

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GLENN ANDREW EXTON, ASHLEY COOK,  
DANIEL SLUSAREK, EMMANUEL KARAMINAS,  
STEVEN WILLIAM PICKSTONE, STUART MCDONALD,  
and JEAN HERMAN EMMANUEL

Appeal 2008-1821  
Application 10/273,736<sup>1</sup>  
Technology Center 2100

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Decided: November 13, 2008

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Before LANCE LEONARD BARRY, JEAN R. HOMERE, and CAROLYN D. THOMAS, *Administrative Patent Judges*.

HOMERE, Administrative Patent Judge.

DECISION ON APPEAL

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<sup>1</sup> Filed on October 18, 2002. The real party in interest is Hewlett Packard Development Co, L.P.

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## I. STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 through 8. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

### *Appellants' Invention*

Appellants invented a method and system for customizing the computing environment of a user computer according to predefined functional profiles of the user. (Spec. 1.) As depicted in Figure 3, each stored functional profile of the user includes a layout appearance and at least an icon associated with an application. Upon selecting a desired user functional profile in the computing device, a desired application within the selected profile can be activated. (*Id.* 8-10).

### *Illustrative Claim*

Independent claim 1 further illustrates the invention. It reads as follows:

1. A method of enhancing the functionality of a computing device, the method comprising:

(a) defining a plurality of functional profiles for a user in the computing device, each functional profile having:

(i) a layout appearance; and

(ii) one or more indicators associated with applications;

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- (b) storing the functional profiles;
- (c) activating one of the functional profiles of the user in the computing device using either:
  - (i) a functional profile selector; or
  - (ii) external triggering communications;
- and
- (d) activating an application by selecting one of the indicators from those displayed in the layout appearance for the activated functional profile.

*Prior Art Relied Upon*

The Examiner relies on the following prior art as evidence of unpatentability:

Coiera	US 5,949,866	Sep. 7, 1999
Obradovich	US 2002/0013815 A1	Jan. 31, 2002
Hartman	US 2003/0140120 A1	Jul. 24, 2003

(filed Dec. 1, 2000)

*Rejections on Appeal*

The Examiner rejects the claims on appeal as follows:

1. Claims 1 through 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Coiera.
2. Claims 1 through 3 and 5 through 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Obradovich.

3. Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Obradovich and Hartman

*Appellants' Contentions*

1. Appellants argue that Coiera does not teach the limitations of (1) defining a plurality of functional profiles for a user in a computing device, and (2) activating one of the functional profiles in the computing device, as recited in independent claim 1. (App. Br. 5-7, Reply Br. 4-6.) Particularly, Appellants argue that Coiera discloses a plurality of functional profiles, role identifiers, and associated layouts for team specialists (subscribers). However, Appellants argue that these pre-defined functional roles and layout appearances are not associated with the user (the nurse). Therefore, Appellants submit that Coiera does not teach the cited limitations. (*Id.*)

2. Appellants argue that Obradovich does not teach the limitations of (1) defining a plurality of functional profiles for a user in a computing device, each profile having a layout appearance and an indicator associated with applications, and (2) activating one of the functional profiles in the computing device, as recited in independent claim 1. (App. Br. 8-12, Reply Br. 6-9.) Particularly, Appellants argue that Obradovich discloses defining on a server a plurality of categories of information for a user, and subsequently allowing the user to download any of the categories on a portable computing device (PCD). However, Appellants argue that these downloaded categories do not have any indicators, and they are not activated

on the same computer (i.e., the server). Therefore, Appellants submit that Obradovich does not teach the cited limitations. (*Id.*)

*Examiner's Findings*

1. The Examiner finds that Coiera's disclosure of defining functional roles and associated role identifiers for the team members to allow a nurse using a terminal to quickly summon specialists in a desired team teaches the claimed limitations. (Ans. 9-10.) Therefore, the Examiner concludes that Coiera anticipates independent claim 1. (*Id.*)

2. The Examiner finds that Obradovich's disclosure of defining on a server a plurality of functional profiles for a user that are downloaded onto the user's PCD upon request teaches the claimed limitations. (Ans. 11.) Therefore, the Examiner concludes that Obradovich anticipates independent claim 1. (*Id.*)

II. Issues

1. The first issue before us is whether Appellants have shown that the Examiner erred in finding that Coiera's disclosure teaches defining a plurality of functional profiles for a user in a computing device, and activating one of the functional profiles in the computing device, as recited in independent claim 1. We answer this inquiry in the negative.

2. The second issue before us is whether Appellants have shown that the Examiner erred in finding that Obradovich's disclosure teaches

defining in a computer a user profile having a layout appearance and an indicator associated with an application, and activating one of the functional profiles in the same computer, as recited in independent claim 1. We answer this inquiry in the negative.

### III. FINDINGS OF FACT

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

#### *Coiera*

1. A depicted in Figure 1, Coiera discloses a client-server communication system for allowing a user (e.g., a nurse) to quickly summon a predefined category (e.g., cardiac, maternity) for a team in response to a related emergency. (Col. 3, ll. 1-5.)

