

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(2) is not binding precedent of the Board.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. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT A. JENSON
and LAWRENCE G. TESLER

Appeal No. 96-2745
Application 08/114,979¹

ON BRIEF

Before JERRY SMITH, BARRETT, and HECKER, Administrative Patent Judges.

HECKER, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final
rejection of claims 1, 3, 6, 7, 10, 12, 14, 17 and 20 through

¹ Application for patent filed August 31, 1993.

23, all of the claims pending in the present application.

The invention relates to a computerized scheduler which tracks appointments. The computer displays the appointments and a calendar concurrently in such a way that data can be inserted into the scheduler while the calendar remains active, and vice versa. Hence, there is no need to reactivate a particular view in order to manipulate its contents because both remain active or receptive to immediate input at all times. Referring to Appellants' Figure 3a, a one month calendar (C) is displayed in area Ac with the selected day (b) highlighted, and a schedule (S) is displayed in area As. Both the calendar and schedule are active and receptive to immediate input.

Representative claim 1 is reproduced as follows:

1. A method for controlling a scheduler on a computer display of a pen based computer system, the method comprising the steps of:

displaying a one-month calendar in a calendar area on the computer display of said pen-based computer system;

selecting at least one date on said calendar by engaging a stylus with said computer display over said at least one date to indicate at least one date to be displayed in a schedule;

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indicating said selection of said at least one date by modifying the image of said calendar; and

displaying a schedule in a schedule area on said computer display for said at least one date in response to said selecting step, wherein the schedule area does not overlap the calendar area and both said calendar and said schedule remain receptive to immediate input and are concurrently displayed on said computer display, the calendar remaining receptive to the selection of another date and the schedule being receptive to handwritten input from said stylus.

The Examiner relies on the following references:

Norwood	5,063,600	Nov. 5,
1991		
Griffin et al. (Griffin)	5,307,086	April 26,
1994		

IBM Technical Disclosure Bulletin, Vol. 26, No. 8, January 1984, pp. 4383. (IBM)

Sharp Electronic Organizer ZQ-5000 ZQ-5200 Operation Manual, Sharp Electronic Corporation, 1990. (Sharp)

"AgentDA," MacUser, Vol. 8, Issue 3, March 1992, p. 79, abstract only. (AgentDA)

Mastering WORDPERFECT 5.1 & 5.2 For Windows, 1992, pp. 37-38. (WordPerfect)

Claims 1, 3, 6 and 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sharp in view of Norwood and

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IBM. Claims 10 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sharp in view of Norwood, IBM and WordPerfect. Claims 14 and 21 through 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sharp in view of Norwood, IBM and AgentDA. Claims 17 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sharp in view of IBM and Griffin.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the brief and answer for the respective details thereof.

OPINION

After a careful review of the evidence before us, we will not sustain the rejection of claims 1, 3, 6, 7, 10, 12, 14, 17 and 20 through 23 under 35 U.S.C. § 103.

The Examiner has failed to set forth a ***prima facie*** case. It is the burden of the Examiner to establish why one having ordinary skill in the art would have been led to the

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claimed invention by the reasonable teachings or suggestions found in the prior art, or by a reasonable inference to the artisan contained in such teachings or suggestions. In re Sernaker, 702 F.2d 989, 995, 217 USPQ 1, 6 (Fed. Cir. 1983).

"Additionally, when determining obviousness, the claimed invention should be considered as a whole; there is no legally recognizable 'heart' of the invention." Para-Ordnance Mfg. v. SGS Importers Int'l, Inc., 73 F.3d 1085, 1087, 37 USPQ2d 1237, 1239 (Fed. Cir. 1995), citing W. L. Gore & Assocs., Inc. v.

Garlock, Inc., 721 F.2d 1540, 1548, 220 USPQ 303, 309 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With regard to the rejection of all claims, the Examiner relies on the IBM reference for "teaching that a calendar and scheduler can be displayed concurrently and be receptive to input" (answer at page 6). The Examiner relies on page 4383 of the IBM reference where it states "Thus, other calendar functions are available directly from the monthly display, and one does not have to leave the monthly display to choose other calendar functions." Appellants argue on page 8

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of the brief that the IBM reference does not teach "having a calendar and scheduler concurrently displayed and activated, so that a user can not only view both simultaneously but also have both remain active and thereby receptive to immediate input." Appellants further urge that the menu programmable keys of the IBM reference "are keys, not a displayed image, and therefore, do not in any way correspond to the scheduler or the scheduled area." We agree with Appellants that the IBM reference teaches menu programmable keys, and that these keys do not constitute one of the claimed active display areas. The IBM reference recites at page 4383, first two lines, "Assigning main menu programmable keys to a monthly calendar permits the use of the monthly calendar as a main menu."

Looking at claim 1 we find the language supporting Appellants' position, "wherein the schedule area does not overlap the calendar area and both said calendar and said schedule remain receptive to immediate input and are concurrently displayed." As noted supra, the IBM reference does not teach or suggest this aspect of claim 1. A thorough review of the remaining references reveals no teaching or

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suggestion of the required limitation.

The Examiner appears to also argue that the combination of Sharp and Norwood teaches the recited claim limitation (pages 15 and 16 of the answer). However, we agree with Appellants that "in all other parts of the Examiner's Answer, as well as the Final Office Action, the Examiner has correctly (emphasis added) admitted that 'Sharp does not display both the calendar and the scheduler concurrently' and that Norwood is cited merely for teaching a pen-based computer system." (reply brief at page 3). We will not sustain the rejection of claim 1.

The remaining claims on appeal also contain the above limitations discussed in regard to claim 1 and thereby, we will not sustain the rejection as to these claims.

We have not sustained the rejection of claims 1, 3, 6, 7, 10, 12, 14, 17 and 20 through 23 under 35 U.S.C. § 103. Accordingly, the Examiner's decision is reversed.

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Palo Alto, CA 94306