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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/794,222	03/11/2013	Steven Martin Richman	SA130023-US-NP	3610
36738	7590	11/28/2016	EXAMINER	
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			MONSHI, SAMIRA	
			ART UNIT	PAPER NUMBER
			2422	
			NOTIFICATION DATE	DELIVERY MODE
			11/28/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEVEN MARTIN RICHMAN, BRANT CANDELORE,
GRAHAM CLIFT, KAZUMOTO KONDO,
and FREDERICK J. ZUSTAK¹

Appeal 2015-004721
Application 13/794,222
Technology Center 2400

Before JOHN F. HORVATH, KARA L. SZPONDOWSKI, and
MICHAEL M. BARRY, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 14–19, which constitute all pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART. We designate affirmance as NEW GROUNDS OF REJECTION pursuant to 37 C.F.R. § 41.50(b).

¹ Appellants identify the real party in interest as Sony Corp. (App. Br. 2.)

Introduction

Appellants state their “application relates generally to managing extra space on ultra high definition (UHD) displays when the UHD displays present high definition (HD) video.” (Spec ¶ 1.)

Claim 14 is exemplary:

14. An ultra high definition (UHD) display device (UHDDD) comprising:

a UHD display configured for presenting first and second video contents in respective first and second windows of the display; and

a processor configured for controlling the UHD display to present demanded images, the processor configured for:

receiving a user command to launch an application for presentation on the UHDDD;

comparing the command against a set of presentation rules to determine if an application window representing the application can be added to the UHDDD without violating one or more of the presentation rules;

responsive to a determination that the application window representing the application can be added to the display without violating one or more of the presentation rules, presenting on the UHDDD the application window; and

responsive to a determination that the application window cannot be added to those already being presented on the UHDDD without violating one or more presentation rules, accessing the presentation rules to determine an alternate action.

(App. Br. 8 (App’x A).)

Rejections

Claims 14–16 and 18 stand rejected under 35 U.S.C. § 103(a) as obvious over Putterman et al. (US 2012/0169934 A1; July 5, 2012) and Hwang et al. (2011/0289438 A1; Nov. 24, 2011). (Final Act. 16–19.)

Claims 17 and 19 stand rejected under 35 U.S.C. § 103(a) as obvious over Putterman, Hwang, and Zaika et al. (US 2004/0056894 A1; Mar. 25, 2004). (Final Act. 19–20.)

ANALYSIS

Claim 14

Appellants argue the Examiner errs in finding Hwang teaches the limitations recited after “the processor [is] configured for:” in claim 14. (App. Br. 4–5.) Appellants specifically contend the disclosure relied on by the Examiner for “receiving a user command to launch an application . . .” (i.e., Hwang ¶¶ 72–78; *see* Final Act. 17, Ans. 10) is not tied to the disclosure relied on for “comparing the command . . . to determine if an application window representing the application can be added . . .” (i.e., Hwang ¶ 94; *see* Final Act. 17, Ans. 11–12). (App. Br. 4–5.) We agree.

Hwang paragraphs 72–78 teach a user interface for establishing rules for the display of contact objects. The Examiner finds this teaches launching a “*setting application*.” (*See* Ans. 10.) Hwang paragraph 94 teaches using the rules established by the setting application to manage the display of contact objects. We agree with Appellants that, *vis-à-vis* the recited “receiving” and “comparing” limitations, Hwang’s setting application is unrelated to managing the display of contact objects. (*See* App. Br. 4–5.) It is improper for the Examiner to rely on the setting application for claim 14’s “an application” and then a different application, i.e., an application for the display of a contact object, for the subsequently recited “the application.”

Nevertheless, we find and conclude that the combination of Putterman and Hwang teaches or suggests all limitations of claim 14. As the Examiner correctly finds, Putterman teaches the recited “UHD display configured for

presenting first and second video contents in respective first and second windows of the display” (*see* Final Act. 16 (citing Putterman Figs. 5A-5D, 6 (step 625), ¶¶ 72–75, 80) and “processor configured for controlling the UHD display to present demanded images” (*id.* (citing Putterman Fig. 7 (processor 710))). We note Hwang also teaches a processor to control a display for presenting demanded images (Fig. 1 (control unit 500), ¶ 14).

As the Examiner also correctly finds, Hwang teaches the recited “receiving a user command to launch an application for presentation on the UHDDD” (*see* Final Act. 17 (citing Hwang ¶¶ 72–78)). While the Examiner identifies a “*setting application*” as discussed above, Hwang teaches receiving commands to launch various other applications for presentation on the display, such as an application for displaying a contact object. (Hwang ¶¶ 72–84.)

We find the combination of Hwang and Putterman teaches or suggests the recited “comparing the command [to launch the application] against a set of presentation rules to determine if an application window representing the application can be added to the UHDDD without violating one or more of the presentation rules” limitation. Specifically, with the application being an application to display a contact object, Hwang discloses managing the display of the contact object according to presentation rules. (Hwang ¶¶ 80–95 (discussing Figs. 6, 7).) Putterman teaches presenting different types of data (e.g., application or television data) on different ones of multiple windows on a high definition display. (Putterman ¶¶ 9–10.) It would have been obvious to one of ordinary skill at the time of Appellants’ invention to combine these teachings of Hwang and Putterman, because the skilled artisan would have been motivated to use the flexible and efficient rules-

based teachings of Hwang for flexible and user-friendly management of the plurality of application-containing windows in Putterman.

Regarding motivation to combine, Appellants argue the Examiner errs in combining the teachings of Putterman and Hwang because “Hwang . . . bears zero relevance to Putterman” (App. Br. 5; *see also id.* at 3–4). We disagree. A reason to combine teachings from the prior art “may be found in explicit or implicit teachings within the references themselves, from the ordinary knowledge of those skilled in the art, or from the nature of the problem to be solved.” *WMS Gaming Inc. v. Int’l Game Tech.*, 184 F.3d 1339, 1355 (Fed. Cir. 1999) (citing *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998)).

Putterman is directed to “display[ing] a broad spectrum of media content in separate windows” on a television (Putterman ¶ 2), including display output from applications other than traditional television media (*id.* ¶¶ 7–8) such as applications that use HTML (HyperText Markup Language) (*id.* ¶ 72). Hwang is directed to techniques for providing “event-triggered contact information” (Hwang ¶ 3) with an interface for displaying multiple “contact objects” (*id.* ¶ 8) including on televisions and other large format displays (*id.* ¶ 44). We disagree with Appellants that Putterman and Hwang bear no relevance to each other, as both are directed to displaying information in a plurality of windows on digital television screens. Moreover, Appellants provide no evidence to show combining Hwang’s “contact object” display management features with Putterman’s display of “application windows” was “uniquely challenging or difficult for one of ordinary skill in the art.” *See Leapfrog Enters., Inc. v. Fisher-Price, Inc.*,

485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007)).

Regarding the remaining requirements of claim 14, the Examiner finds Hwang ¶ 94 teaches claim 14's "responsive to . . ." limitations (Final Act. 17–19). While we agree with Appellants that Hwang teaches using presentation rules for managing display of contact objects rather than application windows (*see* App. Br. 4–5), we find the combination of this disclosure from Hwang with Putterman's teachings for displaying application windows, as discussed above, teaches or suggests both of the recited "responsive to . . ." requirements. In other words, it would have been obvious to an ordinarily skilled artisan to combine Putterman's application windows with Hwang's presentation rules to make a presentation rules-based determination of whether to add an application window to the display, or else to take an alternate action, as recited.

Thus, we conclude claim 14 is obvious, and, accordingly, we sustain its rejection. Because we rely on findings and reasons that differ from those of the Examiner, we designate this as a new ground of rejection pursuant to 37 C.F.R. § 41.50(b).

Claims 15, 16, and 18

Claim 15 depends from claim 14 and adds, *inter alia*, a requirement that "the application window is grouped with application windows representing existing applications in the same category as the first application." The Examiner relies on Hwang ¶ 94 for teaching this requirement. Appellants argue the Examiner errs because "[n]o categories exist in paragraph 94." (App. Br. 6.) We agree, and accordingly do not sustain the rejection of claim 15.

