

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board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. 44

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ANNE E. HUDSON, JOHN G. FINDLAY  
and JONATHON P. WOLFE

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Appeal No. 2002-0042  
Application 08/211,971

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HEARD: JANUARY 14, 2003

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Before THOMAS, BARRY and LEVY, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 2-13, 20-23, 25-28 and 32-44.

Representative claim 34 is reproduced below:

34. A method of facilitating communications between a

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receiving data simultaneously and separately input from each and any of said data input devices in at least one computer

assimilating said data into a file stored within said at least one computer;

displaying said data by displaying said file as a common image on at least one display means simultaneously observable by each of said persons such that, when initially received, data input from each of said input devices is displayed in a corresponding one of a plurality of mutually exclusive display areas of said image associated with said one input device; and

manipulating said file to select specific data displayed in any one of said corresponding display areas to transfer said specific data for display in said common image in another display area.

The following reference is relied on by the examiner is:

Nakayama et al. (Nakayama) 5,280,583 Jan. 18, 1994

Claims 2-13, 20-23, 25-28 and 32-44 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nakayama.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and reply brief for appellants' positions, and to the final rejection and answer for the examiner's positions.<sup>1</sup>

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<sup>1</sup> The examiner's entry of the reply brief in Paper No. 41

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OPINION

We reverse.

As indicated at pages 5 and 6 of the principal brief on appeal, each independent claim 34, 38, 40 and 41 contains comparable features to the "displaying said data" clause of representative independent claim 34 on appeal reproduced earlier in this opinion.

Since we find ourselves in general agreement with respect to the positions set forth by appellants in the brief and reply brief, after our own consideration of the positions of the examiner and appellants and after a thorough study of Nakayama, we reproduce the following from pages 6-7 of the brief:

Thus, each of the independent claims recites the concept of a common image that is simultaneously observable by each of the users, and which includes a plurality of mutually exclusive, or dedicated, display areas that are respectively associated with the individual users' input devices, such as the work spaces 35 illustrated in Figures 7 and 8 of the application. The Nakayama et al. patent does not disclose, nor otherwise suggest, such a concept. While the patent discloses a common window A50, B50

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window does not include a plurality of mutually exclusive display area that are respectively associated with the users' input devices. Rather, it only discloses a shared area that is accessible by all users. There are no areas in this window that are dedicated to individual users. Each user has access to the entire area of the window.

The patent also discloses mutually exclusive windows that are associated with the respective users' input devices, e.g., A30 and B30. However, these windows do not form part of a *common* image that is simultaneously observable by *each* of the users. Rather, these windows are only observable by the individual users with whom they are associated. Hence, there can be no assurance that each of the participants would have access to, and benefit from, the input of the other participants, so that they can follow a common thought process.

In the final Office Action, the rejection of claims 34, 38 and 40 (and explicitly claim 41) contains a general reference to certain portions of the Nakayama et al. patent, and goes on to state that "data input from any of the input devices is displayed in a corresponding one of mutually exclusive display areas of the image." However, the rejection fails to address the fact that, in the claimed invention, the plurality of mutually exclusive display areas are components of a *common image* that is *simultaneously observable by each of said persons*. In the system of the Nakayama et al. patent the image which displays one of the mutually exclusive display areas, e.g., the image of Figure 2A which displays the window A30, is not a *common image*

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does not provide any explanations as to the manner in which the user input windows A30, B30 could be considered to form part of a common image that is observable by each of the users.

In response to the examiner's position in the answer relating to the feature of mutually exclusive display areas and the examiner's position therein that Nakayama can be interpreted to disclose display areas that are mutually exclusive, we agree with the following from pages 2 and 3 of the reply brief:

However, Appellants do not dispute the fact that the Nakayama et al patent can be interpreted to disclose mutually exclusive display areas. In fact, in their Brief, they explicitly acknowledged this fact. The second full paragraph on page 6 of the Brief states "The patent [Nakayama et al] also discloses mutually exclusive windows that are associated with the respective users' input devices, e.g., A30 and B30." The Brief goes on to point out, however, that these windows do not form part of a *common* image that is simultaneously observable by *each* of the users, as recited in the claims. The Answer fails to address this aspect of the invention that was identified by appellants as being one of its distinguishing features. Hence, the examiner still has not shown where the reference disclose every feature of the claimed invention, either explicitly or inherently, as required for a proper rejection of anticipation under 35 U.S.C. § 102. A showing that the reference discloses *some* of

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The paragraph in the Answer that deals with the first issue states that claims 41-44 "do not even recite the 'mutually exclusive' feature." While these claims do not contain the explicit term "mutually exclusive," they still recite the distinguishing feature of the invention that was argued by Appellants. For instance, claim 41 recites a method of facilitating structured communications between a plurality of persons. The method includes the step of using at least one computer "to form a *common image* on at least one display means *simultaneously observable by each of said persons....*" The claim further recites that "data input from anyone of said input devices is displayed in a *dedicated* display area of said common image *associated with said one input device.*" The Nakayama et al patent does not disclose such a dedicated display area that is associated with an input device and is observable by each of the plurality of persons in a common image. The common image that is viewable by all participants in the system of the Nakayama et al patent, namely the window A50, B50, does not include dedicated areas. Rather, the entire area of the window can be shared by all of the users.

It is thus apparent to us that the examiner has not fully come to grips with all of the limitations of each of the independent claims on appeal. Nakayama also does not teach within 35 U.S.C. § 102 all features required of each independent claim on appeal leading us to reverse the rejection of each of

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independent claims 34, 38, 40 and 41 and the rejection of their respective dependent claims. Therefore, the decision of the examiner rejecting claims 2-13, 20-23, 25-28 and 32-44 under 35 U.S.C. § 102 is reversed.

REVERSED

James D. Thomas	)	
Administrative Patent Judge	)	
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	)	
Lance Leonard Barry	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
	)	
	)	
Stuart S. Levy	)	
Administrative Patent Judge	)	