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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ADAM H. LI, AIXIN LIU, and DJUNG NGUYEN

Appeal 2015-003342
Application 13/223,313
Technology Center 2100

Before CARLA M. KRIVAK, BETH Z. SHAW, and
NABEEL U. KHAN, *Administrative Patent Judges*.

SHAW, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–13, which are the only claims currently pending in this application. App. Br. 3. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

INVENTION

The invention is for automation of residential appliances. Spec. ¶ 3.

Claim 1, which is illustrative, reads as follows:

1. An apparatus comprising:
home-automation edge-component interfaces;
a control circuit operably coupled to the home-automation edge-component interfaces, wherein the control circuit is configured to interact with home-automation edge components using a common application programming interface.

REJECTIONS AT ISSUE

The Examiner rejected claims 1–13 under 35 U.S.C. § 102(b) as being anticipated by Clayton (US 2008/0183316 A1; July 31, 2008). Ans. 2–8.

ISSUES

Appellants argue that the Examiner's rejections are in error. App. Br. 7–17; Reply Br. 1–5. The dispositive issue presented by these arguments are:

Did the Examiner err in finding the Clayton discloses "wherein the control circuit is configured to interact with home-automation edge components using a common application programming interface," as recited in claim 1?

ANALYSIS

We have reviewed Appellants' arguments in the Briefs, the Examiner's rejection, and the Examiner's response to Appellants' arguments. We adopt as our own the findings and reasons set forth in the rejection from which this appeal is taken and in the Examiner's Answer in response to Appellant's Appeal Brief. *See* Ans. 2–9. We highlight and address specific arguments and findings for emphasis as follows.

Appellants argue that Clayton fails to disclose "wherein the control circuit is configured to interact with home-automation edge components using a common application programming interface," as recited in claim 1. App. Br. 7–17. Appellants refer to the Specification, which defines an application programming interface as "a particular set of rules and specifications that software programs can follow to compatibly and successfully communicate with one [sic] other." Spec. ¶ 49.

As Appellants point out, Clayton does not use the words "API" or "application programming interface." App. Br. 8. However, anticipation "is not an 'ipsissimis verbis' test." *In re Bond*, 910 F.2d 831, 832-33, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990) (citing *Akzo N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1479 & n.11, 1 USPQ2d 1241, 1245 & n.11 (Fed. Cir. 1986)). "An anticipatory reference . . . need not duplicate word for word what is in the claims." *Standard Havens Prods. v. Gencor Indus.*, 953 F.2d 1360, 1369 (Fed. Cir. 1991).

Here, the Examiner maps the recited application programming interface to the "common communication interface" of Clayton. *See* Ans. 3 (citing Clayton ¶ 90). The Examiner also cites to Clayton's disclosure of "communications between the automation controller 12 and the peripheral devices 16." Ans. 8 (citing Clayton ¶ 50). We agree with the Examiner's findings, and are therefore not persuaded by Appellants' arguments (*see* Reply Br. 2–5) that Clayton's disclosure is too general to be the application programming interface recited in claim 1. Indeed, we agree that Clayton's communication interface includes "a particular set of rules and specifications that software programs can follow to compatibly and successfully communicate with one another," which is the definition of an API in

Appellants' Specification. In the absence of sufficient evidence or line of technical reasoning to the contrary, the Examiner's findings are reasonable and we find no reversible error.

Because Appellants have not presented separate patentability arguments or have reiterated substantially the same arguments as those previously discussed for patentability above (*see* Br. 7–17), the remaining pending claims fall for the same reasons as claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

The decision of the Examiner rejecting claims 1–13 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)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED