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for publication and is not binding precedent of the Board.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

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte JACK WASSOM, RENEE SCHAEFER
and CORY CHANDLER

Appeal No. 2004-2363
Application No. 09/224,211

ON BRIEF

Before ABRAMS, STAAB, and NASE, Administrative Patent Judges.

NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 7, 8, 35 and 36. Finally rejected claims 1, 2, 4 to 6, 9 to 19, 24 to 30, 32 to 34, 37 to 47 and 52 to 78 are pending but have not been appealed. Claims 3, 20 to 23, 31 and 48 to 51 have been canceled.

We AFFIRM.

BACKGROUND

The appellants' invention relates to customized user interfaces, for example, a graphical user interface (GUI) (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Okada et al. (Okada)	5,956,029	Sept. 21, 1999
Moody	5,966,533	Oct. 12, 1999

Claims 7, 8, 35 and 36 stand rejected under 35 U.S.C. § 103 as being unpatentable over Moody in view of Okada.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejection, we make reference to the answer (mailed March 9, 2004) for the examiner's complete reasoning in support of the rejection, and to the brief (filed January 16, 2004) and reply brief (filed May 10, 2004) for the appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants in the brief and reply brief and the examiner in the final rejection and answer. As a consequence of our review, we make the determinations which follow.

Claims 7 and 8[1] read as follows:

7. The method of claim 6, wherein changing a collection comprises adding a user interface control.

8. The method of claim 6, wherein changing a collection comprises removing a user interface control.

Moody's invention provides a software facility for dynamically synthesizing an application that is customized for the user of the application based on characteristics, or

[1] Parent claims 1 and 6 read as follows:

1. A method of regulating user interface controls, the method comprising:
receiving a user identity for a user;
accessing a maturity level for the user in a database based on the user identity;
automatically associating a grouping with the user identity by selecting a grouping from among a plurality of groupings based on the maturity level for the user; and
automatically providing a set of user interface controls corresponding to the identified grouping, the set of user interface controls including a toolbar.

6. The method of claim 1, wherein automatically providing the set of user interface controls comprises changing an existing collection of user interface controls.

"attributes," of the user in response to a request to execute the application. As an example, the context data for each user may be the user's age group and occupation. When a particular user requests to execute the application, the facility uses the requesting user's characteristics to determine which behaviors the application should exhibit for the requesting user. An example of such an application is a drawing program that allows the user to rearrange the contents of a drawing in various ways. For a user whose age group is "child," the facility preferably determines that the drawing application should exhibit a fun dragging behavior in which an object dragged from one location in the drawing to another is drawn with feet while it is being dragged. On the other hand, for a user whose occupation is "engineer," the facility preferably determines that the drawing application should exhibit a precise dragging behavior in which the dragged object may only be dragged to certain discrete points in the drawing. Behaviors may be defined by the designer of the application at any level of granularity that is appropriate for the application. When the facility determines which behaviors the application should exhibit based on the user's characteristics, it inserts code for performing these behaviors into the application. The facility then executes the application for the requesting user, which performs the behaviors determined to be appropriate for the requesting user.

Figure 6 of Moody is a table diagram showing the transformation of sample attribute data into category values, against which an atom server can evaluate conditions for atom resolutions. Figure 6 shows a category value table 640 containing category values against which the atom server evaluates conditions: an age group category having the value "child" for a user with context identifier "Billy" and the value "adult" for a user with context identifier "Sue," an occupation category having the value "electrical engineer" for the user with context identifier "Sue," and a season category having the value "summer" for all user contexts. The atom server generates the category values stored in the category value table from user attributes and other information using a category value query table 630. The category value query table specifies, for each category, how to generate the category's value for a context based on information from attribute tables and other sources of information. The category value query table specifies using user attribute information from a user attribute table 610 and date-type information from a time/date table 620 to generate category values. For example, in its first entry, the category value query table specifies that the age group category value "child" should be generated for contexts in which the age attribute is between 3 and 9. As such, because the age attribute value for Billy's context is "5," the value shown for the age group category for Billy's context in the category value table is "child." The user attribute information on which this determination is based may preferably be updated by the user or by others on the users behalf.

Okada's invention relates to a user interface conversion method and apparatus which can convert an application picture developed on the operating system (OS) of a computer having a graphical user interface (GUI) into various picture interfaces in accordance with different operation environments and different users and without changing an original application program, more particularly, to a user interface conversion method and apparatus which extract logic information about an original application picture and picture information, and generate converted pictures on the basis of the extracted information, thereby realizing efficient, easy generation of converted pictures. Okada's invention provides a user interface conversion method and apparatus which can present a converted picture interface to visually handicapped users and users of advanced age by using media other than visual media.

Okada's Figure 13 shows a scroll bar being replaced by up and down buttons. Figures 23A and 23B show displays with scroll bars, while Figures 24A and 24B show the displays obtained by replacing the scroll bars with up and down buttons.

The appellants argue (brief, pp. 4-6; reply brief, pp. 1-2) that Moody and Okada do not establish a case of obviousness because: (1) Moody fails to disclose changing an existing collection of controls by adding or removing a user interface control to the existing collection of user interface controls, as acknowledged by the examiner since the

examiner relies on Okada for such disclosure; (2) Okada merely converts the presentation format for several elements of a user interface, without adding or removing elements from the user interface; and (3) Okada fails to change an existing collection of user interface controls by adding or removing a user interface control to the existing collection of user interface controls.

The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. See In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991) and In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981).

In our view, the combined teachings of Moody and Okada would have made it obvious at the time the invention was made to a person of ordinary skill in the art to have modified the method and system of Moody to include either scroll bars or up and down buttons as suggested and taught by Okada based on the user's age group and occupation as taught by Moody. For example, adults would be provided with scroll bars and children would be provided with up and down buttons. While a scroll bar[2] does have functionality included in up and down buttons (i.e., , clicking on the arrows causes

[2] A scroll bar has arrows at either end, a gray or colored area in the middle, and a scroll box (or elevator) that moves from one end to the other to reflect your position in the document.

the document to scroll in the indicated direction), the scroll bar does have functionality not included in up and down buttons (e.g., one can quickly move to any part of a document by dragging the scroll box to the corresponding part of the scroll bar). Due to this difference in functionality, the removal of a scroll bar from the user interface and the addition of up and down buttons to the user interface as taught by Okada does result in Okada changing an existing collection of user interface controls by adding or removing a user interface control to the existing collection of user interface controls. Accordingly, the appellants argument does not persuade us the claims 7 and 8 are patentable under 35 U.S.C. § 103 over the combined teachings of Moody and Okada.

For the reasons set forth above, the decision of the examiner to reject claims 7 and 8 under 35 U.S.C. § 103 is affirmed.

In the brief (p. 4), the appellants grouped claims 7 and 35 together and grouped claims 8 and 36 together. Thereby, in accordance with 37 CFR § 1.192(c)(7), claim 35 falls with claim 7 and claim 36 falls with claim 8.

CONCLUSION

To summarize, the decision of the examiner to reject claims 7, 8, 35 and 36 under 35 U.S.C. § 103 is affirmed.

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

AFFIRMED

NEAL E. ABRAMS Administrative Patent Judge	)	
LAWRENCE J. STAAB Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JEFFREY V. NASE Administrative Patent Judge	)	

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