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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TODD HASEYAMA and
DIANE LENORE GUETTIER

Appeal 2015-005796
Application 13/260,342
Technology Center 2100

Before DEBRA K. STEPHENS, KEVIN C. TROCK, and
JESSICA C. KAISER, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

DECISION ON APPEAL

Introduction

Appellants¹ seek review under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–3, 5–10, and 16–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ According to Appellants, the real party in interest is Hewlett-Packard Development Company, LP. App. Br. 2.

Invention

The claims are directed to a system for indicating a logical break in a plurality of objects on a display. Abstract.

Exemplary Claim

Claim 1, reproduced below, is illustrative of the claimed subject matter with disputed limitations emphasized:

1. A method for controlling a display of information, comprising:

showing a plurality of objects on a display, wherein the plurality of objects extends beyond a border of the display, and wherein the *plurality of objects comprises a logical break*;

obtaining a user input from an input device, wherein the user input indicates a direction to scroll the plurality of objects on the display;

scrolling the plurality of objects in the direction indicated by the user input, wherein a logical break in the plurality objects is displayed;

indicating the presence of the logical break in the plurality of objects on the display;

obtaining a second user input to continue the scrolling of objects in the direction indicated by the user input; and

resuming the scrolling of objects beyond the logical break in the direction indicated by the user input.

Applied Prior Art

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Tchao et al.	US 5,581,681	Dec. 3, 1996
Ording et al.	US 2007/0146337 A1	June 28, 2007
Holleman	US 2010/0169822 A1	July 1, 2010

REJECTIONS

The Examiner made the following rejections:

Claims 1, 5–7, 10, 16, and 20² stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tchao and Hollemans. Final Act. 4–6.

Claims 2, 3, 8, 9, and 17–19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tchao, Hollemans, and Ordning. *Id.* at 6–8.

ANALYSIS

We have reviewed the Examiner’s rejections and the evidence of record in light of Appellants’ argument that the Examiner has erred. We disagree with Appellants’ arguments and conclusions. We adopt as our own the findings and reasons set forth by the Examiner in the action from which this appeal is taken (Final Act. 4–8) and the findings and the reasons set forth in the Examiner’s Answer (Ans. 3–5). We concur with the conclusions reached by the Examiner and further highlight specific findings and argument for emphasis as follows.

Appellants contend Tchao does not teach or suggest a “plurality of objects comprises a logical break” and “indicating the presence of the logical break in the plurality of objects on the display,” as recited in independent claim 1 and similarly recited in independent claim 16. App. Br. 5–8; Reply Br. 2–3. Specifically, Appellants argue Tchao teaches a “note area separated

² The Final Action lists claims 1, 4–7, 10, and 15 as unpatentable over Tchao and Hollemans (Final Act. 4), but claim 4 has been cancelled and the Final Action substantively rejects claims 1, 5–7, 10, 16, and 20 (*id.* at 4–6). We find this listing harmless error and treat claims 1, 5–7, 10, 16, and 20 as rejected under 35 U.S.C. § 103(a) over Tchao and Hollemans.

by a header,” but Tchao’s “header simply provides a visual indication” rather than “a logical separation point between objects.” Reply Br. 2 (citing Tchao 5:53–27, 50–59); App. Br. 7–8.

We are not persuaded. The Examiner finds, and we agree, Tchao teaches a computer interface displaying “notes containing one or more objects.” Final Act. 4 (citing Tchao 6:21–7:3, Figs. 3, 5); Ans. 3; *see* Tchao 5:50–59. The Examiner further finds, and we agree, Tchao teaches “a logical break based upon a date various objects were created.” Ans. 4 (citation omitted). The Examiner further finds, and we agree, Tchao teaches “headers indicating a date on which one of a plurality of notes is created” (Ans. 3 (citation omitted)); that is Tchao’s headers indicate “dates separating each note” using “a bar, or line, [to] differentiat[e] various logical areas” (Ans. 4 (citation omitted)).

We apply the broadest reasonable interpretation of claim terms, consistent with the specification, as would be understood by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). Where, as here, the Specification does not explicitly define a term, the term should be given its ordinary meaning and broadest reasonable interpretation. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1368 (Fed. Cir. 2003).

Appellants’ argument, that Tchao’s separation between notes, indicated by a header, is not a “logical” break (Reply Br. 2, App. Br. 7), is inconsistent with the explanation of a logical break provided by Appellants’ Specification. According to Appellants’ Specification, a “logical break may indicate a logical separation point between objects, such as . . . objects collected during a different time period.” Spec. ¶ 35. We agree with the

Examiner that Tchao “separate[s] various logical segments based upon the date on which an object is created.” Ans. 4. Indeed, Tchao’s notes are separated by the “date of creation 44 of the note.” Tchao 5:31–35, Figs. 3–4. The separation of Tchao’s notes provides a “logical break” between the notes because Tchao’s notes are separated based on creation date, i.e., the “different time period[s,]” taught by Appellants’ Specification. Spec. ¶ 35. Thus, we are not persuaded Tchao fails to teach a plurality of objects (notes) comprises a logical break. Additionally, because the notes are separated on the display, we are not persuaded Tchao fails to teach or suggest the presence of the logical break on the display. Accordingly, we are not persuaded the Examiner erred in finding Tchao teaches or suggests “plurality of objects comprises a logical break” and “indicating the presence of the logical break in the plurality of objects on the display,” within the meaning of independent claims 1 and 16.

Appellants do not argue patentability separately for dependent claims 2, 3, 5–10, and 17–20 which depend from claims 1 and 16. App. Br. 9–10. For the reasons set forth above, therefore, we are not persuaded the Examiner erred in rejecting these claims. Accordingly, we sustain the Examiner’s rejections of claims 2, 3, 5–10, and 17–20. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We AFFIRM the Examiner’s 35 U.S.C. § 103 rejection of claims 1–3, 5–10, and 16–20.

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).

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Application 13/260,342

AFFIRMED