Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD E. BERRY,
SUSAN F. HENSHAW and DAVID J. ROBERTS

Appeal No. 1998-3063
Application 08/632,223

ON BRIEF

Before THOMAS, BARRETT and FLEMING, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1, 3 through 6, 12, 14 through 17, 24 and 26 through 29, which constitute all the claims in the application.

Representative claim 1 is reproduced below:

1. A method for navigating within a compound graphical object in a graphical user interface presented on a display, comprising the steps of:

determining that a first command to move was issued from a pointing device;

passing the first command to an object in the compound graphical object, the object owning display space encompassing a pointer icon hot spot;

determining a lowest level object in the compound object, wherein each object receiving the first command determines whether the object has a child object owning display space encompassing the hot-spot and if so passes the first command to the child object, until a lowest level object owning display space encompassing the hot spot is found; and

presenting a selection within the lowest level object in the graphical user interface.

The following references are relied on by the examiner:

Bertram et al. (Bertram)	5,198,802	Mar. 30, 1993
Meisel	5,297,253	Mar. 22, 1994 (filing date January 9, 1992)

Claims 1, 4 through 6, 12, 15 through 17, 24 and 27 through 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Meisel. Claims 3, 14 and 26 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Meisel in view of Bertram.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and the answer for the respective details thereof.

OPINION

Because we reverse the rejection of representative independent claim 1, and because corresponding language is presented in independent claims 12 and 24, we

reverse the rejection of claims 1, 4 through 6, 12, 15 through 17, 24 and 27 through 29 under 35 U.S.C. § 102 as being anticipated by Meisel. As such, we therefore reverse the rejection of dependent claims 3, 14 and 26 under 35 U.S.C. § 103.

As our reproduction of claim 1 earlier in this opinion indicates, an object in the compound graphical object is stated to own display space encompassing a pointer icon hot spot. Within the step of determining a lowest level object in the compound object, this step further recites "wherein each object receiving the first command determines whether the object has a child object owning display space encompassing the hot-spot and if so passes the first command to the child object, until a lowest level object owning display space encompassing the hot spot is found." As generally argued by appellants in the brief, this feature is not taught in Meisel.

Although Meisel's information screen 21 and navigation panel 22 are taught in Meisel to be windows, the reference does not appear to teach that they are programming objects. We do, however, agree with the examiner's view that while the concept of hierarchy of both the claimed and disclosed invention and the hierarchy of the reference are the same, the interface to the display of each is not the same. Page 2 of the specification as filed in the background of the invention portion states between lines 14 through 18 that "[c]urrent techniques for selecting and cursoring are generally oriented to flat presentations of objects of the same type, such as icons on a desktop, cells in a spreadsheet, or graphical drawing objects in a graphics application." The present disclosed invention is not flat in the sense that one physical display

space or spot may represent plural levels of a hierarchy. Meisel does not take this approach in his interface for the display.

Meisel teaches a plurality of isolated or discrete objects corresponding to the hierarchy of objects and not to a plurality of objects "owning display space encompassing the hot spot" as recited in the "passing" and "determining" clauses of representative claim 1 on appeal. The user interfaces are architecturally different. Although Meisel does have teachings of menus and sub-menus that the examiner corresponds to the claimed objects and child objects, Meisel does not have the child objects in the same sense as the disclosed and claimed invention. Meisel does not have child objects within the display space occupied by a parent object. The disclosed and claimed interface operates differently upon a same or similar type of hierarchical arrangement of objects than that taught and shown in Meisel.

In view of the foregoing, the decision of the examiner rejecting various claims on appeal under 35 U.S.C. § 102 and 35 U.S.C. § 103 is reversed.

REVERSED

James D. Thomas)
Administrative Patent Judge)
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Lee E. Barrett) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
) INTERFERENCES
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)
Michael R. Fleming)
Administrative Patent Judge)

JDT/cam

IBM Corporation
Intellectual Property
Law Department 4054
11400 Burnet Road
Austin, TX 78758