMS, INC., IP DEPARTMENT 33 COMMERCIAL STREET B51-2J FOXBORO, MA 02035			PILLAI, NAMITHA	
			ART UNIT	PAPER NUMBER
			2172	
			NOTIFICATION DATE	DELIVERY MODE
			01/31/2013	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte KEITH E. ELDRIDGE and JAMES WILLIAM HEMENWAY

Appeal 2010-012463
Application 11/403,227
Technology Center 2100

Before JOHN A. JEFFERY, JEFFREY S. SMITH, and JEREMY J.
CURCURI, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-20, which are the only claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Representative Claim

1. A method for re-defining execution order of control objects within a control program via a graphical control program editor facility, provided on a workstation including a display, the graphical control program editor facility including a strategy canvas presented on the display, the method comprising the steps of:

displaying, within the strategy canvas, graphical control object representations corresponding to the control objects;

displaying, within the strategy canvas, a set of connections between input/output ports on the graphical control object representations, the connections corresponding to input/output data relationships between the control objects;

displaying, within the strategy canvas, a set of ordinal value indicators corresponding to an order of execution assigned to the control objects;

registering a current ordinal value for assignment to a control object represented within the strategy canvas;

selecting, according to manual direction of a user, one of the graphical control object representations displayed on the strategy canvas; and

in response to the selecting step, performing the further steps of:

assigning the current ordinal value to a control object corresponding to the selected graphical control object representation, and

updating assignments of ordinal values to control objects represented on the strategy canvas, including updating the ordinal value indicators of non-selected ones of the control objects affected by the assigning step.

Prior Art

Fernandes	US 5,555,357	Sep. 10, 1996
Boughner	US 5,983,001	Nov. 9, 1999
Klein	US 6,275,955 B1	Aug. 14, 2001
Barrus	US 7,225,405 B1	May 29, 2007

Examiner's Rejections

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fernandes, Klein, Boughner, and Barrus.

ANALYSIS

Appellants contend that assigning an ordinal value to the flowchart elements of Fernandes is precluded in the case where a flowchart contains conditional or parallel execution paths. App. Br. 12-13. However, the Examiner relies on Figures 6A and 6B of Fernandes, which do not show conditional or parallel execution paths.

Appellants contend that claim 1 is directed to an invention wherein connections between objects displayed on a strategy editor interface graphically represent data flow, but the connections have no relationship to the order of execution of the objects. App. Br. 12-13; Reply Br. 4. However, claim 1 recites, “displaying, within the strategy canvas, a set of connections between input/output ports on the graphical control object representations, the connections corresponding to input/output data relationships between the control objects.” Appellants’ contention is not commensurate with the scope of claim 1. Further, the Examiner finds that the results of one step of the flowchart of Fernandes is provided as input to the next step, which teaches, “displaying, within the strategy canvas, a set of

connections between input/output ports on the graphical control object representations, the connections corresponding to input/output data relationships between the control objects” within the meaning of claim 1. Ans. 22. We agree with the Examiner.

Appellants cannot imagine what more information is provided by including ordinal values in the steps of the flowcharts shown in Figures 6A and 6B of Fernandes. Reply Br. 5. The Examiner finds that Fernandes teaches that the steps of the flowcharts can be numbered using values (such as 86, 84, and 88). Ans. 6. The Examiner also finds that Boughner and Barrus teach that the values can be ordinal values. Ans. 6-7. Appellants have not provided persuasive evidence or argument to rebut the Examiner’s findings.

Appellants contend that the combination of Fernandes, Klein, Boughner and Barrus does not teach modifying ordinal values in the flowchart to change execution order of the displayed steps. Reply Br. 6. The Examiner finds that changing the ordinal values of the numbered steps in the flowcharts when changing the order of execution of the steps of the flowcharts clarifies the order of execution of the steps. Ans. 20-22. We agree with the Examiner.

Appellants contend that the combination of Fernandes, Klein, Boughner, and Barrus does not teach displaying connections corresponding to I/O data relationships between control objects. Reply Br. 6-8. Appellants have not provided a definition of “connections corresponding to input/output data relationships between the control objects” that excludes the flow of data from one step to a next step in the flowcharts taught by Fernandes.

Appellants contend that the ordinal values of Boughner teach creation order rather than execution order. Reply Br. 7. The Examiner finds that Fernandes teaches re-assigning the order of execution of the steps in the flowcharts, and Barrus teaches changing ordinal values in response to re-assigning order. Ans. 20-21. Appellants have not provided persuasive evidence or argument to rebut the Examiner's findings.

We adopt the Examiner's findings of fact in the Final Rejection and the Examiner's Answer as our own. We concur with the conclusions reached by the Examiner. We sustain the rejection of claim 1 under 35 U.S.C. § 103. Appellants have not provided arguments for separate patentability of claims 2-20 which fall with claim 1.

DECISION

The rejection of claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Fernandes, Klein, Boughner, and Barrus is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED