

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 ERIC J. HORVITZ

Appeal 2007-0149
Application 09/881,502
Technology Center 2100

Decided: March 7, 2007

Before JAMES D. THOMAS, MAHSHID D. SAADAT, and
JEAN R. HOMERE, *Administrative Patent Judges*.
SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-20, which are all of the claims pending in this application.

We affirm.

BACKGROUND

Appellant's invention is directed to a system and method for reducing the disruption costs associated with notifying a user of messages and/or alerts. According to Appellant, a user may be notified presently based on the likely available states of the user or the notification can be deferred until a more convenient time for the user (Specification 7). An understanding of the invention can be derived from a reading of exemplary independent claim 1, which is reproduced as follows:

1. A notification system, comprising:
 - a monitor that monitors likely available states of an entity; and
 - a bounding system that classifies a notification to the entity according to a predefined protocol and the likely available states, the bounding system facilitating deferral of the notification based at least in part on the notification classification.

The Examiner relies on the following reference in rejecting the claims:

Aravamudan	US 6,301,609	Oct. 9, 2001
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Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Aravamudan.

Rather than reiterate the opposing arguments, reference is made to the briefs and answer for the respective positions of Appellant and the

Examiner. Only those arguments actually made by Appellant have been considered in this decision. Arguments which Appellant could have made but chose not to make in the brief have not been considered (37 CFR § 41.37(c)(1)(vii)).

OPINION

Appellant argues that Aravamudan relates to use of instant messaging wherein communications from a low priority buddy are directed to the user's proxy, whether the user is online or offline (Br. 5). Appellant concludes that instead of facilitating deferral of the notification, low priority communications are redirected to a proxy that is always available (*id.*). The Examiner's response to Appellant's argument is focused on whether determining the classification of a message in Aravamudan is the same as the claimed notification classification which controls deferral of the notification (Answer 7). Thus, the question before this panel is whether Aravamudan's handling of notification is deferral or redirection of the notification.

A rejection for anticipation requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. *See Atlas Powder*

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Co. v. IRECO, Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Reviewing Aravamudan shows that the portions of the reference relied on by the Examiner does disclose determination of the importance of communications received by the user based on set rules or personalized criteria (col. 8, ll. 32-43). We note Appellant's admission that this portion of the reference teaches classifying notifications (Reply Br. 2). However, Appellant maintains that the classified messages are communicated directly to a user by Communication Services Platform (CSP) when the user is online or directly to a user's proxy when the user is offline (Reply Br. 2-3). The Examiner's response (Answer 7) further points to alternative disposition of important events based on rules established by the user (Aravamudan, col. 9, ll. 35-40).

While we agree with Appellant's assessment of the user's proxy as an alternative recipient of the messages when the user is offline (Aravamudan, col. 8, ll. 56-60), we find that, as pointed out by the Examiner (Answer 7), the user may establish alternate rules for disposing important event. Aravamudan describes an example of such alternate disposition which allows the CSP to hold important events in abeyance as a pending event until

the user is once again registered as online (col. 9, ll. 3-9). The pending events are further checked upon receiving notification of the user's online status (col. 7, ll. 21-26).

Therefore, although the messages, instead of deferral, may be redirected to the user's proxy when the user is offline, Aravamudan provides for alternate rules that would direct the CSP to hold the important events in abeyance or defer them to another time when the user is online again. Based on our findings above, we agree with the Examiner that Aravamudan teaches the recited features and prima facie anticipates the claimed subject matter in the independent claim 1 and dependent claims 2-20, argued together with their base claim. Accordingly, the 35 U.S.C. § 102 rejection of claims 1-20 is sustained.

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CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1-20 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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