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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/917,103	08/12/2004	Thorsten Pricken	13906-236001 / 2004P00453	2522
32864	7590	01/31/2013	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			GOODCHILD, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2433	
			NOTIFICATION DATE	DELIVERY MODE
			01/31/2013	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte THORSTEN PRICKEN,
YUFENG ZHOU, and GERO AUHAGEN

Appeal 2010-007364
Application 10/917,103
Technology Center 2400

Before ERIC B. CHEN, JOHNNY A. KUMAR, and
MICHAEL J. STRAUSS, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1, 3-14, 16, 18, and 19. Claims 2, 15, and 17 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b). We affirm-in-part.

STATEMENT OF THE CASE

Appellants' invention relates to a method for providing display information that represents a quantity of received email messages that have been held for processing for a predefined time period in an electronic mail response management system. (Abstract.)

Claims 1 and 18 are exemplary, with disputed limitations in italics:

1. In an electronic mail (email) response management system, a computer-implemented method of managing processing of email messages, the method comprising:

receiving, in an email response management system, a plurality of email messages, and assigning each of the received email messages to one of a plurality of entities for processing; and

providing supervisory information to manage the processing of emails by the plurality of entities, wherein providing the supervisory information comprises determining, for each of multiple predefined periods of time and for each of at least two of the plurality of entities, *a quantity value indicating a number of email messages that i) have been assigned to the entity but wherein processing of the email message is not yet complete, and ii) have been in process for an amount of time that falls within the predefined period of time, and upon determination of the quantity values, causing to be displayed in a graphical user interface (GUI) a representation that shows, for each combination of one of the at least two entities and one of the predefined periods of time, the determined quantity value for the combination in spatial relation to representations of the assigned entity and the predefined time period to which the determined quantity value relates.*

18. The method of claim 1, further comprising receiving a user selection that *determines which of at least two different sets of multiple predefined periods of time to use as the multiple predefined periods of time for which the quantity values are determined*, and using the selected set of multiple predefined periods of time in the determination of the quantity values.

Claims 1, 3-14, and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Campbell (U.S. Patent Application Publication No. 2001/0024497 A1; Sept. 27, 2001) and Tyler (U.S. Patent Application Publication No. 2004/0243679 A1; Dec. 2, 2004, filed May 28, 2003).

Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Campbell, Tyler, and Hiatt (U.S. Patent Application Publication No. 2005/0276397 A1; Dec. 15, 2005, filed June 15, 2004).

ANALYSIS

§ 103 Rejection – Campbell and Tyler

We are unpersuaded by Appellants' arguments (App. Br. 8-11; *see also* Reply Br. 2-3) that the combination of Campbell and Tyler would not have rendered obvious independent claim 1.

The Examiner found that the time in queue and the time without closure features of Campbell corresponds to the limitation “predefined period of time” (Ans. 4; Campbell, ¶ [0093]), the agents of Campbell correspond to the limitation “entities” (Ans. 4, 10; Campbell, ¶¶ [0093], [0207]) and that the time in queue feature corresponds to the limitation “wherein processing of the email message is not yet complete” (Ans. 4, 10; Campbell, ¶ [0093]). The Examiner acknowledged that Campbell does not disclose the limitation:

a quantity value indicating a number of email messages that i) have been assigned to the entity . . . and ii) have been in process for an amount of time that falls within the predefined period of time, and upon determination of the quantity values, causing to be displayed in a graphical user interface (GUI) a representation as recited in claim 1, and therefore, relied upon Figure 4A of Tyler, which illustrates a window of user responsiveness data. (Ans. 4-5.) The Examiner concluded that “[i]t would have been obvious . . . to incorporate the number of email messages in the queue statistics and within the report on the GUI in order to provide a full view of agent productivity.” (Ans. 5.) We agree with the Examiner.

Campbell relates to a system “for managing and integrating multimedia customer and customer-client interactions.” (¶ [0001].) The customer communication service system (CSS) 100 of Campbell interfaces to a telephone network 101 that connections to voice clients or callers 102 and to agents 103 that process the calls. (¶ [0041].) In addition, clients 105 can send and receive information with the agents 103 through the Internet 104. (*Id.*) System features of Campbell for managing email 712 within a call center include “escalation based upon business rules (time in queue, time without closure, etc.)” (¶ [0093]), corresponding to the claim limitations “wherein processing of the email message is not yet complete” and a “predefined period of time” for multiple entities. Furthermore, Campbell explains that “[e]mail 712 is deferrable work [and] thus can be optionally set to be ‘owned’ by an agent after logout.” (¶ [0094].) Campbell also explains that a Supervisor Desktop features real-time graphical monitoring that can display “the supervisors’ agent group, or individual agent’s within the supervisor’s group.” (¶ [0207].) Therefore, Campbell

teaches the limitations “entities” and “messages that i) have been assigned to the entity.”

Tyler relates to email management. (¶ [0001].) Figure 4A illustrates a window 400 of local responsiveness data for correspondents. (¶ [0029].)

Window 400 shows for each correspondent the correspondent identifier, total number of messages received from the correspondent (Total Received), amount of time passed since the last message was received from the correspondent (Time Since Received), total number of messages sent to the correspondent (Total Sent), time passed since the last message was sent to the correspondent (Time Since Sent)

(*Id.*) Therefore, because the window 400 of Tyler displays the total number of messages received and sent and the time passed since, Tyler teaches the limitation:

a quantity value indicating a number of email messages that i) have been assigned to the entity . . . and ii) have been in process for an amount of time that falls within the predefined period of time, and upon determination of the quantity values, causing to be displayed in a graphical user interface (GUI) a representation.

