

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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

~~Ex parte~~ CHRISTOPHER THOMPSON,
BRIAN F. BEATON, CLIFFORD P. GROSSNER,
DOUGLAS E. LIVERSIDGE, ROMAN ROMANIUK,
COLIN D.R. SMITH, JAMES F. ZDRALEK,
JEAN J. BOUCHARD, STEPHANE F. FORTIER,
DENIS MERCIER and L. LLOYD WILLIAMS

Appeal No. 2005-2329
Application 09/738,293

ON BRIEF

Before THOMAS, RUGGIERO, and GROSS, ~~Administrative Patent Judges.~~

THOMAS, ~~Administrative Patent Judge.~~

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1-50, 53-58, 61 and 63-65.

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Representative claim 1 is reproduced below:

1. (Previously Amended) A distributed application for facilitating collaboration between geographically-dispersed members of a team, comprising:

a collaboration services suite adapted to establish a communications session between two or more members of the team over at least a Switched Telephone Network (STN) in response to a request from any one of the team members using dynamic presence and availability information respecting each team member; and

a team member interface adapted to display the dynamic presence and availability information to each member of the team, and to enable a team member to request initiation by the collaboration services suite of a communications session with at least one other team member over at least the Switched Telephone Network (STN).

The following references are relied on by the examiner:

Tang et al. (Tang)	5,793,365	Aug. 11, 1998
Klein et al. (Klein)	5,995,492	Nov. 30, 1999
Appellants' Prior Art	Specification	Page 32, lines 18-26

All claims on appeal stand rejected under 35 U.S.C. § 103. As evidence of obviousness as to claims 1-47, 49, 50, 53-58, 61 and 63-65, the examiner relies upon Tang in view of Klein, with the addition of

Appellants' admitted prior art, such as specification page 32, lines 18-26, as

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to claim 48.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief (no reply brief has been filed) for the appellants' positions, and to the answer for the examiner's positions.

OPINION

As embellished upon here, we sustain the rejections of all claims on appeal under 35 U.S.C. § 103 essentially for the reasons set forth by the examiner in the answer. As indicated at the bottom of page 3 of the brief, the "issues presented for review can be decided with reference to claims 1, 47, 48 and 63." Since the arguments presented in the brief focus only upon these claims, including independent claims 1 and 63, we do so likewise.

Turning first to the subject matter of independent claim 1 on appeal, the examiner asserts at page 4 of the answer that Tang teaches substantially all the subject matter of this claim recognizing at the same time, however, that this reference "does not clearly show in detail how each member of the team communicates over at least a Switched

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Telephone Network (STN).” Claim 1 recites a collaboration services unit that communicates over such a network. The team member interface is adapted to communicate between members by this collaboration services suite over the same STN. Thus, it is clear that the same network is utilized for both specifically recited communications. As such, we observe that the claimed STN is not claimed to be a Public Switched Telephone Network or PSTN.

Appellants’ comments at the bottom of page 7 of the brief recognize as the examiner does that Tang teaches essentially all of what is set forth in the subject matter of claim 1 on appeal, but begins to argue at page 8 that the reference does not teach that the support communications is over the STN. With this we strongly disagree as well as with the additional assertion there that Tang teaches away from utilizing such a network by only discussing the use of a PC network. Appellants also later at page 10 of the brief argue that there is no teaching or suggestion or motivation to combine the teachings of Tang and Klein. Again, we strongly disagree with this view.

Whatever types of networks are aptly characterized in the prior art

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associated with the claimed STN, Tang's discussion of the prior art at columns 2 and 3 clearly encompasses the use of Public Switch Telephone Networks since it indicates that telecommuting is known in the art, that networked computer systems were used in the prior art along with video teleconferencing, and the use of telephones associated with such video teleconferencing is discussed at column 2 as well as chat rooms at column 3. In fact Tang teaches that "an architecture supporting the present invention makes use of the existing communication facilities of the user's computer and network to integrate such facilities into the user interface mechanism providing access to other workgroup members." (Column 4, lines 23-28). As indicated by the examiner in the Responsive Arguments portion of the answer beginning at page 19, the discussion represented at column 11, lines 37-39 also characterizes the showing of the network 123 in Figure 10 as including prior art LAN, WAN, the Internet or the like by utilizing network interface 113 for each computer 101 and to be able to access remote servers, etc. In fact, as noted by the examiner, column 6, lines 47-59 specifically teach the use of telephones in Tang's system.

