

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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD SCOTT SCHWERDTFEGER  
JAMES WINTHROP THATCHER and LAWRENCE FRANK WEISS

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Appeal No. 2002-0653  
Application No. 09/121,747

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ON BRIEF

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Before HAIRSTON, RUGGIERO, and DIXON, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 44.

The disclosed invention relates to an interactive display interface, and means for dynamically storing a database model of the data content of the display interface.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A computer controlled display system with an interactive display interface comprising:

means for dynamically storing a database model of the data content of said display interface,  
means in said database model for sensing displayed data content in said interface, and

means responsive to said sensing means for providing additional displayed information to said interface.

The references relied on by the examiner are:

McCaskill et al. (McCaskill)	4,481,603	Nov. 6, 1984
Kitahara et al. (Kitahara)	5,377,319	Dec. 27, 1994
Shaya et al. (Shaya)	5,447,164	Sept. 5, 1995
Bertram et al. (Bertram)	5,880,724	Mar. 9, 1999 (filed Mar. 7, 1997)
Steele	5,884,056	Mar. 16, 1999 (filed Dec. 28, 1995)
Bates et al. (Bates)	6,023,697	Feb. 8, 2000 (filed Feb. 24, 1998)

Claims 1, 9, 17, 25, 32 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shaya.

Claims 2 through 4, 10 through 12, 18 through 20, 26 and 36<sup>1</sup> stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaya in view of Kitahara.

Claims 5, 6, 13, 14, 21, 22, 27, 33 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaya in view of Kitahara in view of Bates.

Claims 7, 8, 15, 16, 23, 24, 28, 29, 34, 35, 41 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaya in view of Kitahara and Steele.

Claims 30, 37 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaya in view of McCaskill.

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<sup>1</sup> Appellants and the examiner agree that claim 36, as opposed to claim 35, stands rejected based upon the combined teachings of Shaya and Kitahara (paper number 15).

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Claims 31, 38 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaya in view Bertram.

Reference is made to the final rejection (paper number 5), the briefs (paper numbers 10 and 12) and the answer (paper number 16) for the respective positions of the appellants and the examiner.

### OPINION

We have carefully considered the entire record before us, and we will reverse all of the rejections of record.

Turning first to the anticipation rejection, the examiner contends (final rejection, page 3) that Shaya discloses “means for dynamically storing a database model of the data content of said display interface (See Shaya et al.’s col. 3, lines 34-37),” whereas appellants argue (brief, page 7) that:

. . . What the portions of the Shaya et al. reference cited by the Examiner disclose is an actual or real database, the contents of which may be accessed and displayed. However, Shaya et al. do not disclose a database model of the content of the display.

In mathematical as well as in computer terminology, the term model is understood to mean a representation or simulation of a real object. The present specification clearly uses the term model in a manner consistent with this definition. Thus, contrary to the Examiner’s arguments, in light of accepted definition of model in the art, the claims should not be interpreted broadly so that the term, database model will be read on all databases supporting displays.

We agree with appellants’ arguments supra and appellants’ arguments (reply brief, page 2) that “the database in Shaya et al. is a database storing medical patient data which may be accessed through the display interface . . . .” and “is not a database model of the content that makes up the

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display interface.” In fact, Shaya is completely silent as to a model/database model of any kind.

Thus, the anticipation rejection of claims 1, 9, 17, 25, 32 and 39 is reversed because Shaya does not disclose every limitation of the claimed invention. Glaxo Inc. v. Novopharm Ltd., 52 F.3d 1043, 1047, 34 USPQ2d 1565, 1567 (Fed. Cir. 1995).

The obviousness rejections of claims 2 through 8, 10 through 16, 18 through 24, 26 through 31, 33 through 38 and 40 through 44 are reversed because the teachings of Kitahara, Bates, Steele, McCaskill and Bertram do not cure the noted shortcoming in the teachings of Shaya.

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DECISION

The decision of the examiner rejecting claims 1, 9, 17, 25, 32 and 39 under 35 U.S.C. § 102(b) is reversed, and the decision of the examiner rejecting claims 2 through 8, 10 through 16, 18 through 24, 26 through 31, 33 through 38 and 40 through 44 under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
JOSEPH F. RUGGIERO	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

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