

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* LINN JAMES KROPF, BRETT GREEN, and  
KRAM HENRY ALLEN

---

Appeal 2007-1571  
Application 10/198,335  
Technology Center 2100

---

Decided: August 15, 2007

---

Before LEE E. BARRETT, JOSEPH F. RUGGIERO, and SCOTT R. BOALICK, *Administrative Patent Judges*.

RUGGIERO, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Final Rejection of claims 1-38. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellants' claimed invention relates to electrical device user interface customization providing for the reconfiguration of an existing arrangement of a particular user interface to the electrical device. The customized device user interface incorporates changes in a particular interface layout in accordance with a plurality of selections made by a user. Implementation of a selected device interface is facilitated providing a customized interface to a user when accessing the interface via a browser. (Specification 11-13).

Claim 1 is illustrative of the invention and it reads as follows:

1. A method for facilitating customization of an electrical device user interface, comprising:

receiving a device interface selection for reconfiguring an existing arrangement of a particular user interface to the electrical device; and

facilitating implementation of the selection such that a customized electrical device user interface is presented to a user when accessing the interface via a browser executing on a separate electrical device.

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

Van Oostenbrugge	US 2002/0054086 A1	May 9, 2002
Prichard	US 2003/0025732 A1	Feb. 6, 2003 (filed Jul. 31, 2001)
Allor	US 2003/0222904 A1	Dec. 4, 2003 (filed May 30, 2002)

Claims 10, 13-16, 18, 20, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Prichard. Claims 1-9, 11, 12, 17, 19, 21, 22, and 24-38 stand rejected under 35 U.S.C. § 103(a). As evidence of obviousness, the Examiner offers Prichard in view of Allor with respect to

claims 1-4, 6-9, 11, 17, 21, 22 and 26-38, and adds Van Oostenbrugge to the basic combination with respect to claims 5, 12, 19, 24, and 25.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Briefs and Answer for the respective details. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the Briefs have not been considered and are deemed to be waived [*see* 37 C.F.R. § 41.37(c)(1)(vii)].

## ISSUES

- (i) Under 35 U.S.C § 102(e), does Prichard have a disclosure which anticipates the invention set forth in claims 10, 13-16, 18, 20, and 23?
- (ii) Under 35 U.S.C § 103(a), with respect to appealed claims 1-4, 6-9, 11, 17, 21, 22 and 26-38, would one of ordinary skill in the art at the time of the invention have found it obvious to combine Prichard with Allor to render the claimed invention unpatentable?
- (iii) Under 35 U.S.C § 103(a), with respect to appealed claims 5, 12, 19, 24, and 25 would the ordinarily skilled artisan have found it obvious to modify the combination of Prichard and Allor by adding Van Oostenbrugge to render the claimed invention unpatentable?

## PRINCIPLES OF LAW

### 1. ANTICIPATION

It is axiomatic that anticipation of a claim under § 102 can be found if the prior art reference discloses every element of the claim. *See In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and *Lindemann*

*Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984).

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375-76, 77 USPQ2d 1321, 1325-26 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992). Anticipation of a patent claim requires a finding that the claim at issue “reads on” a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed Cir. 1999) (“In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.”) (internal citations omitted).

## 2. OBVIOUSNESS

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. See *In re Fine*, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966). “[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). Furthermore, “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of

obviousness’ . . . [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)(quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)).

## ANALYSIS

### 35 U.S.C. § 102(e) REJECTION

With respect to the 35 U.S.C. § 102(e) rejection of independent claims 10, 16, and 20 based on the teachings of Prichard, the Examiner indicates (Answer 3-4) how the various limitations are read on the disclosure of Prichard. In particular, the Examiner directs attention to the illustrations in Figures 3 and 8 of Prichard, as well as the disclosure at paragraphs [0019], [0040], [0041], and [0047] of Prichard.

Appellants’ arguments in response assert that the Examiner has not shown how each of the claimed features is present in the disclosure of Prichard so as to establish a *prima facie* case of anticipation. Appellant’s arguments (Br. 9-10; Reply Br. 2-3) focus on the contention that, in contrast to the language of claims 10, 16, and 20 which requires that a particular interface “layout” be changed, Prichard only discloses that content of an interface can be changed. In support of their position, Appellants direct attention to the illustration in Prichard’s Figure 8 which, in their view, only discloses input boxes enabling a user to change interface content information such as the formatting of date and time information.

Our review of the disclosure of Prichard, however, finds ample evidence to support the Examiner’s position. While Prichard’s Figure 8 “screen shot” of the HTML editor arguably shows the editing of interface content format, such as date and time formatting, as argued by Appellants, it is apparent to us that the disclosure of Prichard is not limited to the formatting of interface content information but, rather, also provides for the editing of the layout or arrangement of the interface content information.

For example, Prichard discloses in paragraph [0016], lines 11-13, that the XML text files define “data format, relative location on the screen, presentation format, and application data identifier(s) for each display field.” (Emphasis added). Further, at lines 6-9 of paragraph [0032], Prichard discloses that the user interface definition files 12 “comprise general screen layout text files written in HTML format ....” (Emphasis added). Prichard also discloses at lines 25-27 of paragraph [0032] the use of web scripting software enabling a user to dynamically change or edit files by interacting with the displayed graphical user interface. Further evidence in support of the Examiner’s position appears in the description in Prichard’s paragraph [0047] of the remote service center embodiment in which a service technician can edit interface data such as screen layout information.

We further find to be unpersuasive Appellants’ contention (Br. 10) that Prichard does not disclose the editing of a “particular” interface layout since, according to Appellants, Prichard is limited at best to adding new files with a new layout. We agree with the Examiner (Answer 15), however, that Prichard provides a disclosure (paragraphs [0032], [0033], and [0047]) of selecting and editing existing interface screen layout definition files.

In view of the above discussion, since all of the claimed limitations are present in the disclosure of Prichard, the Examiner's 35 U.S.C. § 102(e) rejection of independent claims 10, 16, and 20, as well as dependent claims 13-15, 18, and 23 not separately argued by Appellants, is sustained.

### 35 U.S.C. § 103(a) REJECTION

With respect to the Examiner's obviousness rejection of independent claims 1 and 34 based on the combination of Prichard and Allor, Appellants' arguments in response assert a failure to set forth a prima facie case of obviousness since all of the claim limitations have not been taught or suggested by the applied Prichard and Allor references. After careful review of the disclosures of Prichard and Allor in light of the arguments of record, however, we do not find Appellants' arguments to be persuasive.

Appellant's arguments (Br. 14, 15, 17, 18; Reply Br. 3) do not attack the Examiner's proposed combination of Prichard and Allor but, rather, focus on the alleged deficiency of the Allor reference in disclosing the reconfiguration of an existing arrangement of a particular user interface as claimed. According to Appellants, Allor provides for a change of an existing interface layout by selecting a new "skin," but has no provision for changing the layout of an existing particular "skin."

Our interpretation of the disclosure of Allor, however, coincides with that of the Examiner (Answer 6-9), i.e., a disclosure of the reconfiguration of an existing interface is provided. As disclosed by Allor at paragraph [0004], an existing graphical user interface can be changed "on-the-fly" providing a different look and feel to the user. This change is implemented by combining a "content" document with a "style" document which changes the

way information is displayed to a user. (Allor, paragraph [0022]). As disclosed by Allor (paragraph [0051]), the “style” document specifies the layout of each display window. We also make the observation that, although the Examiner has applied Allor to address the existing interface reconfiguration feature of independent claims 1 and 34, we find, from our earlier discussion of Prichard, that this feature is also present in the disclosure of Prichard.

For the above reasons, since it is our opinion that the Examiner’s *prima facie* case of obviousness has not been overcome by any convincing arguments from Appellants, the Examiner’s 35 U.S.C. § 103(a) rejection, based on the combination of Prichard and Allor, of independent claims 1 and 34, as well as dependent claims 2-4, 6-9, 11, 17, 21, 22, 35, and 36 not separately argued by Appellants, is sustained.

Turning to a consideration of the Examiner’s 35 U.S.C. § 103(a) rejection of independent claims 26, 32, and 37 based on the combination of Prichard and Allor, we also sustain this rejection as well as the rejection of dependent claims 27-31, 33, and 38 not separately argued by Appellants. We find no error in the Examiner’s finding (Answer 9-10) that the use of replacement style sheets for reconfiguring existing interface layouts as taught by Allor (e.g., paragraphs [0021] and [0051]) would serve as an obvious enhancement to the graphical interface editing system disclosure of Prichard.

Lastly, we also sustain the Examiner’s obviousness rejection of dependent claims 5, 12, 19, 24, and 25 in which the Van Oostenbrugge reference is applied to the combination of Prichard and Allor to address the “skin” location identification features of these claims. Appellants have

Appeal 2007-1571  
Application 10/198,335

made no separate arguments with respect to the patentability of the claims but, instead, rely on arguments made with respect to independent claims 1, 10, 16, and 20, which arguments we found to be unpersuasive for all of the reasons discussed *supra*.

## CONCLUSION

In summary, we have sustained the Examiner's rejections of all the claims on appeal. Therefore, the decision of the Examiner rejecting claims 1-38 is affirmed.

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 September 13, 2004).

AFFIRMED

pgc

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins CO 80527-2400