Based upon these more expansive teachings in Tang, we agree with

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the examiner's view expressed in the paragraph bridging pages 19 and 20 of the answer which we reproduce here in part:

Appellant has argued that Tang fails to teach or suggest that the system can support communications over a Switched Telephone Network (STN) as claimed. The Examiner strongly disagrees with the Appellant because Tang clearly teaches the usages of email, chat, Instant Messaging, audio/video conference, and also telephone use (e.g., col. 6, lines 47-59, col. 8, lines 8-14), and the system automatically switches to other available devices if the current application device is not available to that user (e.g., col. 14, lines 45-51), and each computer or device of the workgroup members must be connected to the network such as LAN, WAN, and the Internet to be able to communicate with others throughout the Network (e.g., col. 11, lines 5-57). Based on those strongly supported evidences as stated above, Tang clearly suggests the usage of telephone lines for connecting the users with the Network in the invention. It is also well known in the art that client computers are coupled to the Internet through computer's modems which connect to telephone lines, and the telephone lines must connect to Public Switch Telephone Network (PSTN) (including service switching point (SSP) or a virtual switching point) which provides access to Internet providers such as AOL, Netcom, Net zero, etc. via the telephone lines; therefore, the Examiner strongly agrees that Tang clearly teaches and suggests using telephone lines in the invention, and the Switch Telephone Network of Klein is just bringing more detail evidence showing the usage/connection between the telephone lines and the Network. It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to modify the communication system of Tang to provide an ultimate implementation when user can manually/ automatically control the switches to the telephones having the

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best received signals mentioned as the main invention of Klein (Klein, Abstract, col. 7, lines 34-46, and fig. 1); moreover, Klein clearly teaches the switch control features can be modified on a keypad of a telephone (virtual switches on a telephone, col. 17, line 64-col. 18 line 27) to switch/change and transfer of a conventional land-based telephone.

For its part, Klein clearly buttresses the teachings of prior art networks and telephone systems already discussed in Tang. Note the corresponding showings in Figures 1 and 10 of Klein and the corresponding discussion of Figure 1 at columns 4 and 5. These teachings here make known that prior art PBX and PABX telephone systems as well as standard analog/digital telephones and their corresponding analog/digital systems and networks may be utilized with which to embody the environment of use of Klein. Such clearly buttress the teachings of the prior art telephone networks already discussed in Tang, but also suggest to the artisan prior art types of digital networks including DSL as well as ISDN networks well known in the public telephone environment. Such are relied upon in part in the arguments of the examiner as to the rejection of dependent claim 48 such as the integrated services digital network capabilities recited there which the examiner has shown to be admitted by appellants to be a part of

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the prior art anyway.

In view of the foregoing, we are not persuaded by appellants' principal arguments in the brief as to the rejection of claim 1 that the applied prior art does not individually and collectively teach the use of switched telephone networks.

As to the separate arguments of dependent claims 47 and 48, appellants have not argued that the applied prior art does not teach or suggest the subject matter of intervening intermediate claims 42, 45, and 46 from which claim 47 depends in turn, and then that claim 48 in turn depends from claim 47. The examiner has made note of this dependency at pages 20 and 21 of the answer. The claimed service switching point in claim 47 has already been admitted by appellants at page 32 of the specification to be a part of the known public switched telephone network displayed for example in Figures 3 and 4 of the specification as filed. In fact, this page also indicates that the virtual switching point VSP 60 is also known to be a part of the CCS network also known to be in prior art telephone network capabilities. Additional pages of the specification also contain teachings of the nature of prior art telephone systems. To the

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same extent appellants may utilize brief mentions of what is known in the prior art, the examiner may also rely upon them as part of the statement of the rejection.

As to dependent claim 48, the examiner relied upon a teaching at the bottom of specification page 32 that the integrated services digital network is also part of the prior art switched telephone network systems. We indicated earlier that the teachings at the bottom of column 4 of Tang clearly teach the use of known digital telephones and digital switching networks, with which the artisan would clearly appreciate would have been embodied in prior art Integrated Services Digital Networks (ISDN) as well.

Lastly, we turn to the arguments at pages 16 and 17 of the brief regarding independent claim 63. In this claim the collaboration services suite is recited to utilize "a data network" as well as a separately recited "a switched telephone network." These separately recited networks are not stated to be a part of a public switched telephone network or PSTN, nor are they recited to be different networks. Our earlier discussion in this opinion clearly leads us to conclude that the subject matter of this claim would have been obvious to the artisan as well. Appellants recognize at

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the bottom of page 16 of the brief that Tang provides the multimedia network including video and audio capabilities to the extent they are recited in claim 63.

In view of the foregoing, the decision of the examiner rejecting all claims on appeal under 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv)(effective Sept. 13, 2003; 69 Fed. Reg. 49960 (Aug. 12, 2004); 1286 Off. Gaz. Pat., Office 21 (Sept. 7, 2004)).

AFFIRMED

James D. Thomas)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
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