Claim 16 depends from claim 14 and adds a requirement “wherein the alternate action is presenting on a user interface (UI) an option for a user to override the rules.” Appellants argue the Examiner errs by failing to point to any disclosure in Hwang that teaches this requirement. (App. Br. 6.) We agree, and accordingly do not sustain the rejection of claim 16.

Claim 18 depends from claim 14 and adds a requirement “wherein the alternate action is presenting the application window in a way that replaces, according to the presentation rules, one or more existing application windows.” Appellants summarily argue the Examiner errs “for the reasons discussed above.” We note this is not a proper separate argument for patentability. *See* 37 C.F.R. 41.37(c)(1)(iv), *In re Lovin*, 652 F.3d 1349, 1351 (Fed. Cir. 2011). We also note Hwang teaches an alternative action of replacing the display of contact objects according to presentation rules (*see* ¶ 94 (“In case that the <change> field is set to the value ‘replace’ as shown in part 601 of FIG. 6, the control unit 500 determines that it is possible to replace the one of the contact objects with a new contact object.”)). We find the combination of this teaching from Hwang with Putterman’s teachings of display of application windows, as discussed above, teaches the added requirements of claim 18. Accordingly, we conclude claim 18 is obvious, which we designate as a new ground of rejection pursuant to 37 C.F.R. § 41.50(b).

Claims 17 and 19

Claim 17 depends from claim 14 and recites “wherein the alternate action is presenting the application window in a way that overlays, according to the presentation rules, one or more existing application

windows.” Claim 19 similarly recites a requirement for resizing one or more windows.

Appellants argue claims 17 and 19 together, contending the Examiner errs because “[t]he portions of Zaika relied on do not teach overlaying windows but rather relate to rearranging objects within a window” as recited by claim 17. (App. Br. 7.) The Examiner answers by finding “the UI layout rules disclosed by Zaika include a number of options for laying out UI elements within each UI window. For example, the ‘overlap’ layout rules . . . provide[] the capability to overlap one or more UI items in a UI window.” (Ans. 13; Final Act. 19 (citing Zaika ¶¶ 7, 8, 57, 126–28, 136).)

We agree with and adopt the Examiner’s findings that Zaika teaches resizing and overlapping of frames within windows. We also note Zaika specifically teaches that frames within windows can themselves be windows (¶ 125). We accordingly sustain the rejection of claims 17 and 19 as obvious. Because the rejection of these dependent claims rely on the new ground of rejection for their parent claim, we designate this as a new ground of rejection pursuant to 37 C.F.R. § 41.50(b).

DECISION

For the above reasons, we affirm the rejection of claims 14 and 17–19, and we reverse the rejection of claims 15 and 16. We designate our affirmance of the rejection of claims 14 and 17–19 as new grounds of rejection pursuant to 37 C.F.R. § 41.50(b), which provides “[a] new ground of rejection pursuant to this paragraph shall not be considered final for judicial review.” Section 41.50(b) also provides:

When the Board enters such a non-final decision, the appellant, within two months from the date of the decision, must exercise one of the following two options with respect to

the new ground of rejection to avoid termination of the appeal as to the rejected claims:

(1) Reopen prosecution. Submit an appropriate amendment of the claims so rejected or new Evidence relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the prosecution will be remanded to the examiner. The new ground of rejection is binding upon the examiner unless an amendment or new Evidence not previously of Record is made which, in the opinion of the examiner, overcomes the new ground of rejection designated in the decision. Should the examiner reject the claims, appellant may again appeal to the Board pursuant to this subpart.

(2) Request rehearing. Request that the proceeding be reheard under § 41.52 by the Board upon the same Record. The request for rehearing must address any new ground of rejection and state with particularity the points believed to have been misapprehended or overlooked in entering the new ground of rejection and also state all other grounds upon which rehearing is sought.

Further guidance on responding to a new ground of rejection can be found in the Manual of Patent Examining Procedure § 1214.01.

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
37 C.F.R. § 41.50(b)