

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL H. CONNER
and NURCAN COSKUN

Appeal No. 1997-2055
Application No. 08/175,873

ON BRIEF

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

GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 7, which are all of the claims pending in this application.

Appellants' invention relates to a method for controlling the execution of object oriented programs. In the method, an

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observable object responds to abstract events, each of which corresponds to an action slot container object. Two action objects, each of which specifies a unit of behavior, are placed within the action slot container object and are executed in response to the occurrence of a single abstract event. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for efficiently controlling the execution of object oriented programs, said method comprising the steps of:

providing at least one observable object which responds to a predetermined plurality of abstract events, each of said predetermined plurality of abstract events corresponding to an action slot container object associated with said at least one observable object;

placing at least two action objects within said action slot container object, each of said at least two action objects specifying a unit of behavior; and

executing each action object within said action slot container object in response to an occurrence of a corresponding abstract event wherein an occurrence of a single abstract event corresponding to said action container object will result in an occurrence of two units of behavior.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

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Hullot 1992	5,163,130	Nov. 10,
Priven et al. (Priven) 1994	5,327,559	Jul. 05,
		(filed October 23, 1990)
Haynes et al. (Haynes) 1995	5,428,734	Jun. 27,
		(filed December 22, 1992)

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Haynes.

Claims 1 through 3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hullot.

Claims 4 through 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hullot in view of Priven.

Reference is made to the Office action (Paper No. 6, mailed September 29, 1995), Final Rejection (Paper No. 8, mailed April 1, 1996) and the Examiner's Answer (Paper No. 14, mailed December 20, 1996) for the examiner's complete reasoning in support of the rejections, and to appellants' Brief (Paper No. 13, filed October 15, 1996) for appellants' arguments thereagainst.

OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated

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by appellants and the examiner. As a consequence of our review, we will affirm the anticipation rejection of claim 1 over Haynes, and we will reverse the anticipation rejection of claim 2 over Haynes, the anticipation rejection of claims 1 through 3 over Hullot, and the obviousness rejection of claims 4 through 7 over Hullot in view of Priven.

"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." In re King, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986). See also Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984). Claim 1 recites providing an observable object which responds to a plurality of abstract events. The examiner identifies Haynes' placing the note in the basket as being the abstract event. However, placing the note in the basket is only a single event, and the examiner has not indicated any additional events which would satisfy the claim language of "a predetermined plurality."

Further, claim 1 requires executing each of two action objects within an action slot container object in response to

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an occurrence of a single abstract event. The examiner equates (Office action, pages 4-5) "dragging the icons through the clock object and placing it in the out-basket along with the mail object" with the two action objects. However, dragging and placing the icon in the basket are not initiated or executed in response to the placing of the note in the basket (which the examiner names as the abstract event), as required by the claim. Thus, as interpreted by the examiner, Haynes does not disclose every element of the claim and, therefore, does not anticipate claim 1, nor its dependent, claim 2.

Nonetheless, we find that Haynes does anticipate claim 1. We match the elements of Haynes with those claimed as follows: dragging the icon over the clock and dropping it in the outbasket corresponds to one abstract event, dragging the icon around the clock and dropping it in the outbasket corresponds to a second abstract event, dragged over the clock corresponds to an action slot container object, and hold message (specifying to hold the message until a specified time) and send message (specifying to send the message at the specified time) correspond to the two action objects within the action

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slot container. Then, the two action objects (hold message and send message) are executed in response to a single abstract event (dragging the icon over the clock and dropping it in the outbasket) and result in an occurrence of the two units of behavior (holding the message until a specified time and sending the message at the specified time.)

As we have viewed the reference differently from the examiner, we consider appellants' arguments as they would apply to our interpretation. Appellants contend (Brief, page 5) that if Haynes is regarded as disclosing two action objects, then the activities do not occur in response to a single abstract event, but, rather, occur subsequent to multiple events. According to our interpretation, the abstract event corresponds to dragging the icon over the clock and dropping it in the outbasket, or rather moving the icon via a particular path. The movement, thus, is a single event. Accordingly, we will affirm the anticipation rejection of claim 1 over Haynes.

Regarding claim 2, appellants argue (Brief, page 6) that Haynes "fails to show or suggest in any way the creation at execution of a new abstract event," as recited in the claim.

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We agree. Nowhere in Haynes is there any discussion of specifying a new abstract event and creating a new action slot container

object corresponding thereto at the execution of the two action objects. Therefore, we cannot sustain the anticipation rejection of claim 2 over Haynes.

Regarding Hullot, the examiner contends (Office action, page 5) that Hullot discloses plural actions (such as adding or subtracting) to be connected and the execution of such actions in response to the execution of a target variable. The examiner interprets the actions as the claimed plural action objects, the target variable as the claimed action slot container, and the execution of the target variable as the claimed abstract event. Then, the examiner states (Answer, page 7) that all actions are connected through the target variable and that "one can add as many actions as desired to MyProgram through the variable 'Target.'" It is clear that all actions connected through the Target variable are executed when triggered."

Appellants (Brief, page 6) assert that Hullot's "connections between variables and fields within programs are

singular in nature." Appellants therefore conclude that "Hullot cannot show or suggest a link between two units of behavior and a single abstract event as set forth within Claim 1" (Brief, page 7). We note that appellants refer to the connection of fields rather than actions. However, the portion relied upon by the examiner, column 5, line 65-column 6, line 18, indicates to us that the same singular connections occur with respect to actions. Each action is connected individually using the target variable. Therefore, we find no execution of plural action objects in response to a single abstract event. Consequently, we cannot sustain the anticipation rejection of claims 1 through 3 over Hullot.

Regarding the obviousness rejection of claims 4 through 7, Priven fails to cure the deficiencies of Hullot.¹ Accordingly, we must reverse the rejection of claims 4 through 7.

CONCLUSION

¹ We also note that for claim 3 the examiner states (Office action, page 6) that "the examiner cannot determine what [sic, is] being claimed in this claim and hence has difficulty applying art," although the examiner includes claim 3 in the art rejection and does not reject claim 3 under 35 U.S.C. § 112. Since claims 4 through 7 all depend from claim 3, it would seem that the rejection thereof likewise would be difficult.

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The decision of the examiner rejecting claim 1 under 35 U.S.C. § 102(e) is affirmed. The decision of the examiner rejecting claim 2 under 35 U.S.C. § 102(e) is reversed. The decision of the examiner rejecting claims 1 through 3 under 35 U.S.C. § 102(b) is reversed. The decision of the examiner rejecting claims 4 through 7 under 35 U.S.C. § 103 is reversed.

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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

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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