

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KRIS R. LIVINGSTON

Appeal No. 2000-0772
Application No. 09/018,391

ON BRIEF

Before URYNOWICZ, HAIRSTON, and LEVY, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

Decision on Appeal

This appeal is from the final rejection of claims 1-23.

The invention pertains to computer screen interfaces.

Claim 1 is illustrative and reads as follows:

1. A help feature for a user interface, comprising a help control displayed adjacent to a control option of the user interface, the help control referencing the control

Appeal No. 2000-0772
Application No. 09/018,931

option for obtaining help information about the control option.

The references relied upon by the examiner are:

Tozuka	5,710,898	Jan. 20, 1998
Dazey et al. (Dazey)	5,715,415	Feb. 03, 1998

Claims 1-6 and 8-23 stand rejected under 35 U.S.C. § 102(e) as anticipated by Dazey.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dazey in view of Tozuka.

The respective positions of the examiner and the appellant with regard to the propriety of these rejections are set forth in the examiner's answer (Paper No. 9) and the appellant's brief (Paper No. 8).

Appellant's Invention

The invention is described at pages 2 and 3 of the brief.

The Dazey Patent

In Figure 4, Dazey discloses a help pane 70 positioned adjacent to a workspace 50 that is accessed by a Show Help control button 66 in the status bar 64. Upon activation of the Show Help control button, the application window 44 is partitioned to define a help pane for showing the help content

Appeal No. 2000-0772
Application No. 09/018,931

without opening a separate graphical window (column 4, lines 57-61).

Grouping of Claims

At page 3 of the brief, appellant provides the following grouping of claims:

claims 1, 2, 7-9, 11, 12, 14, 16, 19-21 and 23 stand or fall together,
claim 3 stands or falls alone,
claim 4 stands or falls alone,
claim 5 stands or falls alone,
claims 6 and 17 stand or fall together,
claims 10, 15 and 22 stand or fall together, and
claims 13 and 18 stand or fall together.

The examiner acknowledges this grouping of claims in the paragraph bridging pages 2 and 3 of the answer, and has responded to the arguments with respect to each group at pages 10-16 of the answer.

The Rejection under 35 U.S.C. § 102(e)

Claim 1

Appeal No. 2000-0772
Application No. 09/018,931

At page 4 of the brief, appellant acknowledges that Dazey's Show Index button 90 illustrated in Figure 4 is a control option. It is argued by appellant that although the control option 90 is disposed adjacent to the help control (Show Help button 66) as defined in claim 1, the help control 66 does not reference the control option for obtaining help information about the Show Index button. Rather, it is urged that button 66 is intended to reference application window 44 and/or workspace 50, which are not control options, for obtaining help information about the window and/or workspace in help pane 70.

In the second full paragraph at page 11 of the answer, the examiner's response is that in Dazey's invention the Show Help button 66 is displayed adjacent to workspace 50 "from which is (sic:it) can assist the user with context specific, step-by-step, instruction".

We are not persuaded by appellant's argument, even though we agree with appellant that window 44 and workspace 50 are not control options. At column 4, lines 46-53, Dazey discloses that the application is configured to provide help to a user during creation of the work and that the help

Appeal No. 2000-0772
Application No. 09/018,931

content may also include an electronic version of the operation manual that might accompany the software product. The electronic version of the operation manual would describe operation of all functions, including that of the Show Index button (control option). Accordingly, with respect to claim 1, when the Show Help control button 66 (help control) is activated, it references the Show Index (a control option) for obtaining help information about the Show Index.

In view of the above discussion, the rejection of claim 1 as anticipated by Dazey will be sustained.

The Rejection of Claims 2, 7-9,
11, 12, 14, 16, 19-21 and 23

In view of appellant's grouping of claims, noted above, and the fact that we will sustain the rejection of claim 1, we will also sustain the rejection of claims 2, 8, 9, 11, 12, 14, 16, 19-21 and 23 under 35 U.S.C. § 102(e) and the rejection of claim 7 under 35 U.S.C. § 103(a).

The Rejection under 35 U.S.C. § 102(e)
Claims 3-6, 13, 17 and 18

We will not sustain the rejection of claim 3. With respect to Dazey's disclosure concerning Figures 3-6, there is

Appeal No. 2000-0772
Application No. 09/018,931

simply no persuasive showing that Dazey teaches that the help control 66 is displayed in response to a detected status of a control option, e.g., Show Index button 90. We do not agree with the examiner's position that help pane 70 is a control option and, even if it could be so construed, the help control 66 is not displayed in response to a detected status of pane 70. Button 66 of Dazey is independently and continuously displayed.

Concerning claim 3 and Dazey's disclosure with respect to Figure 7, the Help control button in dialog/message box 100 is a help control that is displayed in response to a detected status of a control option, a print button. However, the Help control button is not displayed adjacent to a control option as required by claim 1, from which claim 3 depends, because "Print Error" in box 100 is an adjacent message, not an adjacent control option.

Whereas we will not sustain the rejection of claim 3, we will not sustain the rejection of claims 4-6 which depend therefrom. Since claim 17 is grouped with claim 6 and defines similar subject matter, we will not sustain the rejection of claim 17, or claim 18, which depends from claim 17. Since

Appeal No. 2000-0772
Application No. 09/018,931

claim 13 is grouped with claim 18 and defines similar subject matter, we will not sustain the rejection of claim 13.

The Rejection under 35 U.S.C. § 102(e)

Claims 10, 15 and 22

We will not sustain the rejection of these claims because Dazey simply has not been shown to teach that his help information displays instructions for enabling a control option in the event it is disabled and that the help information displays why the control option is noteworthy (cautionary) in the event the control option is enabled.

Summary

The rejection of claims 1, 2, 7-9, 11, 12, 14, 16, 19-21 and 23 is sustained.

The rejection of claims 3-6, 10, 13, 15, 17, 18 and 22 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

Appeal No. 2000-0772
Application No. 09/018,931

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