

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN M. BLACKMON, BARRY A. FEIGENBAUM,
MARK A. FIECHTNER, JEFFREY T. GALEA,
ALLEN M. GILBERT, DAVID A. KERR, PAUL R.
KING, TATCHI P. LAY, IVAN LOMELLI,
DARREN M. MICLETTE, COLIN V. POWELL, GLENN T.
PUCHTEL and JONATHAN M. WAGNER

Appeal No. 97-2583
Application 08/156,951¹

ON BRIEF

Before SCHAFFER, LEE and TORCZON, Administrative Patent Judges.
LEE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 12-17. No claim has been allowed.

References relied on by the Examiner

¹ Application for patent filed November 15, 1993. According to appellants, the application is a continuation of Application 07/860,826, filed March 31, 1992.

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Longo et al. (Longo)	4,903,218	Feb. 20, 1990
Kolnick	5,062,060	Oct. 29, 1991
Rao	5,121,478	Jun. 9, 1992

The Rejections on Appeal

Claims 12 and 15 stand finally rejected under 35 U.S.C. § 103 as being unpatentable over Rao and Longo.

Claims 13, 14, 16 and 17 stand finally rejected under 35 U.S.C. § 103 as being unpatentable over Rao, Longo and Kolnick.

The Invention

The invention is directed to a method and apparatus for simultaneous presentation of multiple windows on a display, which are separately driven by respective video display device drivers. Each video display device driver is for painting a display of objects within a different graphic user interface session. Claims 12 and 15 are the only independent claims and are reproduced below:

12. A method in a data processing system having a video display which includes a video display screen for permitting simultaneous presentation of video data objects within multiple windows which are each supported by different graphic user interfaces, said method comprising the steps of:

providing a separate video display device driver for painting a display of objects within each graphic user interface session;

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coupling each of said separate video display device drivers to a single virtual video display device driver;

maintaining a representation of each object displayed within all of said graphic user interface sessions within said single virtual video display device driver;

simultaneously coupling each of said separate video display device drivers to said video display; and

controlling what portion of said video display screen each of said separate video display device drivers may paint to [sic] utilizing said single virtual video display device driver.

15. A data processing system having a video display including a video display screen for permitting simultaneous presentation of video data objects within multiple windows which are each supported by different graphic user interfaces, said data processing system comprising:

a plurality of video display device drivers, each of said video display device drivers for painting a display of objects within an associated graphic user interface session;

means for coupling each of said separate video display device drivers to a single virtual video display device driver;

means for maintaining a representation of each object displayed within all of said graphic user interface sessions within said single virtual display device drivers;

means for simultaneously coupling each of said separate video display device drivers to said video display; and

means for controlling what portion of said video display screen each of said separate video display device drivers may paint to [sic] utilizing said single virtual video

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display device driver.

Opinion

We reverse.

A reversal of the rejections on appeal should not be construed as an affirmative indication that the appellants' claims are patentable over prior art. We address only the positions and rationale as set forth by the examiner and on which the examiner's rejection of the claims on appeal is based.

Both claims 12 and 15 require separate video display device drivers for painting a display and which are simultaneously coupled to the video display. Interpreted in light of the specification, the claims thus require separate video display drivers to make drawings on the same video display at the same time. Both claims 12 and 15 also require a single virtual video display device driver to which each of the separate video display device drivers are coupled and which gives control information as to what portions of the video display screen each of the separate video display device driver may paint.

The examiner recognizes that Rao does not teach separate

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display device drivers for different graphical user interfaces and a single virtual video display device driver to which the separate video display device drivers are coupled. (Answer at 3). In that connection, the examiner relies on Longo for those features of the appellants' claimed invention.

According to the examiner, either element 202 in Longo's Figure 5 is a display device driver, one for each graphic user interface seeking access to a common display, or the "rendering processor" 36 in Longo's Figure 6 is such a display device

driver, one for each graphic user interface. (Answer at 3). We disagree with both positions of the examiner.

Element 202 illustrated in Figure 5 designates merely respective portions in the host subsystem and the control processor 13 which receive data from each other and can in no reasonable manner be considered as a display device driver. As is described in column 12, lines 45-48 of Longo, element 202 is merely a protocol layer in the respective associated processor, that receives communications from the transport layer 61. The transport layer is an interface that sends data

between the two systems. In the response portion of the examiner's answer, the examiner focuses on reading the rendering processor 36 as the "separate" display device driver and states (answer at 5-6) that as is clearly shown in Longo's Figure 5, two such video display device drivers are simultaneously coupled to the display.

The examiner has incorrectly read Longo as disclosing separate rendering processors 36 for the host system and for the control processor. In fact, there is only one rendering processor 36 which is shared by the host system and by the control processor 13. See Figures 3 and 4 of Longo. The host draws on the display through the rendering processor 36 and the control processor also draws on the display through the same rendering processor 36. (Column 6, lines 56-65; Column 7, lines 30-41). While Figure 5 apparently shows two rendering processor symbols 36, evidently their outputs are connected to different video displays rather than the same display. The examiner has not set forth a prima facie case that plural rendering processors are used in Longo, which are simultaneously coupled to the same display. It appears that for each display there is only a single rendering processor 36

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which is shared by the host system and the control processor.

Our reading of Longo reveals that the host system and the control processor do not draw pictures on the same display at the same time. In Longo's column 12, lines 53-56, it is stated:

There are two embodiments that allow both systems to access the screen 38 without destroying the previous screen contents once in operational mode i.e., loopback and control processor console emulation.

In the loopback mode, no drawing is done directly by the control processor. See column 12, lines 59-64. Data for display is passed from the control processor back to the host system. Consequently, Longo states that in the loopback mode there is no need to arbitrate between the two bodies of software having access to the single piece of hardware. (Column 12, lines 64-66). In the control processor emulation mode, it appears that the control processor would direct display data to the screen through the rendering processor while the host is evidently halted, as has been argued by the appellants. See column 13, line 62 to column 14, line 17, and column 14, lines 58-64.

In short, the examiner has not set forth a sufficient

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basis to support a conclusion that Longo discloses separate display device drivers which simultaneously paint on the same display in response to different program processes.

Furthermore, because Longo does not disclose separate display device drivers for the same display, Longo does not disclose a virtual display device driver to which the separate display device drivers are coupled and which makes possible the control of which portions of the display each separate display device driver may paint.

For the foregoing reasons, the rejection of claims 12 and 15 cannot be sustained.

As for the rejection of claims 13, 14, 16 and 17 over Rao, Longo, and Kolnick, the examiner has not applied Kolnick in a manner which makes up for the deficiencies of Rao and Longo. Accordingly, the rejection also cannot be sustained.

Conclusion

The rejection of claims 12 and 15 under 35 U.S.C. § 103 as being unpatentable over Rao and Longo is reversed.

The rejection of claims 13, 14, 16 and 17 under 35 U.S.C. § 103 as being unpatentable over Rao, Longo, and Kolnick is reversed.

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We call the examiner's and the appellants' attention to claim 16's dependency from claim 14. It appears from the fact that claim 15 is the apparatus claim and that claim 16 might have been intended to depend from claim 15 instead of claim 14. We do not address the issue of an apparatus claim being dependent from a process claim, since that issue has not been raised by the examiner and is not presently before us.

REVERSED

RICHARD E. SCHAFER)	
Administrative Patent Judge)	
)	
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)	BOARD OF PATENT
JAMESON LEE)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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RICHARD TORCZON)	
Administrative Patent Judge)	

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