

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN M. MILLER,
BINH Q. NGUYEN, SANDEEP K. SINGHAL
and
RODNEY A. SMITH

Appeal No. 1997-1238
Application 08/169,570¹

ON BRIEF

Before JERRY SMITH, BARRETT and FLEMING, **Administrative Patent Judges**.

¹ Application for patent filed December 17, 1993.

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FLEMING, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 29, all of the claims pending in the application.

The invention relates to a method and system for indicating dynamic data links in a graphic user interface. Most graphic user interfaces allow applications to establish dynamic data links for exchanging data between documents. Appellants disclose on page 1 of the specification that figure 1 shows an example of a pictorial representation of documents in which dynamic data exchanges may be provided using dynamic data links. When a user changes values in spreadsheet document 10, the corresponding changes are immediately made in word processing document 12 and graphing software document 14. On page 4 of the specification, Appellants disclose that there is a need for a visual representation of this connection information to enable the user to foresee how the changes in

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one document may affect other documents. On page 19 of the specification, Appellants disclose that figure 8 shows a title bar 190 which includes section 200, a connections icon, utilized to indicate the capacity of a document associated with the title bar 190 for

dynamic data exchange. On the same page, Appellants disclose that figure 9 is an illustration of a document 202 capable of dynamic data exchange with menus containing choices displaying various connections formed by dynamic data links. On page 20 of the specification, Appellants disclose that figure 10 is a pictorial representation of a menu for displaying connections. On page 21 of the specification, Appellants disclose that figures 11a through 11e are a pictorial illustration of various connection icons. Finally, on pages 21 and 22 of the specification, Appellants disclose that figure 12 is a diagram illustrating connections between two documents in which connections icon 218 in section 200 of title bar 190 is illustrated. Thus, Appellants disclose a method and system

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which includes displaying at least one connections icon in association with each of the data objects that are capable of providing dynamic data exchange utilizing dynamic data.

Independent claim 1 is reproduced as follows:

1. A method for graphically indicating dynamic data links between a plurality of objects in a data processing system, comprising the steps of:

for each object visible in a graphic user interface, displaying at least one connections icons therewith for each object capable of dynamic data exchange using dynamic data links; and

altering the icon relative to each of the objects in response to a change in status of a dynamic data link associated with each of the objects.

The reference relied on by the Examiner is as follows:

Van de Lavoir et al. (Van de Lavoir) 5,408,603 Apr. 18,
1995
(filed Mar. 31,
1992)

Claims 17 through 24 stand rejected under 35 U.S.C.
§§ 101 and 112, second paragraph, as being directed to a

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computer program per se. Claims 1 through 29 stand rejected under 35 U.S.C. § 102 as being anticipated by Van de Lavoisier.

Rather than repeat the arguments of Appellants or the Examiner, we make reference to the brief and the answer for the details thereof.

OPINION

After a careful review of the evidence before us, we do not agree with the Examiner that claims 1 through 29 are anticipated by Van de Lavoisier. Furthermore, we do not agree with the Examiner that claims 17 through 24 are properly rejected under 35 U.S.C. §§ 101 and 112, second paragraph, as being directed to a computer program per se.

The Examiner states on page 5 of the Examiner's answer that the claimed invention is unclear as to whether claims 17 through 24 claim a computer program per se or a computer program embodied on a computer readable medium. In particular, the Examiner argues that the phrase "computer

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program" found in the preamble defines a set of instructions for execution on a computer. The Examiner also states that the body of the claim recites means plus function language which defines at least a set of instructions embodied on a computer-readable medium to perform the recited functions. The Examiner argues that these claims are properly rejected under 35 U.S.C. § 112, second paragraph. The Examiner also argues on page 5 of the Examiner's answer that claims 17 through 24 are properly rejected under 35 U.S.C. § 101. The Examiner states that a computer program per se does not define any structure and functional interrelationships that permit the computer program's functionality to be realized.

On page 4 of the brief, Appellants argue that claims 17 through 21 are drawn specifically to a computer program product which, by its nature, must be performed on or with the aid of a computer. Appellants also point out that the claims recite means plus function and are adequately supported by their written specification.

