

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS J. CONRAD
and ELIZABETH A. R. MOLLER

Appeal No. 97-1658
Application 08/075,278¹

ON BRIEF

Before URYNOWICZ, LEE and TORCZON, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-5, 8, 9, 11-21, 23, 25-27 and 40-57, all the claims pending in the application.

¹ Application for patent filed June 11, 1993.

The invention pertains to apparatus for organizing windows on a computer display screen.

Claims 1 and 40 are illustrative and read as follows:

1. An apparatus for organizing a graphic workspace on a computer including a display having a graphic workspace, comprising:

memory to store a plurality of objects, wherein objects comprise processing units which occupy a window on the display when opened;

first window management logic, coupled with the display, that manages and displays a plurality of windows within a window region of the graphic workspace, wherein one or more windows in the plurality of windows may overlap and obscure other windows in the plurality of windows within the window region;

second window management logic, coupled with the display and the first window management logic, that provides a control region within the graphic workspace, and an identifier within the control region corresponding to a particular window, and is responsive to user input indicating selection of the identifier within the control region for displaying the particular window in the window region; and

logic that removes the particular [sic, particular] window from the window region in response to selection of another window.

40. An apparatus for organizing a graphic workspace on a computer including a display having a graphic workspace, comprising:

memory to store a plurality of objects, wherein objects comprise processing units which occupy a window on the display when opened;

first window management logic, coupled with the display, that manages and displays a plurality of windows within a window region of the graphic workspace, wherein one or more windows in the plurality of windows may overlap and obscure other windows in the plurality of windows within the window region;

second window management logic, coupled with the display and the first window management logic, that provides a control region within the graphic workspace, and an identifier within the control

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region corresponding to a particular window, and is responsive to user input indicating selection of the identifier within the control region for displaying the particular window in the window region; and

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logic that removes the particular window from the window region in response to completion of a drag operation within the particular window, the drag operation comprising associating an object with a cursor.

The references relied upon by the examiner as evidence of obviousness are:

Bronson	5,305,435	Apr. 19, 1994 (filed May 7, 1993)
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Microsoft Windows, Version 3.1, copyright 1985-1992 Microsoft Corp.

Claims 40-45, 48-50 and 53-57 are rejected under 35 U.S.C. § 102(e) as anticipated by Bronson.

Claims 1-5, 8, 9, 11-13, 16-18, 21, 23 and 25-27 are rejected under 35 U.S.C. § 103 as unpatentable over Bronson.

Claims 14, 15, 19, 20, 46, 47, 51 and 52 are rejected under 35 U.S.C. § 103 as unpatentable over Bronson and Microsoft Windows.

The respective positions of the examiner and the appellants with regard to the propriety of these rejections are set forth in the final rejection (Paper No. 14) and the examiner's answer (Paper No. 18) and the appellants' brief (Paper No. 17).

Appellants' Invention

Appellants disclose a windows management display system. In one method of windows management performed by the system, a user can open a window, and then close it by clicking on a mouse so as to cause another window to appear on the display device.

In Figures 6A-6C, appellants disclose a further window management method. In that method, a user executes a drag operation from object 600 along path 601 into the drawer window 602. The user then moves the cursor along path 603 over identifier 604. By pausing over identifier 604, a temporary window 605 is opened over the identifier as illustrated in Figure 6B. The user then completes the drag operation along path 606 to place the object within the temporary window 605 as shown in Figure 6C. At that time, the desk drawer D2 snaps shut. That is, window 602 is removed from the window region of the display. All temporary windows except window 605 are removed.

The Rejection of Claims 40-45 under

35 U.S.C. § 102(e) over Bronson

At page 11 of their brief, appellants assert that the above claims require “logic that removes the particular window from the window region in response to completion of a drag operation within the particular window, the drag operation comprising associating an object with a cursor”, whereas Bronson teaches removal of a window by dragging the window off of the screen.² It is argued that Bronson does not remove a window “...in response to completion of a drag operation within a window.”

² This requirement is specifically recited in independent claim 40. Claims 41-45 each depend from claim 40.

At page 3 of the answer, the examiner does not directly respond to appellants' argument but, in discussing claims 40 and 41, makes reference to portions of Bronson's disclosure which by implication meet the limitations of the claims.

