

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

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ROBERT G. JOHNSTON, JR  
and SCOTT JENSON

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Appeal No. 2000-0146  
Application No. 08/979,069

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ON BRIEF

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Before HAIRSTON, RUGGIERO, and BARRY, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

The examiner rejected the appellants' claims 20 and 21. They appeal therefrom under 35 U.S.C. § 134(a). We reverse.

BACKGROUND

The invention at issue in this appeal relates to visual feedback for a user who is manipulating text on the screen of a computer. A graphical user interface for a computer

typically includes a user interface window, commonly called a "desktop

window". While operating within the desktop window, a user can manipulate graphical objects, i.e. icons, using a cursor controller such as a mouse; the icons can be moved simply by pointing, clicking, and dragging with the mouse. During these operations, the user receives visual feedback that enhances his feeling of physical control over the desktop window and the icons therein. For example, selected icons are highlighted and, while a button of the mouse is depressed, the selected icon moves with the cursor.

Unfortunately, moving text within word processing files has not been as easy. Highlighted text could not be dragged about a document as if it were an icon; a user could not "grab" the highlighted text. As a result, he has not had the aforementioned feeling of physical control during cut, copy, and paste operations.

In contrast, the appellants' invention provides visual feedback to a user who is moving selected text on the screen of a computer. When the user selects text at a source location, the selected text is visually de-emphasized and a text object resembling the selected text is created. After the user moves the screen's cursor, the text object is "snapped" to the cursor to move therewith. The user is then free to move text on the screen in search of an insertion point. When the user selects the insertion point, the selected text is visually "zoomed" from the source location to the insertion point. Consequently, the user has a feeling of physical control while moving selected text within a document.

Claim 21, which is representative for present purposes, follows:

21. A method for providing visual feedback to a computer user while manipulating selected text displayed on a display device of a computer system, the computer system including a control device for interactively positioning a visible symbol on the display device, the control device having a button having a first position and a second position, the method comprising:

a) creating a text object from the selected text when the button is in the second position while the

visible symbol is over the selected text at the source location;

b) zooming from a first bounding rectangle for the selected block of text at a source location to a second bounding rectangle for the selected block of text at the destination location such that the movement of the first bounding rectangle to the size and location of the second bounding rectangle at the destination location is animated.

(Appeal Br., App. A.)

The prior art applied by the examiner in rejecting the claims follows:

Peters et al. ("Peters") 20, 1992.	5,157,763	Oct.
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Claims 20 and 21 stand rejected under 35 U.S.C. § 102(a) as anticipated by Peters.

#### OPINION

After considering the record, we are persuaded that the examiner erred in rejecting claims 20 and 21. Accordingly, we reverse.

Rather than reiterate the positions of the examiner or appellants *in toto*, we address the main point of contention therebetween. First, the examiner asserts, "Peters discloses ... zooming from a first bounding rectangle for the selected block of text at the source location (8 in Fig. 3) to a second bounding rectangle for the selected block of text at the destination location (data destination location in window 2) ...." (Examiner's Answer at 3.) The appellants argue, "the definition of zooming indicates that the dimensions of both bounding rectangles must be known before zooming may begin. See Application, page 14 ...." (Reply Br. at 2.)

In deciding anticipation, "the first inquiry must be into exactly what the claims define." *In re Wilder*, 429 F.2d 447, 450, 166 USPQ 545, 548 (CCPA 1970). "Claims are not interpreted in a vacuum, but are part of and are read in light of the specification." *Slimfold Mfg. Co. v. Kinkead Indus., Inc.*, 810 F.2d 1113, 1116, 1 USPQ2d 1563, 1566 (Fed. Cir. 1987)(citing *Hybritech Inc. v. Monoclonal Anti-bodies, Inc.*, 802 F.2d 1367, 1385, 231 USPQ 81, 94-95 (Fed. Cir. 1986); *In*

*re Mattison*, 509 F.2d 563, 565, 184 USPQ 484, 486 (CCPA 1975)).

Here, claims 20 and 21 specify in pertinent part the following limitations: "zooming from a first bounding rectangle for the selected block of text at a source location to a second bounding rectangle for the selected block of text at the destination location ...." The specification describes the zooming as follows.

[T]he zoom starts with a bounding rectangle 100 displayed near the source location. Two or more rectangles are displayed on monitor 12 at a time, each successive rectangle more closely approaching the dimensions and final location of bounding rectangle 104. Figure 4C attempts to illustrate this idea. The dimensions of intervening rectangle 106 differ slightly from those bounding rectangle 100, just starting to approach those of bounding rectangle 104. Similarly, the dimensions of intervening rectangle 108 differ from those of intervening rectangle 106, approaching more closely the dimensions of bounding rectangle 104. The zooms ends with the display of bounding rectangle 104 near the destination location.

(Spec. at 14-15.) Reading the claims in light of the specification, the limitations require that zooming begins with the display of a first bounding rectangle for a selected block of text at a source location and ends with the display

of a second bounding rectangle for the selected block of text at a destination location.

"[H]aving ascertained exactly what subject matter is being claimed, the next inquiry must be into whether such subject matter is novel." *Wilder*, 429 F.2d at 450, 166 USPQ at 548. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (citing *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 USPQ 1264, 1270 (Fed. Cir. 1984); *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983); *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983)).

Here, the examiner equates the claimed zooming to Peter's "data transfer operation." Col. 4, l. 47. The reference's operation does begin with the display of a first bounding

rectangle for a selected block of text at a source location. Specifically, "[s]haded area 8 in FIG. 3 shows one possible appearance of marked data and, for purposes of illustration of the invention, represents a data source location." *Id.* at ll. 59-62. The examiner does not show, however, that Peters' data transfer operation ends with the display of a second bounding rectangle for the selected block of text at a destination location. To the contrary, Figure 4 of the reference, which "is a representation of the two windows of FIG. 3 after completion of the transfer of data between those two windows," col. 3, ll. 49-51, shows no bounding rectangles at all, let alone a second bounding rectangle for the selected block of text at a destination location.

Because there is no showing that Peters' data transfer operation ends with the display of a second bounding rectangle for the selected block of text at a destination location, we are not persuaded that the applied prior art discloses the limitations of "zooming from a first bounding rectangle for the selected block of text at a source location to a second bounding rectangle for the selected block of text at the

destination location ...." Therefore, we reverse the rejection of claims 20 and 21 as anticipated by Peters.

CONCLUSION

In summary, the rejection of claims 20 and 21 under § 102(a) is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
JOSEPH F. RUGGIERO	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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LANCE LEONARD BARRY	)	
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