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Turning to claims 17 through 24, we note that claim 17 recites a computer program product for graphically indicating dynamic data links between a plurality of objects in a data processing system, the computer program product comprising "first instruction means, for each object visible in a graphic user interface, displaying at least one connections icons . . . and second instruction means for altering the icon" Further- more, we note that claims 18 through 24 depend from claim 17, and thereby, claims 17 through 24 are reciting a computer program product comprising means for doing a particular function. We fail to find that the claims could be interpreted as claiming descriptive information which is not functional.

Our reviewing court has stated in *In re Donaldson Co., Inc.*, 16 F.3d 1189, 1993, 29 USPQ2d 1845, 1848 (Fed. Cir. 1994) that the "plain and unambiguous meaning of paragraph six is that one construing means-plus-function language in a claim must look to the specification and interpret that language in light of the corresponding structure, material, or acts de-

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scribed therein, and equivalents thereof, to the extent that the specification provides such disclosure."

As disclosed in the specification, we find that the means recited in claims 17 through 24 correspond to the disclosed

computer system structure for doing these functions. Therefore,

we find that the claims are not directed to a computer listing or to descriptive material but are indeed directed to a computer performing these functions and thereby are directed to statutory subject matter under 35 U.S.C. § 101 and the claims particularly point out the invention as required under 35 U.S.C. § 112, second paragraph. Therefore, we will not sustain the Examiner's rejection of claims 17 through 24 under 35 U.S.C. §§ 101 and 112. Claims 1 through 29 stand re-

jected under 35 U.S.C. § 102 as being anticipated by Van de Lavoisier. Appellants argue on page 6 of the brief that Van de Lavoisier does not teach, suggest or disclose dynamic data links between documents or

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objects for the purpose of updating a document or object dynamically as changes are made to one of the documents or objects. Appellants further argue that Van de Lavoisier does not teach, suggest or disclose the use of connections icons to show the status or change in the status of the dynamic data link itself.

It is axiomatic that anticipation of a claim under § 102 can be found only 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). "Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention." ***RCA Corp. v. Applied Digital Data Sys., Inc.***, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.), ***cert. dismissed***, 468 U.S. 1228 (1984), ***citing Kalman v.***

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Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789
(Fed. Cir. 1983), **cert. denied**, 465 U.S. 1026 (1984).

Upon a careful review of Van de Lavoit, we find that Van de Lavoit fails to teach a method, a data processing system, or a computer program product for graphically indicating dynamic data links between a plurality of objects in a data processing system. Furthermore, we fail to find that Van de Lavoit teaches displaying at least one connections icon for each object capable of dynamic data exchange using dynamic data links. Van de Lavoit teaches a process control display program for graphically displaying the flow of process control information. Van de Lavoit fails to disclose dynamic data links between a plurality of objects.

Our reviewing court states in **In re Zletz**, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) that "claims must be interpreted as broadly as their terms reasonably allow." Moreover, when interpreting a claim, words of the claim are generally given their ordinary and accustomed meaning, unless it appears from the specification or the file history that

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they were used differently by the inventor. ***Carroll Touch, Inc. v. Electro Mechanical Sys., Inc.***, 15 F.3d 1573, 1577, 27 USPQ2d 1836, 1840 (Fed. Cir. 1993). Although an inventor is indeed free to define the specific terms used to describe his or her invention, this must be done with reasonable clarity, deliberateness, and precision. ***In re Paulsen***, 30 F.3d 1475, 1480, 31 USPQ 1671, 1674 (Fed. Cir. 1994).

On page 1 of the specification, Appellants disclose that dynamic data links are links that allow changes in one application to be immediately reflected in documents produced by other applications. Appellants further state that the term "document," when utilized in this application, refers to any type of data object that would be displayed in a window within a graphic user interface, such as a word processing document, a design drawing, or a spread sheet.

We find that Van de Lavoie fails to teach a dynamic data link as defined by Appellants' specification or a system that displays at least one connections icon for each object

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capable of dynamic data exchange using dynamic data links.
Therefore, we fail to find that the Examiner established a
prima facie case showing that the prior art reference
discloses every element of the claim.

In view of the foregoing, the decision of the
Examiner rejecting claims 1 through 29 is reversed.

REVERSED

	JERRY SMITH)	
	Administrative Patent Judge)	
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)	
)	BOARD OF
PATENT)	
	LEE E. BARRETT)	APPEALS AND
	Administrative Patent Judge)	
INTERFERENCES)	
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	MICHAEL R. FLEMING)	
	Administrative Patent Judge)	

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