

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

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

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MICHAEL V. STEIN, PAUL R. WENKER,  
MARK A. NEUBIESER and JON D. BUTAH

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Appeal No. 1997-2989  
Application No. 08/280,343

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ON BRIEF

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Before HAIRSTON, GROSS, and LALL, Administrative Patent Judges.

LALL, Administrative Patent Judge.

DECISION ON APPEAL

Appeal No. 1997-2989  
Application No. 08/280,343

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection<sup>1</sup> of claims 1 to 10, 12 to 15, 17 to 19 and 21, all the other claims having been canceled.

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<sup>1</sup>This is an appeal from the last final rejection [paper no. 14]. An amendment after the final rejection was filed as paper no. 15 and was entered in the record for the purposes of the appeal [paper no. 16].

The disclosed invention relates to a network of computer workstations that interact with a master workstation. For example, the workstations might be used by students in a learning environment, and the master workstation can be under the control of a teacher. The invention facilitates the teacher's observation and assistance of students in their learning by prioritizing, displaying and removing requests for attention that are sent by the students to the teacher. The invention is further illustrated by the following claim.

1. In an interactive computer network of a type including at least one master workstation and a plurality of other workstations, a method for communicating requests for attention from the other workstations and displaying said requests at the master workstation, comprising the steps of:
  - generating requests for attention at respective ones of said plurality of other workstations;
  - transmitting each of said requests to said master workstation;
  - storing each of said requests to said master workstation;
  - assigning a priority to each of the stored requests;
  - displaying an identification of at least some of said other workstations at said master workstation, in a predetermined order that is independent of any priority assigned to pending requests;and
  - displaying an indicator in association with each of said other workstations that has a

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pending request at the master workstation in a manner such that the indicator associated with the workstation whose request has a highest priority is distinguished from the indicators associated with all other workstations with pending requests.

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The Examiner's rejection relies on the following  
reference:

Lewis et al. (Lewis)                      5,303,042                      Apr. 12,  
1994

Claims 1 to 10, 12 to 15, 17 to 19, and 21 stand rejected  
under 35 U.S.C. § 102<sup>2</sup> as being anticipated by Lewis.

Rather than repeat the arguments of Appellants and the  
Examiner, we make reference to the briefs<sup>3</sup> and the answer for  
the respective details thereof.

#### OPINION

We have considered the rejections advanced by the  
Examiner and the supporting arguments. We have, likewise,  
reviewed the Appellants' arguments set forth in the briefs.

It is our view that claims 1 to 10, 12 to 15, 17 to 19  
and 21 are not anticipated by Lewis. Accordingly, we reverse.

In our analysis, we are guided by the requirements of  
anticipation under 35 U.S.C. § 102. Anticipation under 35

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<sup>2</sup> The Examiner withdrew the rejection under 35 U.S.C. §  
112 [answer, page 2].

<sup>3</sup> A reply brief was filed as paper no. 22 and was approved  
for entry by the Examiner without further response [paper  
no. 23].

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U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or under the principles of inherency,

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each and every element of a claimed invention. See RCA Corp. V. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Analysis

We take the claims in the order they are discussed in the brief.

Claims 1, 9, 10 and 15

We consider claim 1. Appellants argue [brief, page 7] that "[c]laim 1 further recites the step of 'displaying an indicator in association with each of said other workstations that has a pending request at the master work station . . . .'" Appellants further advocate that Lewis does not show this feature [id. at page 8 and reply brief, pages 2 to 3]. The Examiner points [answer, pages 11 to 13] to icon 242, fig. 4B of Lewis, as showing a plurality of the pending requests. However, we agree with Appellants that icon 242 does not show each of the pending requests, it only shows the total number of pending requests.

We note that, in fig. 3 of Lewis, the host (teacher) has monitors 130 and 132 which display two callers (students) calling for the attention of the host, and using buttons 134

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and 136 the host can activate either one (col. 7, lines 7 to 16). There is no provision in Lewis of displaying each of the pending requests for attention of the host.

The same, or a corresponding, limitation appears in the other claims of this group. Therefore, we do not sustain the anticipation rejection of claims 1, 9, 10 and 15 and their dependent claims 2 to 8, 12 to 14 and 17 to 19 over Lewis.

Claims 4, 14, 19 and 21

We take claim 21 of this group since it does not contain the limitation discussed above. However, claim 21 recites the means for "determining whether a communication is occurring from the master workstation to one of said other workstations", "determining whether said other workstation has a request pending at the master workstation" and "removing said pending request from the workstation." We agree with Appellants [brief, pages 8 to 9 and reply brief, pages 3 to 4] that this concept is missing from Lewis. In Lewis, there is no provision for the host to communicate with a remote station that has not sent a call to the host. Also missing in Lewis is any provision for checking to see if such remote station has a pending call in the queue

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and removing the call (request) from that remote station from the queue of the pending calls. Lewis communicates only with the remote station whose call (request) has been activated by the host (col. 7) and there is no communication between the host and a remote prior to this activation. Thus, we do not sustain the anticipation rejection of claim 21 and its grouped claims 4, 14, 19 over Lewis.

In conclusion, the decision of the Examiner rejecting claims 1 to 10, 12 to 15, 17 to 19 and 21 under 35 U.S.C. § 102 is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
ANITA PELLMAN GROSS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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PARSHOTAM S. LALL                    )  
Administrative Patent Judge        )

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REVERSED

Prepared: January 22, 2002