

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 TAKAMOTO IMATAKI

Appeal 2006-2703
Application 09/961,734
Technology Center 2100

Decided: February 27, 2007

Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO, and
JOSEPH L. DIXON, *Administrative Patent Judges*.

RUGGIERO, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 1-7, the only claims pending in this application. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 134.

INTRODUCTION

The claims are directed to the creation of a processing program for an object which constitutes a graphical user interface (GUI). The source code for the processing program is developed independent of the GUI, and the GUI components, including the arrangement of various objects, are selected by a user independent of the processing program source code. After the GUI components are selected and the processing program is created, a variable and a method in the processing program and the GUI components are related. Based on the relation between the variable and method and the various objects constituting the GUI components, another program is automatically generated which relates the processing program with the objects. According to Appellant (Specification, 7), the invention permits the same source code to be used for different GUIs since the source code does not reference a particular GUI.

Claim 1 is illustrative:

1. A creation supporting apparatus of a graphical user interface program comprising:

processing program creating means for creating a processing program for an individual object constituting a graphical user interface;

screen layout creating means for creating a screen layout of said graphical user interface by arranging various objects;

relating means for relating a variable and a method in said processing program, with the objects arranged in said screen layout; and

program generating means for automatically generating, based on the relation between said variable and method, and the objects, another program in which said processing program is related with the objects.

The Examiner relies on the following prior art reference to show unpatentability:

Ikemoto US 5,969,717 Oct. 19, 1999

The rejection as presented by the Examiner is as follows:

Claims 1-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ikemoto.

Rather than reiterate the arguments of Appellant and the Examiner, reference is made to the Briefs¹ and Answer for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner, and the evidence of anticipation relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellant's arguments set forth in the Briefs along with the Examiner's rationale in support of the rejections and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the Ikemoto reference does not fully meet the invention as set forth in claims 1-7. Accordingly, we reverse.

Initially, we note that anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure

¹ The Appeal Brief was filed October 24, 2005. In response to the Examiner's Answer mailed January 11, 2006, a Reply Brief was filed March 13, 2006, which was acknowledged and entered by the Examiner as indicated in the communication dated April 18, 2006.

which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983).

With respect to the appealed independent claims 1, 6, and 7, the Examiner attempts to read the various limitations on the disclosure of Ikemoto. In particular, the Examiner (Answer, 3-4) points to the illustration in Figure 3 of Ikemoto as well as various portions of the disclosure at columns 3, 6, 9, 10, 11, 12, 13, and 19 of Ikemoto.

Appellant's arguments in response assert that the Examiner has not shown how each of the claimed features is present in the disclosure of Ikemoto so as to establish a prima facie case of anticipation. In particular, Appellant contends (Br. 9-11, 15; Reply Br. 4-8) that, in contrast to the claimed invention, Ikemoto does not provide a disclosure of a relating function or process which relates a variable and a method in a processing program. In addition, Appellant asserts (id.) that Ikemoto fails to disclose the automatic generation of a program which automatically generates a program in which the processing program is related with the GUI objects based on the relation between the variable and the method of the processing program.

After reviewing the Ikemoto reference in light of the arguments of record, we are in general agreement with Appellant's position as stated in the Briefs. While we do agree with the Examiner (Answer, 5) that there is no claim language which requires that the claimed processing program be created independently of GUI components as argued by Appellant, we do

not find any support for the Examiner's position that Ikemoto discloses the creation of a processing program for the GUI objects as claimed.

As asserted by Appellants, we find no disclosure in Ikemoto which would satisfy the feature of "relating a variable and a method" of a processing program, let alone the claimed feature of automatically generating a program based on the relation of a variable and a method of a processing program, features which appears in each of the appealed independent claims 1, 6, and 7. In our view, to whatever extent the layout processing unit of Ikemoto may be considered to generate a processing program, as asserted by the Examiner, any such processing program has little relationship to the claimed relating of a variable and a method in such processing program to objects on a GUI screen layout as claimed.

We recognize that the Examiner, at page 5 of the Answer, has added additional citations from Ikemoto as purportedly providing a disclosure of the claimed processing program variable and method relating feature. We simply can find no basis on the record before us, however, for the Examiner interpreting the claim language in the manner suggested in the Answer. In our view, the Examiner's interpretation could only be reached by pointedly ignoring the precise language of the claims on appeal, i.e., effectively and improperly reading out the language "a variable and a method" from the claims. Our reviewing courts have held that, in assessing patentability of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 984, 180 USPQ 580, 582 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Appeal 2006-2703
Application 09/961,734

In view of the above discussion, since all of the claim limitations are not present in the disclosure of Ikemoto, we do not sustain the Examiner's 35 U.S.C. § 102(e) rejection of independent claims 1, 6, and 7, nor of claims 2-5 dependent on claim 1.

CONCLUSION

In summary, we have not sustained the Examiner's 35 U.S.C. § 102(e) rejection of any of the claims on appeal. Therefore, the decision of the Examiner rejecting claims 1-7 is reversed.

REVERSED

PGC/ce

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