



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/463,818	06/17/2003	Raphael Imhof	2002 P 09664 US 01	9384
7590	02/12/2013			
Siemens Corporation				
170 Wood Avenue South				
Iselin, NJ 08830				
			EXAMINER	
			PHANTANA ANGKOOL, DAVID	
			ART UNIT	PAPER NUMBER
			2175	
			MAIL DATE	DELIVERY MODE
			02/12/2013	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RAPHAEL IMHOF

Appeal 2010-010502
Application 10/463,818
Technology Center 2100

Before SALLY C. MEDLEY, JOSIAH C. COCKS,
and DAVID C. McKONE, *Administrative Patent Judges*.

McKONE, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-18 and 22-25, which constitute all the claims pending in this application. *See* App. Br. 2. Claims 19-21 are cancelled. *See id.* We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

STATEMENT OF THE CASE

Appellant's invention relates to monitoring building control systems over the Internet. *See, e.g.*, Spec. 1:6-8. Claim 1, which is illustrative of the invention, reads as follows:

1. A method, comprising:
 - a) receiving at least one interpreted program over the Internet using a web-browser, and receiving at least first data defining a graphical element;
 - b) executing at least one interpreted software program to display at least a first graphical element, the first graphical element having a fixed element and a variable element, the fixed element derived from the first data defining a graphical element, the variable element representative of a first value, the first value representative of first data from a building control system;
 - c) executing, subsequent to steps a) and b) at least one interpreted software program to receive at least a second value over the Internet, the second value comprising nongraphical information representative of second data from a building control system;
 - d) executing at least one interpreted software program to display the first graphical element such that the variable element is representative of the second value, and displaying the fixed element using the first graphical data received in step a).

THE REJECTIONS

The Examiner relies on the following prior art in rejecting the claims:

Sharood	US 6,453,687 B2	Sept. 24, 2002
Ram	US 2003/0004853 A1	Jan. 2, 2003
Humpleman	US 6,546,419 B1	Apr. 8, 2003

Claims 1, 2, 9-13, 16-18, and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood and Ram. *See* Ans. 3-10.

Claims 3-8, 14, 15, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharood, Ram, and Humpleman. *See* Ans. 10-12.

ISSUES

Appellant presents his arguments for independent claim 1. *See* App. Br. 7-14. Appellant only nominally argues claims 2-18 and 22-25 separately. *See* App. Br. 14-15.

The Examiner finds that Sharood teaches or suggests each limitation of claim 1 except for “executing, subsequent to steps a) and b) at least one interpreted software program to receive at least a second value over the Internet.” *See* Ans. 4. The Examiner finds that Ram discloses this limitation and concludes that a person of ordinary skill in the art would have modified Sharood with the teachings of Ram to “allow[] a component to communicate with [an]other system independently and allow the system to provide a dynamic, graphically intuitive, fast graphical user interface to the user.” Ans. 4-5.

The issues are whether Sharood and Ram teach or suggest:

“c) executing, subsequent to steps a) and b) at least one interpreted software program to receive at least a second value over the Internet, the second value comprising nongraphical information representative of second data from a building control system.” *See* App. Br. 9-12; and

“d) executing at least one interpreted software program to display the first graphical element such that the variable element is representative of the

second value, and displaying the fixed element using the first graphical data received in step a).” *See* App. Br. 12-14.

ANALYSIS

REJECTION OF CLAIMS 1, 2, 9-13, 16-18, AND 23-25 UNDER 35 U.S.C. § 103(a)

Claims 1, 2, and 9-11

Sharood is directed to a system for monitoring appliances such as refrigerators and HVAC systems. *See* Sharood, Abstract. In one embodiment, a user can view information about an HVAC system (e.g., the temperature and humidity of the home) over an Internet connection using “home manager software,” which can be delivered as a java file that is displayed as a graphical user interface (“GUI”) using an Internet browser. *See* Sharood, col. 24, ll. 49-58, Fig. 23. The Examiner finds that this constitutes “receiving at least one interpreted program over the Internet using a web-browser, and receiving at least first data defining a graphical element,” as recited in claim 1. Ans. 3.

The Examiner also finds that the “Hours” units and the “Temperature” units corresponding to the graph shown in Figure 23 are “fixed element[s]” of a first graphical element, while the graph itself is a “variable element” representative of a “first value.” Ans. 3-4. The Examiner identifies the “Temperature: 84°F” shown in Figure 23 as a “second value comprising non-graphical information representative of second data from a building control system.” Ans. 4. According to the Examiner, Figure 23 shows that the 84°F “correlates to” the temperature graph, thus showing step d’s “executing at least one interpreted software program to display the first graphical element such that the variable element is representative of the

second value, and to display the fixed element using the first graphical data received in step a).” *Id.*

The Examiner acknowledges that Sharood does not teach “executing, subsequent to steps a) and b) at least one interpreted software program to receive at least a second value over the Internet,” but finds that this is shown in Ram. *Id.* Ram teaches an interactive graphical front end system, including a GUI, for trading securities. *See* Ram, Abstract. According to the Examiner, Ram’s system includes a logical architecture with a plurality of layers, including a user interface layer, and object layer, and a communication layer. *See* Ans. 4. The Examiner finds that these layers communicate with each other, for example, communicating between the front end and a back end trading system, using clearly defined interfaces, presenting the user with a clean and organized structure. *See id.* The Examiner finds that Ram “teaches components that may independent[ly] communicate with other servers and/or systems.” *Id.*