We will not sustain the rejection of claims 40-45. 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. 1984), cert. dismissed, 468 U.S. 1228 (1984). Appellants are correct that Bronson does not remove a window in response to completion of a drag operation within a window as required by these claims. At the completion of Bronson's drag operation, the window is already removed and, thus, cannot be removed in response to completion of a drag operation. Furthermore, Bronson does not disclose the requirement of "...completion of a drag operation within the particular window". For example, in Figure 2 of the reference, when the particular window 22' is dragged off of screen 10, it cannot be said that there is a completion of the drag operation within particular window 22' or within any other window. Bronson's drag operation is simply across a screen and not within a window.

The Rejection of Claims 46-57

under 35 U.S.C. § 103 over Bronson

Because independent claim 48 includes the same requirement as claim 40, that requirement

being logic that removes a particular window from the window region in response to completion of a drag operation within the particular window, and dependent claims 46, 47 and 49-57 depend either from claim 40 or claim 48, we will not sustain the rejection of claim 48 or any of these dependent claims.

The Rejection of Claims 1-5, 8, 9, 11-13, 16-18,

21, 23 and 25-27 under 35 U.S.C. § 103 over Bronson

Appellants assert that these claims are allowable over Bronson because the method of removing a window manually by “fast tab” (double-clicking) as taught by Bronson is entirely different from removing a particular window from a window region in response to selection of another window. It is argued that there is no suggestion or teaching in the prior art to modify Bronson in the manner suggested by the examiner and that the modification of the examiner is “pure hindsight”.

We will sustain the rejection of these claims. The modification of Bronson which appellants contend is necessary to render their claims unpatentable and which they argue against as not suggested by the prior art is not essential to the rejection. No modification of Bronson’s method of removing a window manually by “fast tab” is necessary because the reference specifically discloses that an active window may be automatically displaced by opening another window. See SUMMARY OF THE INVENTION, column 4, lines 43-53. As by way of example, the displaced window would appear as a window 22’ illustrated in Figure 3 with the window tab along the screen edge, and the opened

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window would appear on the central screen 20.

Appellants suggest that claims 16-18, 21, 23 and 25-27 are allowable because they require application windows for applications programs and enclosure windows for icons. However, these kinds of windows are disclosed by Bronson. For example, see column 5, lines 42 and 43, for a reference to application programs in windows, and column 1, lines 46-53, for a discussion of icons.

The Rejection of Claims 14, 15, 19 and 20 under 35 U.S.C. § 103

as Unpatentable over Bronson and Microsoft Windows

With respect to dependent claims 14, 15, 19 and 20 it is argued that the invention will automatically remove tool palette and control panel windows in response to the selection of another window. This argument is not persuasive because it is not commensurate in scope with the claimed invention. The above claims do not require removal of tool palette and control panel windows. It is only required that the plurality of windows include such windows. However, even if there were such a requirement, the rejection of these claims would be sustained. As noted above, Bronson has a general teaching that an active window may be automatically displaced by opening another window. This suggests that any window can be removed for another. Appellants' contention that it is counterintuitive to close a tool palette or control window upon selection of another window because the user will typically want to continue using the window after selecting another window is not supported by any evidence and is unpersuasive. Furthermore, even assuming the contention to be true, the fact that ordinarily a screen operator would have preferred to preserve tool palette and control panel windows

when selecting another window does not establish that automatic removal of such windows would have been unobvious. The result of removing such windows, the opening of needed space on a display screen, would have been expected and obvious. In re Skoner, 517 F.2d 947, 950, 186 USPQ 80, 82 (CCPA 1975).

Summary

In summary:

- a) the decision of the examiner to reject claims 40-45, 48-50 and 53-57 under 35 U.S.C. § 102(e) as anticipated by Bronson is reversed.
- b) the decision of the examiner to reject claims 46, 47, 51 and 52 under 35 U.S.C. § 103 as unpatentable over Bronson in view of Microsoft Windows is reversed.
- c) the decision of the examiner to reject claims 1-5, 8, 9, 11-13, 16-18, 21, 23 and 25-27 under 35 U.S.C. § 103 as unpatentable over Bronson is affirmed.
- d) the decision of the examiner to reject claims 14, 15, 19 and 20 under 35 U.S.C. § 103 as unpatentable over Bronson in view of Microsoft Windows is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

STANLEY M. URYNOWICZ, JR))
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)) APPEALS AND
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