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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARY P. CZERWINSKI, GREGORY SMITH,
BRIAN R. MEYERS, PATRICK MARKUS BAUDISCH,
GEORGE G. ROBERTSON, and DANIEL C. ROBBINS

Appeal 2015-007154
Application 13/069,015
Technology Center 2100

Before BRUCE R. WINSOR, LINZY T. McCARTNEY, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

PER CURIAM.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1, 4–7, and 11–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

STATEMENT OF THE CASE

The present patent application concerns “computer software, and in particular, to a system and method for managing the control and display of software application windows in a graphical user environment.” Spec. 1:16–

18. Claim 1 illustrates the claimed subject matter:

1. A method for managing at least two software applications in a computer system including a display, wherein the at least two software applications are represented as graphical windows in a first portion of the display, the method comprising:

obtaining an indication to organize a first graphic control corresponding to a first software application of the at least two software applications and a second graphic control corresponding to a second software application of the at least two software applications;

displaying the first and second graphic controls as a group within a second portion of the display, the group being represented in a collapsed manner;

receiving an indication of selection of the group represented in the collapsed manner; and

in response to receiving the indication of the selection of the group represented in the collapsed manner, expanding the group to display the first graphic control and the second graphic control.

App. Br. 38.

REJECTION¹

Claims 1, 4–7, and 11–20 stand rejected under 35 U.S.C. § 102(b) as anticipated by Bronson². *See* Final Act. 2–9.

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments and the evidence of record, and, with the exceptions of claims 18 and 19, we disagree with Appellants that the Examiner erred. To the extent consistent with the analysis below, we adopt the Examiner’s findings and reasoning set forth in the appealed action and the Examiner’s Answer. We address Appellants’ arguments in turn. Appellants have waived arguments Appellants failed to raise or properly develop in Appellants’ briefing. *See* 37 C.F.R. §§ 41.37(c)(1)(iv), 41.41(b)(2).

Claims 1, 4, 5, 7, 11–17, and 20

The “Obtaining” Limitation

Appellants contend the Examiner erred in finding that Bronson discloses “obtaining an indication to organize a first graphic control corresponding to a first software application of the at least two software applications and a second graphic control corresponding to a second software application of the at least two software applications” as recited in claim 1. *See* App. Br. 9–10. Appellants argue the cited portions of Bronson

¹ In the Answer, the Examiner withdrew the rejection of claims 1–20 under 35 U.S.C. § 102(e) as anticipated by Sciammarella et al. (US 2002/0033848 A1; published Mar. 21, 2002). *See* Ans. 2; Final Act. 9–16. Accordingly, there is no rejection of claims 2, 3, and 8–10 before us on appeal.

² Bronson (US 5,305,435; issued Apr. 19, 1994).

“merely describe[] a central screen area including several windows, with one window for an application program ABC, another window for an application program XYZ,” the window for the XYZ program “also contain[ing] a double-star icon which represents the application program XYZ.” *Id.* at 9.

We are unpersuaded of error because Bronson’s disclosure of a display that organizes main window tab 38 and secondary window tabs 81–85 together implicitly satisfies the “obtaining” limitation of claim 1. *See* Bronson Figs. 1, 3–5, 7–10. Specifically, Bronson discloses a display of a workstation desktop including an application program ABC 22 that has a group of window interfaces labeled P1–P5 (alternatively referenced by item numbers 61–65), which themselves may be application programs. *See* Ans. 3; Final Act. 3; Bronson Fig. 1, col. 5, ll. 58–60 (“The windows 61–65 are generally data files, but may be application programs as well.” (emphasis omitted)). Bronson further discloses a display that organizes a main window tab 38 (associated with application program ABC 22) and secondary window tabs 81–85 (associated with window interfaces 61–65) together. *See* Bronson Figs. 3–5, 7–10 (each showing window tabs 38 and 81–85 associated with application program ABC 22 and window interfaces 61–65); *see also* Final Act. 3; Ans. 3–7.

Because each of Bronson’s main window tab 38 and secondary window tabs 81–85 may correspond to and control a particular application program, any two of these window tabs would satisfy “a first graphic control corresponding to a first software application . . . and a second graphic control corresponding to a second software application” as claimed. *See* Bronson Figs. 3–5; col. 5, ll. 58–60; col. 7, ll. 23–34, 36–38. This interpretation is consistent with Appellants’ written description, which

discloses organizing graphic controls 118 and 120, which correspond to instantiated programs, to form group 126. *See* Spec. 9:29–10:2, 10:20–23; Figs. 2A–2B, items 118, 120, 126.