A person of ordinary skill in the art would have recognized that incorporating the responsiveness data for the correspondents of Tyler with customer communication service of Campbell, for managing and integrating multimedia customer and customer-client interactions, would improve Campbell by providing the advantage of providing the time passed since messages were received and sent. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007). Thus, we agree with the Examiner (Ans. 5) that modifying Campbell to include the responsiveness data for the correspondents of Tyler would have been obvious.

First, Appellants argue that:

the information provided in Tyler's display relates to past activities (responsiveness of other in the past), and does not relate to "a quantity value indicating a number of email messages that i) have been assigned to the entity **but wherein processing of the email message is not yet complete,**" as recited in Applicants' claim.

(App. Br. 10 (emphasis in original).) However, the Examiner cited to the time in queue feature of Campbell, rather than Tyler, for teaching the limitation "wherein processing of the email message is not yet complete."
(Ans. 4, 10.)

Second, Appellants argue that the "claimed method that includes determining **quantity information for 'a plurality of predefined periods of time' and for 'at least two entities [to which emails are assigned for processing],**" and there is no disclosure or suggestion in Tyler of displaying such quantity information in a GUI." (App. Br. 10-11 (emphasis in original).) However, the Examiner cited to the time in queue and time without closure features of Campbell, rather than Tyler, for teaching the limitation "a plurality of predefined periods of time." (Ans. 4.) Similarly, the Examiner cited to the agent group of Campbell, such that emails are "owned" by each agent, rather than Tyler, for teaching email assignment to "at least two entities." (Ans. 4, 10.)

Third, Appellants argue that "Campbell . . . does not teach that the 'time in queue' and 'time without closure' is specific to the agents, and even so, prioritizing emails for each agent does not teach determining a number of email messages assigned to each agent." (Reply Br. 3 (emphasis in original).) Contrary to Appellants' arguments, Campbell explains that the call center includes a system feature for routing and queuing of email based on "escalation based upon business rules (time in queue, time without

closure, etc.)” (¶ [0093]) and that such emails are “owned” by each agent (¶ [0094]).

Last, Appellants argue “Campbell teaches how long email messages have been received at Campbell’s system but fails to teach counting how many emails have been assigned to entities for a first period of time, and how many emails have been assigned to the entities for a second period of time.” (Reply Br. 3-4 (emphasis in original).) However, this argument is not commensurate in scope with claim 1, because the claim does not require counting how many emails have been assigned to entities for a first period of time, and how many emails have been assigned to the entities for a second period of time.

Thus, we agree with the Examiner that the combination of Campbell and Tyler would have rendered obvious independent claim 1.

Accordingly, we sustain the rejection of independent claim 1 under 35 U.S.C. § 103(a). Claims 3-10 and 12-14 depend from claim 1, and Appellants have not presented any substantive arguments with respect to these claims. Therefore, we sustain the rejection of claims 3-10 and 12-14 under 35 U.S.C. § 103(a), for the same reasons discussed with respect to independent claim 1.

Independent claim 16 recites limitation similar to those discussed with respect to independent claim 1, and Appellants have not presented any substantive arguments with respect to these claims. We sustain the rejection of claim 16 for the same reasons discussed with respect to claim 1.

Although Appellants nominally argue the rejection of dependent claim 11 separately (App. Br. 11-12; *see also* Reply Br. 4), the arguments presented do not point out with particularity or explain why the limitations

of the dependent claims are separately patentable. Instead, Appellant merely reiterates arguments previously presented and contends that:

Tyler's display relates to past activities (responsiveness of other in the past), and does not relate to "a quantity value indicating a number of email messages that i) have been assigned to the entity **but wherein processing of the email message is not yet complete**," as recited in Applicants' claim 1.

(App. Br. 11 (emphasis in original).) Furthermore, Appellants have not presented any substantive arguments with respect to claim 11. *See In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) ("[T]he Board reasonably interpreted Rule 41.37 to require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art."). We are not persuaded by these arguments for the reasons discussed with respect to claim 1, from which claims 11 depends. Accordingly, we sustain this rejection.

§ 103 Rejection – Campbell, Tyler, and Hiatt

We are persuaded by Appellants' arguments (App. Br. 12-14; *see also* Reply Br. 4-5) that the combination of Campbell, Tyler, and Hiatt would not have rendered obvious dependent claim 18.

The Examiner found that the combination of Campbell, Tyler, and Hiatt teaches the limitations of claims 18 and 19. (Ans. 7-8, 12). In particular, the Examiner found that "Campbell and Tyler disclose the portion of the claim relating to the details of the metrics being disclosed." (Ans. 12.) We do not agree.

Campbell explains that the call center includes a system feature for routing and queuing of email based on "escalation based upon business rules (time in queue, time without closure, etc.)." (¶ [0093].) Figure 3A of Tyler

illustrates email responsiveness data, including columns for “Total Received” and “Total Sent” and columns for “Time Since Received” and “Time Since Sent.”

However, the combination of Campbell and Tyler is expressly silent regarding of determining “Total Received” and “Total Sent” based on time. Accordingly, the Examiner has provided insufficient evidence to support a finding that the combination of Campbell and Tyler teaches the limitation “determines which of at least two different sets of multiple predefined periods of time to use as the multiple predefined periods of time for which the quantity values are determined.”

Thus, we do not agree with the Examiner that the combination of Campbell, Tyler, and Hiatt would have rendered obvious dependent claim 18.

Accordingly, we do not sustain the rejection of dependent claim 18 under 35 U.S.C. § 103(a).

Dependent claims 19 recites limitations similar to those discussed with respect to dependent claim 18. We do not sustain the rejection of claim 19 for the same reasons discussed with respect to claim 18.

DECISION

The Examiner’s decision to reject claims 1, 3-14, and 16 is affirmed. However, the Examiner’s decision to reject claims 18 and 19 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

Vsh