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MICROSOFT CORPORATION
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EXAMINER

ELKASSABGI, ZAHRA

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RAINER SCHILLER, NELSON CHUN HIN SIU,
JOSHUA JONES, and DANIEL P. COSTENARO

Appeal 2014-006788¹
Application 12/129,682²
Technology Center 3600

Before MURRIEL E. CRAWFORD, TARA L. HUTCHINGS, and
AMEE A. SHAH, *Administrative Patent Judges*.

SHAH, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ Throughout this opinion, we refer to the Appellants' Appeal Brief ("Br.," filed Nov. 26, 2013), and Specification ("Spec.," filed May 30, 2008), and to the Examiner's Answer ("Ans.," mailed Mar. 21, 2014) and Non-Final Office Action ("Non-Final Act.," mailed June 26, 2013).

² According to the Appellants, the real party in interest is "Microsoft Corporation, as the Assignee of record." Br. 2.

STATEMENT OF THE CASE

The Appellants' invention is directed to "previewing and managing scheduling opportunities." Spec. ¶ 3.

Claims 1, 16, and 19 are the independent claims on appeal. Claim 1 (Br. 12, Claims App.) is exemplary of the subject matter on appeal and is reproduced below:

1. A method for providing a scheduling opportunity previewer comprising:

receiving, with an email application, a scheduling opportunity comprising a request to add a new appointment to a calendar;

retrieving, by a processor, a context of one or more surrounding appointments to the scheduling opportunity; and

displaying, in a preview pane in the email application, the scheduling opportunity with the context of surrounding appointments, without opening a separate calendar module.

REJECTIONS

Claims 1–6, 9–12, and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Chen (US 2008/0243582 A1, pub. Oct. 2, 2008) and Dean (US 6,167,379, iss. Dec. 26, 2000). Non-Final Act. 2.

Claims 7, 8, 13, and 15–20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Chen, Dean, and Levinson (US 6,381,580 B1, iss. Apr. 30, 2002). *Id.* at 5.

FINDINGS OF FACT

The findings of fact in the Analysis section below are supported at least by a preponderance of the evidence.³

ANALYSIS

The Appellants argue claims 1–6, 9–12, and 14 as a group. *See* Br. 8, 10. We select claim 1 as representative; dependent claims 2–6, 9–12, and 14 stand or fall with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

The Appellants contend the rejection of claim 1 is in error because the references, alone or in combination, do not teach the limitation of “displaying, in a preview pane in the email application, the scheduling opportunity with the context of surrounding appointments, without opening a separate calendar module.” Br. 8, 12, Claims App. Specifically, the Appellants argue that Dean, upon which the Examiner relies, does not teach or suggest the element of the display being in a preview pane in the email application. *See id.* 9.

The Examiner finds that Chen discloses the retrieving step, but not the receiving or displaying steps. *See* Non-Final Act. 2–3. The Examiner relies on Dean for these limitations, citing column 4, lines 40 through 55; column 5, lines 35 through 41; and column 6, lines 6 through 40. *See id.* at 3; Ans. 3.

Dean is directed to “remotely updating an electronic calendar supported by a portable electronic organizer” (Dean, col. 1, ll. 9–11), the

³ *See Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

organizer including a memory storing a calendar program executed by a central processing unit (CPU) and a memory storing user data (*id.* at col. 3, ll. 20–28). The portions of Dean relied upon by the Examiner disclose: (1) the CPU causing the proposed scheduling update information to appear on the left side of a split screen display and, at the same time, the previously scheduled appointments for the same day to appear on the right side of the split screen display (*id.* at col. 4, ll. 44–53, col. 6, ll. 8–11); (2) that proposed scheduling times are transmitted by message to the organizer’s CPU via the receiver, whereby “[t]he messages exchanged between the computer **32** and the electronic organizer **10** can also be transmitted in the form of e-mail messages . . . over the Internet to an e-mail address assigned to the electronic organizer” (*id.* at col. 5, ll. 6–16, 35–40); (3) that although the CPU can determine whether a scheduling conflict exists, it is preferable for a user to make that determination (*id.* at col. 6, ll. 12–24); if no conflict exists, the update is entered; and (4) that if a conflict does exist, a determination is made, either by the CPU or user, whether to replace the previously scheduled meeting with a proposed update (*id.* at col. 6, ll. 26–40).

We agree with the Appellants that “Dean does not disclose an email application on the electronic organizer” that receives requests to add an appointment and displays scheduling data in a preview pane. *See* Br. 9. As the Appellants point out, Dean discloses exchanging e-mail messages between the computer and electronic organizer, but does not disclose an email application (as opposed to the CPU with the calendar program) receiving the email or that the scheduling information is displayed within the email application. *See id.* Although the Examiner states that Dean’s

exchange of messages discloses an email application (*see* Ans. 3), as noted above, Dean is directed to a calendar program. We fail to see, and the Examiner does not adequately explain, how the communication of email messages between the computer and electronic organizer discloses an email application in the calendar program that receives the e-mail messages and displays the scheduling data in a preview pane in the email application, as recited by claim 1.

Thus, we are persuaded of error on the part of the Examiner in rejecting claim 1, and we do not sustain the rejection of independent claim 1 and dependent claims 2–6, 9–12, and 14 as they stand with claim 1.

Each of claims 7, 8, 13, and 15 ultimately depends from independent claim 1. For the same reasons we do not sustain the rejection of claim 1, we also do not sustain the rejection of dependent claims 7, 8, 13, and 15. *Cf. In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (“dependent claims are nonobvious if the independent claims from which they depend are nonobvious”).

Independent claims 16 and 19 each recites a substantially similar displaying limitation. As with claim 1, the Examiner relies on Dean for teaching the limitation. Thus, for the same reasons we do not sustain the rejection of claim 1, we also do not sustain the rejection of independent claims 16 and 19 and claims 17, 18, and 20, depending therefrom.

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Application 12/129,682

DECISION

The rejections of claims 1–20 under 35 U.S.C. § 103(a) are
REVERSED.

REVERSED