Moreover, the fact that Bronson’s display organizes main window tab 38 and window tabs 81–85 together implies that beforehand, Bronson’s computer system would have obtained instructions to execute such a display (i.e., “obtaining an indication to organize”). *See In re Preda*, 401 F.2d 825, 826 (CCPA 1968) (“[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.”); MPEP § 2112 (“The express, implicit, and inherent disclosures of a prior art reference may be relied upon in the rejection of claims under 35 U.S.C. 102 or 103.”). This is also consistent with Appellants’ written description, which discloses that “[a]n indication to group control tiles may be obtained in a variety of ways,” but does not clearly define “obtaining an indication to organize” or limit this phrase to a particular embodiment. Spec. 10:23–11:7 (disclosing that in some exemplary embodiments, a user can perform the “indication”), 12:21–25 (disclosing that in an alternative embodiment, “the group controls 134 can be manipulated in a manner such that the graphical windows of the group may be automatically arranged into one of a number of pre-defined layouts such as cascading, tiled, single window centralized”). For these reasons, we are unpersuaded the Examiner erred regarding the “obtaining” limitation.

The “Displaying” Limitation

Appellants contend the Examiner erred in finding that Bronson discloses “displaying the first and second graphic controls as a group within a second portion of the display, the group being represented in a collapsed manner,” as recited in claim 1. Appellants argue Bronson does not disclose this limitation because

secondary window tabs 81–85 of the application program ABC (38) . . . are merely . . . associated with different window interfaces 61-65 within this single application program ABC (38), rather than being associated with different application programs, such as application program ABC (38), application program XYZ (24), [and] document AAA (42).

App. Br. 11.

We are unpersuaded of error. As an initial matter, we disagree with Appellants’ characterization of Bronson because Bronson’s secondary window tabs 81–85 may be associated with different application programs. *See* discussion *supra* regarding the “obtaining” limitation; Bronson col. 5, ll. 58–60; Fig. 3, items 22, 38, 61–65, 81–85. Moreover, contrary to Appellants’ arguments, Bronson discloses the “displaying” limitation by disclosing a display state in which main window tab 38 is located on the left edge of the screen, but secondary window tabs 81–85 are located off the screen. *See* Bronson Figs. 7–10. Despite their different locations, we note that window tabs 38 and 81–85 are still displayed “as a group” because they are adjacent to one another and the selection or dragging of window tab 38 to the right can cause both window tab 38 and window tabs 81–85 to move in unison and appear on the display screen. *See* Bronson col. 7, ll. 24–28. Further, this display state discloses “the group being represented in a collapsed manner,” as evidenced by a comparison to an alternate display

state of Bronson, in which both main window tab 38 and secondary window tabs 81–85 are grouped together on the screen. *Compare* Bronson Figs. 7–10, *with* Bronson Figs. 3–5.

Our analysis is consistent with Appellants’ written description, which does not clearly limit the disputed claim limitation and, in fact, discloses an example embodiment that collapses a group of control tiles in a manner akin to the aforementioned display states of Bronson. *Compare* Fig. 4 (showing expanded view including a display of control tiles 118 and 120), *with* Fig. 5, (showing collapsed view of control tiles 118 and 120 by displaying only control tile group 126 and group control tile 128); Spec. 13:7–9 (“The transition of the display of the control tile group 126 from displaying a portion of the control tiles to solely displaying the group control tile 128 will be referred to as collapsing the control tile group.”). For these reasons, we are unpersuaded the Examiner erred regarding the “displaying” limitation.

The “Receiving” and “Expanding” Limitations

Appellants contend the Examiner erred in finding that Bronson discloses “receiving an indication of selection of the group represented in the collapsed manner; and in response to receiving the indication of the selection of the group represented in the collapsed manner, expanding the group to display the first graphic control and the second graphic control” as recited in claim 1. *See* App. Br. 11–12. Appellants assert the cited portions of Bronson do not disclose these limitations but instead “merely describe pulling a window of an application program back onto a screen area or a viewing area by selecting an individual secondary window tab or a main

window tab of the application program.” *See id.* (citing Bronson col. 7, ll. 29–33).

