The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES LEE LENTZ

Appeal No. 2003-1882
Application No. 09/422,365

ON BRIEF

Before KRASS, GROSS, and BARRY, ***Administrative Patent Judges***.
GROSS, ***Administrative Patent Judge***.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 51, which are all of the claims pending in this application.

Appellant's invention relates to a method of performing task navigation. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for performing task navigation comprising the steps of:

(a) receiving a first control signal for initiating a task to be performed, which task comprises a sequence of a plurality of task steps;

(b) displaying a first plurality of controls representative of a first set of the plurality of task steps, wherein the first

plurality of controls represent a sequence of the first set of the plurality of task steps;

(c) receiving a second control signal selecting a first control of the first plurality of controls; and

(d) displaying a second plurality of controls representative of a second set of the plurality of task steps generated in response to the second control signal, wherein the second plurality of controls represents a sequence of the second set of the plurality of the task steps.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Blowers et al. (Blowers)	6,298,474	Oct. 02, 2001 (filed Apr. 30, 1999)

Claims 1 through 51 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Blowers.

Reference is made to the Examiner's Answer (Paper No. 12, mailed December 23, 2002) for the examiner's complete reasoning in support of the rejection, and to appellant's Brief (Paper No. 11, filed November 26, 2002) and Reply Brief (Paper No. 13, filed February 19, 2003) for the appellant's arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the anticipation rejection of claims 1 through 51.

In rejecting independent claims 1, 9, 20, and 29, the examiner (Answer, page 5) directs our attention to column 3, lines 18-23, of Blowers for the claimed first control signal. We agree that Blowers discloses in column 3, lines 18-23, a first set of control programs representing tasks. Further, Blowers discloses in column 3, lines 21-22, that the control programs define a first set of controls, which appellant recites in step (b) of claim 1 and step (c) of claims 9, 20, and 29. For the claimed "second control signal selecting a first control of the first plurality of controls" for claim 1, and "receiving information upon selection of a first control" for claims 9, 20, and 29, the examiner (Answer, pages 5 and 9) relies on a portion of the abstract and lines 15-45 of column 3. In particular, the examiner relies upon Blowers' disclosure in the above-noted portions of hardware operating parameters defining a second set of standard controls and receiving commands from a user to select a hardware operating parameter. The examiner states (Answer, pages 9-10) that "[i]t is clearly [sic] that 'receiving commands from a user to select desired hardware' is read as receiving the command to select a first control to receive the desired hardware."

Appellant contends (Brief, page 4) that Blowers fails to disclose receiving a second control signal selecting a first control. We agree. The examiner has read the claimed first

controls on Blowers' first set of controls and has read the claimed second controls on Blowers' second set of controls defined by the hardware operating parameters. Thus, receiving commands to select desired hardware at best could be considered receiving second control signals to select a ***second*** control, not to select a ***first*** control as is recited in claim 1. Further, as there is no selection of a first control disclosed in Blowers, there is no generation of second controls in response to information received from the selection of a first control, as is recited in claims 9, 20, and 29. Accordingly, the examiner has failed to establish a ***prima facie*** case of anticipation for independent claims 1, 9, 20, and 29, and their dependents, claims 2 through 8, 10 through 19, and 30 through 37.

Regarding independent claim 38, appellant asserts (Brief, pages 13-14) that Blowers fails to disclose the claimed "forward control operable for permitting a user to proceed through the sequence of task steps," "backward control operable for permitting a user to reverse through the sequence of task steps," "status for each of the task controls is determined," and "each of said task controls is operable based upon the status determined for the task control." The examiner states (Answer, page 7) that "claim 38 is analyzed as previously discuss [sic] with respect to claims 1 and 10," which do not recite any of the

same features recited in claim 38. Thus, the discussion of claims 1 and 10 does not point out where Blowers might disclose forward and backward controls and determining a status for each task control. In the response to arguments portion of the Answer, the examiner (Answer, page 14) points to column 9, lines 7-15 of Blowers. The examiner asserts that "[b]ecause Blowers teaches the navigation of the structure tree or hierarchical tree, it gives a user a chance to go back a previous step in the whole sequence of the task steps." However, we see nothing in Blowers that teaches or suggests the claimed forward and backward controls.

In addition, the examiner (Answer, page 15) contends that Blowers indicates in column 3, lines 16-45, and column 12, lines 34-48, "The Start/Stop (Online/Offline) status of the system is indicated through icon changes," and that this somehow suggests determining the status for each task control and each task control being operable based on the status determined. We disagree. The examiner has not made clear how the status of the system indicates the status for each task control. Accordingly, the examiner has failed to establish a ***prima facie*** case of anticipation for claim 38 and its dependents, claims 39 through 51.

CONCLUSION

The decision of the examiner rejecting claims 1 through 51 under 35 U.S.C. § 102(e) is reversed.

REVERSED

ERROL A. KRASS Administrative Patent Judge	)	
ANITA PELLMAN GROSS Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
LANCE LEONARD BARRY Administrative Patent Judge	)	

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