

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

Appeal No. 2005-2651
Application No. 09/236,886

HEARD: DECEMBER 15, 2005

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

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claim 1.

Invention

Appellant's invention relates to a system for displaying information corresponding to a geographical location, comprising a display commanding means pre-assigned with a unique ID, an information displaying means for displaying information corresponding to a command received from the display commanding means, a first data storing means for storing map drawing element data for drawing a map, a second data storing means for storing a geographical location corresponding to contents which are displayed corresponding to the command received from the display commanding means and first attribute information in such a manner that the geographical location and the first attribute information are correlated with the ID, a map drawing commanding means, linked from the display commanding means, for searching the first data storing means so as to draw the map corresponding to the location searched from the second data storing means corresponding to the ID, wherein the map corresponding to a command received from the map drawing commanding means is displayed by the information displaying means.

Therefore, an object of the present invention is to provide an information displaying system that flexibly displays an advertisement and a message corresponding thereto so as to allow a user to be interested therein.

A first aspect of the present invention is an information displaying system for displaying information corresponding to a geographical location, comprising a display commanding means pre-assigned with a unique identification code, an information displaying means for displaying information corresponding to a command received from

the display commanding means, a first data storing means for storing map drawing element data for drawing a map, a second data storing means for storing a geographical location corresponding to contents with are displayed corresponding to the command received from the display commanding means and first attribute information in such a manner that the geographical location and the first attribute information are correlated with the ID, a map drawing commanding means, linked from the display commanding means, for searching the first data storing means so as to draw the map corresponding to the location searched from the second data storing means corresponding to the ID, wherein the map corresponding to a command received from the map drawing commanding means is displayed by the information displaying means.

Claim 1 is the only claim and is reproduced as follows:

An information displaying system including a server apparatus and an information displaying apparatus capable of accessing said server apparatus, for displaying information corresponding to a geographical location on said information displaying apparatus, comprising:

information displaying means;

display commanding means pre-assigned with a unique identification code for accepting a user's selecting operation and outputting a commanding signal to have said information displaying means display the information when the display commanding means is selected by the user's selecting operation;

first data storing means for storing map drawing element data corresponding to a geographic location;

second data storing means for storing said geographic location and for storing first attribute information so that said geographic location and said first attribute information correlate with said identification code, wherein said first attribute information is business related information corresponding to said identification code;

third data storing means for storing advertisement data and second attribute information corresponding to said advertisement data;

map drawing command means for accepting said commanding signal sent from said display commanding means, for searching a geographic location corresponding to said identification code pre-assigned to said information displaying means from said

second data storing means, searching said map drawing element data corresponding to said searched geographical location from said first data storing means, and controlling said information displaying means to draw map information using said searched map drawing element data; and

advertisement display commanding means for accepting said commanding signal sent from said display commanding means, searching an advertisement data from said third data storing means, and controlling the information displaying means to display advertisement information using said searched advertisement data, wherein

said advertisement display commanding means comprises:

a correspondence determination section for determining a correspondence relationship between said first attribute information and said second attribute information; and

an advertisement searching section for determining said second attribute information corresponding to said commanding signal sent from said display commanding means using said determined correspondence relationship, and searching said advertisement data using said determined second attribute information, and wherein

said information displaying means displays both said map information and said advertisement information at said same display screen, said map information and said advertisement information being generated by said map drawing commanding means and said advertisement display commanding means, respectively.

References

The reference relied on by the Examiner is as follows:

Dunworth et al. (Dunworth)	5,930,474	July 27, 1999
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Rejections At Issue

Claim 1 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 1 stands rejected under 35 U.S.C. § 103 as being obvious over Dunworth.

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Throughout our opinion, we make references to the Appellant's brief, and to the Examiner's Answer for the respective details thereof.¹

OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of the Appellant and the Examiner, for the reasons stated **infra**, we reverse the Examiner's rejection of claim 1 under 35 U.S.C. § 112; and we reverse the Examiner's rejection of claim 1 under 35 U.S.C. § 103.

Only those arguments actually made by Appellant have been considered in this decision. Arguments that Appellant could have made but chose not to make in the brief have not been considered. We deem such arguments to be waived by Appellant [see 37 CFR § 41.37(c)(1)(vii) effective September 13, 2004 replacing 37 CFR § 1.192(a)].

¹ Appellant filed an appeal brief on January 22, 2004. The Examiner mailed an Examiner's Answer on April 6, 2004.

I. Whether the Rejection of Claim 1 Under 35 U.S.C. § 112 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art, that the claim only contains subject matter that was described in the specification in such a way as to have reasonably conveyed to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Accordingly, we reverse.

With respect to dependent claim 1, the Examiner merely states “Examiner finds insufficient support in the specification for the claimed feature [correspondence determination section].” (answer at page 3) Appellant argues that the feature is taught at S13 in Figure 3, 13 in Figure 1, lines 15-18 of page 20, and the first full paragraph of page 15. The Examiner fails to address Appellant’s argument.

We have reviewed the specification and also find this feature in original claim 2 at lines 10-13 of page 41. Given the evidence pointed out in Appellant’s argument and our review of the specification, we find no basis for the rejection.

Therefore, we will not sustain the Examiner’s rejection under 35 U.S.C. § 112.

II. Whether the Rejection of Claim 1 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention as set forth in claim 1. Accordingly, we reverse.

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In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). **See also In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellant. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. “In reviewing the [E]xaminer’s decision on appeal, the Board must necessarily weigh all of the evidence and argument.” **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. “[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency’s conclusion.” **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

With respect to independent claim 1, Appellant argues at page 7 of the brief, that Dunworth fails to show or suggest an advertisement being displayed as claimed, and fails to show or suggest finding a correspondence between first and second attribute information.

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We agree with the Examiner that Dunworth is directed to the same result as the claimed invention and that Dunworth teaches much of the claimed system. Also, we find Appellant's argument as to advertisement information being displayed to be unpersuasive, as the type of information being displayed does not serve to distinguish over the system of Dunworth that displays text information (yellow pages data, or topical data).

However, we do agree with Appellant that Dunworth fails to show or suggest finding a correspondence between first and second attribute information. The Examiner at pages 7-8 of the answer points to columns 9-10 to teach determining correspondence based on first and second attribute information. We have reviewed the Dunworth reference and do not find correspondence based on first and second attribute information as argued by the Examiner.

Therefore, we will not sustain the Examiner's rejection under 35 U.S.C. § 103.

Conclusion

In view of the foregoing discussion, we have not sustained the rejection under 35 U.S.C. § 112 of claim 1; and we have not sustained the rejection under 35 U.S.C. § 103 of claim 1.

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REVERSED

KENNETH W. HAIRSTON
Administrative Patent Judge

JOSEPH L. DIXON
Administrative Patent Judge

ALLEN R. MACDONALD
Administrative Patent Judge

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