The opinion in support of the decision being entered today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN EDWARD CHURCHILL, RICK NADLER,
and CHARLES JAZDZEWSKI

Appeal 2007-0191
Application 09/906,401
Technology Center 2100

Decided: July 27, 2007

Before JOSEPH L. DIXON, HOWARD B. BLANKENSHIP,
and MAHSHID D. SAADAT, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Applicants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1-14, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants' invention relates to improvements in data module design for use in object oriented environments by hierarchically arranging a series of components of a data module in a parentage view of a window on a display (Specification 2). A user is enabled to drag one or more components into a new position within the hierarchy which causes the relationship data among the components to be automatically rearranged once the components are dropped into their new positions (*id.*). Claim 1 is representative of the claimed subject mater and reads as follows:

> 1. A method for designing a data module, comprising the steps of:
>
> (a) presenting each of a series of components of a data module in a parentage view presented within a window on a display, said parentage view being hierarchically arranged, with each component occupying a respective position in said hierarchy;
>
> (b) enabling one or more of said components in the parentage view to be dragged by a user into a new positions within the hierarchy; and
>
> (c) rearranging automatically the relationship data among said components in the data module once dropped into the new position in the hierarchy.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Grau	US 5,910,803	Jun. 8, 1999
Quartetti	US 6,606,105 B1	Aug. 12, 2003 (filed Dec. 22, 1999)
Janes	US 6,642,946 B1	Nov. 4, 2003 (filed Aug. 12, 1999)

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Janes and Quartetti.

Claims 8-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Janes, Quartetti, and Grau.

Rather than reiterate the opposing arguments, reference is made to the Brief and Answer for the respective positions of Appellants and the Examiner.

We affirm.

THE ISSUE

The issue is whether Appellants have shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 103(a). Appellants focus on the components displayed by Janes and Quartetti and allege that such components are pieces of data or information that are displayed and not components of a data module as claimed (Br. 6). The issue turns on whether the combination of Quartetti with Janes teaches or suggests the claimed subject matter.

FINDINGS OF FACT

The following findings of fact (FF) are believed to be supported by a preponderance of the evidence.

1. Claim 1 requires hierarchically displaying components of a data module such that one or more of the components may be dragged by a user into a new position within the hierarchy and dropped into a new position within the hierarchy. The claim further requires that the relationship data

among the components in the data module be changed once the component is dropped into its new position.

2. Appellants' Specification describes the "data module" as:

> "... a special type of form that contain non-visual components, and are a convenient organizational tool because they can be used to isolate parts of an application that handle database connectivity and business rules."
> (Specification 1: 30 through 2: 2).

3. As conceded by Appellants (Br. 4), Janes relates to an interactive graphical user interface that provides the user different views or data summaries as well as allowing the user to easily change the data to reflect completed business transactions and to enter new data (col. 2, ll. 10-16).

4. Janes further discloses that the user may also enter a business transaction by drag and drop methods while the graphical user interface allows the user to set and change any number of criteria for displaying and summarizing the data (col. 2, ll. 48-54).

5. Janes describes that application control modules process the user input (col. 11, ll. 22-25) wherein upon a drag and drop action by the user, the data in the database is modified appropriately to reflect the completion of the transaction (col. 11, ll. 56-65).

6. Quartetti is directed to a method for organizing display files, such as art work, in a layers palette organization (col. 2, ll. 42-50) wherein the user can move layers, groups, or objects in the stacking order by dragging and dropping them to other positions in the layers palette hierarchy (col. 5, ll. 1-9).

PRINCIPLES OF LAW

1. Scope of Claim

The claim construction analysis begins with the words of the claim. *See Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582, 39 USPQ2d 1573, 1576 (Fed. Cir. 1996). Absent an express intent to impart a novel meaning to a claim term, the words take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art. *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298, 67 USPQ2d 1132, 1135-36 (Fed. Cir. 2003). The presumption will be overcome where the patentee, acting as his own lexicographer, has set forth a definition for the term different from its ordinary and customary meaning or where the patentee has disavowed or disclaimed scope of coverage, by using words or expressions of manifest exclusion or restriction, representing a clear disavowal of claim scope. *Brookhill-Wilk*, 334 F.3d at 1299. Our reviewing court has established that the words in claims should be defined as they are disclosed in the specification before resorting to their dictionary definitions, *Phillips v. AWH Industries*, 415 F.3d 1303, 1326, 75 UAPQ2d 1321, 1335 (Fed. Cir. 2005) (*en banc*).

2. Obviousness

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 Kahn*, 441 F.3d 977, 987-988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), *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).

Moreover, in evaluating such references it is proper to take into account not only the specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. *In re Preda*, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

In identifying a reason that would have prompted a person of ordinary skill in the relevant field to combine the prior art teachings, the Examiner must show some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007).

ANALYSIS

Appellants' arguments are predicated on the alleged distinction between the components in Janes and the claimed components of a data module (Br. 6). In that regard, we agree with the Examiner (Answer 7) that given the broadest reasonable interpretation to claimed "method for designing a data module," the claim merely requires presenting the components in a hierarchically arranged parentage view on a display and enabling the user to drag and drop each component into a new position in the hierarchy. In fact, the graphical presentation of the components of a data module requires the same elements needed for graphical presentation of any components in a hierarchically arranged parentage view. Specifically, the claim does not recite any function other than displaying the elements, dragging and dropping one or more element into a new position, and rearranging the relationship data among the displayed elements once the element is dropped.

Therefore, we remain unconvinced by Appellants' arguments that the claimed visual presentation of a series of components of a data module requires anything more than presenting other types of components and "manipulation of such displayed data" (Br. 6). Janes discloses such arrangement for both data and business transactions (FF 3 & 4), wherein a drag and drop action by the user rearranges the database and the relational data to reflect the completion of the transaction (FF 5). In other words, one of ordinary skill in the art would have used the techniques taught by Janes and Quartetti for presenting the claimed modules in a hierarchically arranged display wherein a user may drag and drop a component into a new position in the hierarchy and cause the data relationship among the components be rearranged.

On the record before us, it follows that in this case Appellants have not shown that the Examiner erred in rejecting Claim 1 under § 103(a). With regard to the remaining claims, since Appellants focus their arguments on the patentability of claim 1 and present no new arguments in addition to the arguments submitted for their base claim, claims 2-14 fall with claim 1.

CONCLUSION OF LAW

On the record before us, Appellants have failed to show that the Examiner has erred in rejecting the claims or the rejection is not supported by a legally sufficient basis for holding that the combined teachings of the references would have suggested to the skilled artisan all of the recited method steps. Therefore, we sustain the 35 U.S.C. § 103 rejection of claims

1-7 over Janes and Quartetti, and of claims 8-14 over Janes, Quartetti, and Grau.

DECISION

The decision of the Examiner rejecting claims 1-14 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 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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