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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/389,129	03/24/2006	Per Kangru	49-122 US	9001
44362	7590	02/01/2013	EXAMINER	
Pequignot + Myers I.L.C. 90 North Coast Highway 101 Suite 315 Encinitas, CA 92024			ZAHR, ASHRAF A	
			ART UNIT	PAPER NUMBER
			2175	
			NOTIFICATION DATE	DELIVERY MODE
			02/01/2013	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PER KANGRU and JUERGEN VOSS

Appeal 2010-008413
Application 11/389,129
Technology Center 2100

Before CARL W. WHITEHEAD, JR, ERIC S. FRAHM, and
ANDREW J. DILLON, *Administrative Patent Judges*.

DILLON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-4 and 7-16. Claims 5 and 6 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' invention is directed to a method and system for enabling the selection and grouping of data. *See* Spec. 11, Abstract of the Disclosure.

Claim 1 is illustrative, with key disputed limitations emphasized:

1. A physical computer readable medium having computer executable code embodied therein, said computer executable code being capable of causing a computer to display a user interface on a display device, the user interface comprising:

a plurality of summaries of data corresponding to a network communication session, each summary of data from the plurality of summaries of data being depicted as identifying characteristics and a graphical report;

a component capable of selecting one summary of data from the plurality of summaries of data;

another component capable of selecting a plurality of events corresponding to said selected one summary of data; and

an icon representing a portion of said graphical report corresponding to said selected plurality of events;

said selected one summary of data being depicted as identifying characteristics, said icon and a graphical report reporting another plurality of events corresponding to said selected one summary of data.

The Examiner relies on the following as evidence of unpatentability:

Huang US 6,052,456 Apr. 18, 2000
Agilent Mobile Signaling Analyzer J7326A & J5486B (Product Overview)
in Phoenix Datacom (hereinafter “Agilent”)

THE REJECTION

1. The Examiner rejected claims 1-4 and 7-16 under 35 U.S.C.

§103(a) as unpatentable over Agilent and Huang. Ans. 3-7.¹

¹ Throughout this opinion, we refer to the Appeal Brief filed September 21, 2009; the Examiner’s Answer mailed December 29, 2009; and, the Reply Brief filed March 1, 2010.

ISSUE

Based upon our review of the record, the arguments proffered by Appellants and the findings of the Examiner, we find the following issue to be dispositive of the claims on appeal:

Under § 103, has the Examiner erred in rejecting claims 1-4 and 7-16 by finding that Agilent and Huang show or suggest “another component capable of selecting a plurality of events corresponding to said selected one summary of data” and “an icon representing a portion of said graphical report corresponding to said selected plurality of events” as set forth in independent claim 1.

ANALYSIS

Appellants concede that Agilent discloses a plurality of data summaries, and a component capable of selecting one summary from that plurality of summaries. App. Br. 10.

However, Appellants argue that the Examiner erred in rejecting claims 1-4 and 7-16 as unpatentable over Agilent and Huang in view of the failure of Agilent to disclose “another component” capable of selecting a plurality of events corresponding to a selected summary of data. *Id.* at 12.

Specifically, Appellants argue that Agilent is devoid of any disclosure of “another component” and fails to show or suggest any “icon” at all, much less the claimed “icon representing a portion of said graphical report corresponding to said selected plurality of events” as set forth in claim 1. *Id.* at 12.

The Examiner finds that Agilent, which Appellants concede discloses the display of a plurality of summaries of data, discloses a highlighted particular summary, which the Examiner believes supports the existence of a “component” capable of the claimed function. Further, the Examiner finds that Huang teaches the use of icons to disclose that it was known to utilize icons to initiate a particular function. Ans. 8-9.

We first note that either component recited in Appellants’ claims need not actually “select” anything, but must merely be capable of such selection.

Next, in order to interpret the claim term “component” we look to see if Appellants have assigned a particular value to that term. Indeed, we find that Appellants, at ¶[0014] of their Specification have defined component as “means for accomplishing a desired function. Typically, such means as implemented in software.”

Consequently, as Agilent discloses the capability of displaying a plurality of data summaries, and selecting a particular summary by highlighting that summary, we are drawn to the inescapable conclusion that Agilent indeed discloses multiple “components” which are “capable” of carrying out these actions.

Further, we conclude that associating a particular task with an “icon,” whether or not that task is disclosed in the cited prior art, does not rise to the level of patentable invention over a prior art disclosure of that task, combined with a teaching that tasks may be initiated by the selection of an icon.

We therefore conclude that the Examiner did not err in rejecting claims 1-4 and 7-16 as unpatentable under 35 U.S.C. §103(a) over Agilent and Huang.

CONCLUSION

The Examiner did not err in rejecting claims 1-4 and 7-16 under § 103.

ORDER

The Examiner's decision rejecting claims 1-4 and 7-16 is affirmed.
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