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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LEON MARC BOVETT and
SHASHIKANT BHALCHANDRA KULKARNI

Appeal 2015-007780
Application 13/051,926
Technology Center 2100

Before JOSEPH L. DIXON, LINZY T. McCARTNEY, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1–18. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The claims are directed to a method and apparatus for efficient customization of a user interface library. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method, comprising:

applying a set of default device-specific definitions for a user interface of a device;

using application-specific definitions to over-ride select default definitions, the application-specific definitions being applicable to one or more applications on the device; and

applying widget-type-specific definitions identified based on a need of a stakeholder, each of the widget-type-specific definitions being applicable to one or more applications corresponding to a widget type.

REFERENCES

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

Ferrel et al.	US 5,860,073	Jan. 12, 1999
Zhang et al.	US 2009/0288013 A1	Nov. 19, 2009

REJECTION

The Examiner made the following rejection:

Claims 1–18 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of Ferrel.

ANALYSIS

With respect to independent claims 1, 7, 13, Appellants argue the claims together. (App. Br. 8). As a result, we select independent claim 1 as the representative claim for the group and address Appellants' arguments thereto.

With respect to representative independent claim 1, Appellants contend that the combination of the Zhang and Ferrel references does not teach or suggest "applying widget-type-specific definitions *identified based on a need of a stakeholder*," as interpreted in light of the Specification at paras. 23–24. (App. Br. 8–9; Reply Br. 2) We find that Appellants' Specification does not define "stakeholder" and merely sets forth examples. (*See Spec.* paras. 23–24 (describing "various embodiments" that "may" be reflected in listed "examples")). Consequently, Appellants' proffered distinction does not show error in the Examiner's findings of fact and conclusion of obviousness.

We address the merits of the rejection and responses to arguments as set forth in the Final Action and the Examiner's Answer.¹

¹ Appellants contend that the Examiner has not set forth a clear explanation of the application of the Zhang reference. (App. Br. 9–11). We find Appellants' argument regarding the completeness of the Examiner's statement of the rejection to be a petitionable matter, but Appellants did not file a petition to invoke the supervisory authority of the Director under 37 CFR §1.181 and the issue is not within our jurisdiction.

Additionally, in response to the Examiner's clarifications of the claim interpretation and the interpretations of the Zhang reference, Appellants contend that the Examiner has set forth a new ground of rejection. We disagree with Appellants. We find the Examiner's further clarifications were offered in response to Appellants' arguments in the Appeal Brief that rely upon unclaimed subject matter from the Specification.

With regards to the claim language “based on a need of a stakeholder”, the Examiner finds:

If a device has a particular hardware limitation, then it necessarily follows that the stakeholder has a need for that hardware limitation to be considered and addressed in adapting/customizing/scaling a user interface in order to meet that particular need. Zhang does precisely that. Zhang discloses defined user interface scalability strategies that are executed during runtime to build a user interface description using interface components (Abstract.)

(Ans. 4). We agree with the Examiner’s findings and further agree with the Examiner that Appellants’ arguments are not commensurate in scope with the express language of representative independent claim 1.

Appellants further contend that:

Applicant is only meant to emphasize the differences of identifying widget-type specific definitions based on *hardware specifications* as opposed to *a need of a stakeholder*. Referring to disclosure of providing different visual effects responsive to their *client devices’ capabilities* does *not* provide disclosure for identifying widget-type specific definitions based on a *need of a stakeholder*. One skilled in the art would clearly interpret that when applying visual effects based on hardware capabilities, the system of Zhang would not yield the same results as applying the widget-type specific definitions based on a need of a stakeholder.

(Reply Br. 3). Again, we find Appellants’ argument is not commensurate in scope with the broad language of independent claim 1. Consequently, Appellants’ argument does not show error in the Examiner’s conclusion of obviousness, and we sustain the rejection of representative independent claim 1 and independent claims 7 and 13 grouped therewith, along with their respective dependent claims which have not been argued separately.

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CONCLUSION

The Examiner did not err in rejecting representative independent claim 1 and claims 2–18 not separately argued.

DECISION

For the above reasons, we sustain the Examiner's rejection of claims 1–18.

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