We are unpersuaded of error. Bronson discloses the “receiving” and “expanding” limitations as main window tab 38 (“the group represented in the collapsed manner”) is used (“receiving an indication of selection of”) to pull or drag, from off the screen back onto the screen (“expanding the group to display”), secondary window tabs 81–85 (“the first graphic control and the second graphic control”). *See* Bronson Figs. 3–5, 7–10; col. 7, ll. 24–35). Further, the Examiner found, and Appellants fail to address or rebut, *see* App. Br. 7–12; Reply Br. 2–5, that as an alternative to dragging or pulling the window onto the screen, Bronson also discloses the “receiving” and “expanding” limitations by popping a window on the screen edge back onto the screen by double clicking on the main window tab. *See* Final Act. 3 (citing Bronson col. 6, lines 47–57); Bronson col. 7, ll. 17–19, 56–66. Our analysis is consistent with Appellants’ written description, which merely offers examples of, and does not clearly define or limit, the “receiving” and “expanding” limitations beyond the claim language. *See* Spec. 14:4–12.

Conclusion

Accordingly, we sustain the Examiner’s rejection of independent claim 1, as well as the rejections of independent claims 7 and 14 and dependent claims 4, 5, 11–13, 15–17, and 20, which were not argued separately with particularity beyond the arguments advanced for claim 1. *See* App. Br. 12–18; Reply Br. 2–6.

Claim 6

Appellants contend the Examiner erred in finding that Bronson discloses “generating a preview of the first and second graphical windows corresponding to the first and second software applications in the first portion of the display,” as recited in claim 6. App. Br. 18–19, 39–40. Appellants argue the cited portions of Bronson are silent as to this limitation and instead “merely describe determining a location of a window tab along screen edges and automatically returning a window to its original position on the screen or its off-screen configuration when a ‘Fast Restore’ option is used.” *Id.* at 18–19.

We are unpersuaded of error. Appellants’ written description provides examples of “a preview” but does not clearly define or limit the term. For example, the written description discloses that “[a]lthough the preview feature was described with relation to a thumbnail image of a collapsed group, the preview is not limited to collapsed groups or thumbnail representations.” Spec. 16:1–2. Therefore, contrary to Appellants’ arguments, the broadest reasonable interpretation of a “preview” includes Bronson’s window tabs 38 and 81–85, which can be represented by icons that provide an indication of their corresponding windows. *See* Final Act. 4 (citing Bronson col. 7, ll. 12–17); Bronson Fig. 3 (items 81–85), col. 4, ll. 37–40. Accordingly, we sustain the Examiner’s rejection of claim 6.

Claims 18 and 19

Appellants contend Bronson does not disclose “toggling a first group of software applications with a second group of software applications between a minimized state and a restored state,” as recited in claim 18. App.

Br. 19–20, 44. Appellants argue the cited portions of Bronson do not disclose this limitation and instead “merely describe selecting a window tab or moving the window tab to a screen area for displaying a window associated with the window tab.” *See id.* at 19 (citing Bronson Fig. 12).

We are persuaded of error. Claim 18 recites “executing a *single user action* . . . [that] comprises toggling a first group of software applications with a second group of software applications.” App. Br. 44 (emphasis added); *see also* Spec. 12:28–30 (disclosing that toggling “allows a single user action to accomplish the task of maximizing, minimizing, and restoring many individual windows simultaneously, which would otherwise be possible with a long sequence of individual user actions.”). The Examiner found that Bronson discloses “toggling” by allowing the user to transition back and forth between a collapsed window display as shown in Figure 3 and an expanded window display as shown in Figure 6. *See* Ans. 7 (citing Bronson Figs. 3, 6); Final Act. 8 (citing Bronson Figs. 4–6, 8–10). But the Examiner has not shown that Bronson’s transitioning between windows can collapse one window and expand another window in a “single user action.” *See id.*; Final Act. 8 (citing Bronson Figs. 4–6, 8–10). To the contrary, it appears as though Bronson’s device requires at least two user actions: collapsing a first window and then expanding a second window. *See* Bronson Figs. 3–6; col. 6, l. 23–col. 7, l. 66.

Accordingly, we reverse the Examiner’s rejection of claim 18 and the rejection of dependent claim 19, which recites a similar limitation. *See* App. Br. 45.

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DECISION

The decision of the Examiner to reject claims 1, 4–7, 11–17, and 20 is affirmed.

The decision of the Examiner to reject claims 18 and 19 is reversed.

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