2. As shown in Figure 3, Coiera discloses a database (3) in the server (1) for defining and storing the categories for the team including a respective identifier (26) for each category. Further, each defined team category includes a number of specialists (22) performing each a specified role identified by a role identifier (21). (Col. 5, ll. 29-42.)

3. Coiera discloses that the nurse and each team member carries with them a terminal (10) to communicate with one another. Upon the nurse inputting a team category identifier in the terminal, the server retrieves the record corresponding to the entered team category ID to summon the team

members listed therein by sending a message to their respective terminals.  
(Col. 3, ll. 6-21, col. 5, ll. 49-66.)

4. Alternatively, the nurse can summon any of the specialists within a pre-defined team category depending upon predefined instructions.  
(Col. 6, l. 48- col. 7, l. 17.)

*Obradovich*

5. As shown in Figures 1 and 2, Obradovich discloses a client-server system wherein the server is employed to collect and organize information for mobile device users according to their respective user profiles. (Abstract.)

6. Upon receiving information for a user profile, the server sends a message to the personal communication device (PCD) of the user to thereby notify the user of the received information items. In response, the user may request to download certain information items from the server. (P. 3, para. [0041].)

7. As shown in Figure 12, the PCD includes an event manager to help organize items downloaded from the server in categories selectable through drop down menus (800). The information categories relate to the user profile information downloaded from the server. Each category displayed in the PCD offers further selections in subcategories. (P. 7, para. [0076].)

#### IV. PRINCIPLES OF LAW ANTICIPATION

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 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (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 (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).

#### V. ANALYSIS

##### 35 U.S.C. § 102

###### 1. *Coiera*

As set forth in the Findings of Fact section, Coiera discloses pre-defining and storing at a server team different categories (e.g., cardiac, maternity) that can be summoned by a nurse upon inputting the identifier for a desired team category in a portable terminal. Particularly, upon the identifier of the selected team category being input in the nurse’s terminal,

the server retrieves the layout and team members associated with the selected category, and downloads them in the terminal for further action. (FF. 1-3.) Coiera also discloses that the nurse can particularly summon a specialist from a selected team category upon further selecting a corresponding identifier or layout pertaining to the specialist. (FF. 4.) We find that, in the limited case where a team is viewed as the user, Coiera's disclosure reasonably teaches the claimed limitations. Particularly, by defining different categories for the team in the server, Coiera reasonably teaches defining a plurality of functional profiles (categories) for a user (team) in a computing device (server). Similarly, by retrieving from the same server the layout and members associated with a selected category, Coiera teaches activating one of the functional profiles (categories) of the user (team) in the same computing device (server). It follows that Appellants have not shown that the Examiner erred in finding that Coiera anticipates claim 1.

Appellants did not provide separate arguments with respect to the rejection of claims 1 through 8. Therefore, we select independent claim 1 as being representative of the cited claims. Consequently, claims 2 through 8 fall together with representative claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

## 2. *Obradovich*

As set forth in the Findings of Fact section, Obradovich discloses pre-defining and storing at a server different profile categories (e.g., personal,

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business, vacation) for a user. (FF. 5-6.) Upon the user selecting a profile category in his/her PCD, the server retrieves the layout and subcategories associated with the selected category, and downloads them in the user's PCD for further action. (FF. 7.) We find that Obradovich's disclosure reasonably teaches the claimed limitations. Particularly, by defining in the server different profile categories for the user, each category being independently selectable and having subcategories associated therewith, Obradovich reasonably teaches defining in the computing device a functional profile having a layout and an associated indicator to permit the user to independently select a category. We also find that, by retrieving from the same server the layout and subcategories associated with a selected profile, Obradovich teaches activating one of the user profiles in the same computing device (server). It follows that Appellants have not shown that the Examiner erred in finding that Obradovich anticipates claim 1.

Appellants did not provide separate arguments with respect to the rejection of claims 1 through 3 and 5 through 8. Therefore, we select independent claim 1 as being representative of the cited claims. Consequently, claims 2, 3, and 5 through 8 fall together with representative claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

35 U.S.C. § 103

Claim 4

Appellants argue that dependent claim 4 recites the limitations of claim 1, and that Hartman does not remedy the deficiencies of Obradovich, as argued above. (App. Br. 13, Reply Br. 9.) Therefore, Appellants submit that the combination of Obradovich and Hartman does not render claim 4 unpatentable. (App. Br. 11-12.) As discussed above, we have found no such deficiencies in the Obradovich reference for Hartman to cure. It follows that Appellants have not shown that the Examiner erred in concluding that the combination of Obradovich and Hartman renders claim 4 unpatentable.

VI. CONCLUSIONS OF LAW

- A. Appellants have not shown that the Examiner erred in finding that:
1. Coiera anticipates claims 1 through 8 under 35 U.S.C. § 102(b).
  2. Obradovich anticipates claims 1 through 3 and 5 through 8 under 35 U.S.C. § 102(e).
- B. Appellants have not shown that the Examiner erred in concluding that the combination of Obradovich and Hartman renders claim 4 unpatentable under 35 U.S.C. § 103(a).

VII. DECISION

We affirm the Examiner's decision rejecting claims 1 through 8.

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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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