

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YUN-HEE SEOK

Appeal 2008-2630
Application 10/328,243
Technology Center 2600

Decided: September 18, 2008

Before MAHSHID D. SAADAT, ROBERT E. NAPPI,
and MARC S. HOFF, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 6(b) of the final rejection of claims 1 through 8.

We affirm the Examiner's rejections of these claims.

INVENTION

The invention is directed towards a schedule managing method for use in a mobile terminal. See page 3 of Appellant's Specification. Claim 1 is representative of the invention and reproduced below:

1. A schedule managing method in a mobile communication terminal having a display section for displaying an alarm and schedule data and a memory for storing the schedule data, the method comprising:

a schedule-setting step of setting schedule contents and time, and storing the set schedule contents and time in the memory;

a display step of displaying the alarm along with the schedule contents by operating the display section if the set schedule time elapses; and

a step of stopping the alarm and deleting the schedule data stored in a memory if a user's confirmation is confirmed during the schedule display step.

REFERENCES

Monnes	US 6,459,440 B1	Oct. 1, 2002
Lee	US 2002/0119807 A1	Aug. 29, 2002

REJECTIONS AT ISSUE

Claims 1 through 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner's rejection is on page 3 of the Answer.

Claims 1 through 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and Monnes. The Examiner's rejection is on pages 4 through 8 of the Answer.

Throughout the opinion, we make reference to the Brief (received June 18, 2007), Reply Brief (received November 26, 2007) and the Answer (mailed September 24, 2007) for the respective details thereof.

ISSUES

Appellant argues on pages 4 through 9 of the Brief that the Examiner's rejection of claims 1 through 8 under 35 U.S.C. § 103(a) is in error. Appellant asserts, on pages 6 and 7 of the Brief, that the Examiner's rejection is in error as claim 1 recites stopping an alarm and deleting the schedule data in a memory if a user's confirmation is confirmed during the scheduled display step, and that the combination of Lee and Monnes does not teach this feature.

Thus, Appellant's contentions present us with the issue of whether the Examiner erred in finding that the combination of the Lee and Monnes teaches stopping the alarm and deleting the memory, as recited in claim 1.¹

In discussing the Examiner's rejection under 35 U.S.C. § 112, second paragraph, Appellant admits on page 9 of the Brief that the term "a memory" in line 8 of claim 1 lacks antecedent basis. As the lack of antecedent basis for this term is the basis for the Examiner's rejection, there is no issue for us to consider with respect to this rejection. Accordingly, we sustain the Examiner's rejection of claims 1 through 8 under 35 U.S.C. § 112 second paragraph.

¹ We note that Appellant presents additional reasons why the rejection is believed to be improper, however as this issue is dispositive of the case we will only address this issue.

ANALYSIS

Appellant's arguments have persuaded us of error in the Examiner's rejection of claims 1 through 8 under 35 U.S.C. § 103(a). Independent claim 1 recites "a step of stopping the alarm and deleting the schedule data stored in a memory if a user's confirmation is confirmed during the schedule display step." Thus, the scope of method claim 1 includes that if a user provides a confirmation during the step of displaying (the alarm along with the schedule), the alarm is stopped and the scheduling data is deleted. The Examiner finds that Lee teaches deleting an alarm and the schedule data display stored in memory. Ans. 5, 9. We concur with this finding by the Examiner, as paragraph 27 of Lee clearly discusses deleting the alarm and schedule data in response to a user input. The Examiner also finds that Lee teaches the deleting is in response to a user confirmation during a scheduled display step. Ans. 5, 9. We disagree with this finding by the Examiner, as we do not find that Lee teaches that deleting the schedule data is predicated on a user confirmation during a step of displaying the alarm. Lee discusses that the schedule data can be deleted as part of a user command to delete schedule data (see para. 0022) or in conjunction with setting a schedule, where overdue alarms that have been played earlier may be deleted (see para. 0027). Monnes teaches displayed alarms (pop up windows with information) however, Monnes does not teach deleting schedule data in conjunction with confirming an alarm. Thus, regardless of whether Monnes' teaching of the pop up windows (displayed alarms) is combined with Lee's device, the combination of references does not teach deleting the schedule data if the user confirms the alarm, as recited in claim 1. Accordingly, we

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will not sustain the Examiner's rejection of claim 1, or claims 2 through 8 which depend upon claim 1, under 35 U.S.C. § 103(a).

ORDER

As Appellant has presented no issues identifying error in the Examiner's rejection of claims 1 through 8 under 35 U.S.C. § 112 second paragraph, we affirm this rejection.

Appellant's contentions have persuaded us of error in the Examiner's rejection of claims 1 through 8 under 35 U.S.C. § 103(a), and we Reverse this rejection.

The decision of the Examiner 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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