Appellant argues that the steps of claim 1 require a specific order in which the first graphical element displayed in step “d” is displayed based on a “newly received (non-graphical) value combined with previously received *and previously displayed* graphical data.” App. Br. 8. According to Appellant, the fixed element of the graphical data previously displayed in step “b” is displayed again in step “d” “without requiring the retransmission of static graphical data.” *Id.*; *see also id.* at 9 (step “d” “effectively requires a second or updated display of a graphical element, using a newly received second value to generate the variable element, and previously received graphical data to generate the fixed element.”). Appellant argues that Sharood does not teach re-displaying a fixed element of a first graphical

element after a second value is received over the Internet. *See* App. Br. 9-10. Instead, Appellant contends, “Sharood teaches that an updated display contains *all* newly received graphical data, and not a mix of previously received data and newly received data.” Reply Br. 3; *see also* App. Br. 10 (Sharood teaches generating a graphic display that includes a representation of values, but “does not state *when* fixed element data and variable element data is received.”). Thus, Appellant contends, “the Examiner has not established that . . . Sharood teaches generating an updated display using a *new* value for a variable element, and *previously received* graphical data for the fixed element.” *Id.*

The Examiner responds that Appellant is relying on features not recited in claim 1 to distinguish Sharood. *See* Ans. 13. In particular, the Examiner concludes that claim 1 does not preclude “retransmission” of the fixed element received in step “a” or require “using a newly received second value to generate the variable element” displayed in step “d.” Ans. 13-14. The Examiner also concludes that step “d” does not require “generating an updated display using a new value for a variable element,” and that to conclude otherwise would be to impermissibly read limitations from the Specification into the claims. Ans. 15.

Step “d” of claim 1 specifies that the interpreted software program displays the first graphical element such that the variable element is “representative of the second value.” According to step “c,” the interpreted software program receives this second value “subsequent to steps a) and b).” In step “b,” the first graphical element is displayed with the variable element “representative of a first value.” According to the language of claim 1, then, the second value is received “subsequent to” displaying the first graphical

element with the variable element representing the first value. Since the second value is received after the first value is displayed, it is in that sense “newly received.” *See* Reply Br. 4. Thus, we agree with the Appellant that step “d” does require the generation of an updated display using a new (“second”) value for the variable element of the first graphical element.

We also agree with Appellant that claim 1 requires that while the variable element is displayed with the new value, the fixed element is displayed using the first graphical data already received; thus the first graphical data is not re-transmitted. In particular, step “d” of claim 1 recites “displaying the fixed element using the first graphical data received in step a).” The first graphical data received in step “a” is displayed in step “b” (“display at least a first graphical element . . . having a fixed element . . . , the fixed element derived from the first data defining a graphical element”). Thus, it is received and displayed before the second value is received in step “c” and displayed in step “d.” We conclude that reading step “d” to cover displaying a re-transmitted version of the first graphical data received in step “a” (e.g., in the case where the entire display of Sharood’s Figure 23 is re-transmitted and refreshed) is unreasonably broad in light of the language of claim 1 and the description in the Specification. *See, e.g.,* Spec. 11:21-12:

[W]hile the initial transmission of the executable program and fixed graphical data over the network 106 requires more substantial bandwidth, such transmission need not be repeated for each update to the graphics page. Thus, multiple subsequent updates to the graphic page displayed at the web client 108 may occur using little bandwidth, and requiring relatively short download time. By contrast, prior art devices transferring completed web pages with significant amounts of graphical image information with each update require relatively far more download time.

Thus, even if a skilled artisan were to conclude that Sharood teaches re-transmission of Figure 23 with updated values (Appellant admits as much at Reply Br. 6), the Examiner has not shown that Sharood teaches or suggests displaying a variable element representing a newly received value and a fixed element using previously received data.

The Examiner does not contend that Ram teaches the limitations of step “d” that we find to be missing from Sharood. *See* Ans. 3-5.

Accordingly, we do not sustain the rejection of: (1) claim 1; and (2) claims 2 and 9-11, which depend on claim 1.

Claims 12, 13, 16-18, and 23-25

While independent claims 12 and 23 require the display of a variable element representative of a newly received second value, neither precludes the re-transmission of a fixed element of a first graphical element. As Appellant admits, it is “fair to infer that Sharood allows for the update of the *entire* display of Fig. 23, for example, when a web page is refreshed.” Reply Br. 6. Sharood at least suggests that this would include a subsequently received second value, e.g., a new value for the temperature should the temperature change. *See* Ans. 6; *see also* Sharood, col. 24, ll. 49-50 (“The universal controller 110 has a monitor function that allows current status of all connected devices to be viewed.”). Thus, Appellant’s arguments, while persuasive as to claim 1, are not persuasive as to claims 12 and 23.

Accordingly, we sustain the rejection of: (1) claims 12 and 23; (2) claims 13 and 16-18, which depend on claim 12; and (3) claims 24 and 25, which depend on claim 23.

Appeal 2010-010502
Application 10/463,818

REJECTION OF CLAIMS 3-8, 14, 15, AND 22 UNDER 35 U.S.C. § 103(a)

Claims 3-8 depend on claim 1. Thus, each includes a recitation of the subject matter that we find has not been taught or suggested by the cited prior art. The Examiner does not rely on Humpleman to cure the above-noted deficiency. *See* Ans. 10-12. Accordingly, we do not sustain the rejection of claims 3-8.

Claims 14 and 15 depend on claim 12. Claim 22 depends on claim 23. Appellant does not separately argue claims 14, 15, and 22. *See* App. Br. 14-15. Accordingly, we sustain the rejection of claims 14, 15, and 22 for the reasons stated above for claims 12 and 23.

ORDER

The decision of the Examiner to reject claims 1-11 is reversed. The decision to reject claims 12-18 and 22-25 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). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2010).

AFFIRMED-IN-PART

rwk