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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ADAM BLISS, MARK CRADY, MICHAEL CHU,
SCOTT JENSON, SANJAY MAVINKURVE, JOSHUA J. SACKS, and
JERRY MORRISON

Appeal 2016-002176
Application 13/601,358
Technology Center 2100

Before JOHN A. JEFFERY, BRADLEY W. BAUMEISTER, and
DENISE M. POTHIER, *Administrative Patent Judges*.

JEFFERY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's decision to reject claims 24–42. Claims 1–23 and 43–48 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b). We affirm-in-part.

STATEMENT OF THE CASE

Appellants' invention generates a graphical user-interface for mobile-computing devices. Spec. ¶ 2. In particular, the invention displays a map as well as graphical controls to change the view of the map. *Id.* ¶ 80. In one embodiment, the controls allow the user to toggle between a satellite photo ("satellite view") and map containing roads and landmarks ("map view") of a given area. *Id.*; *see also id.*, Fig. 2B. Claim 24, reproduced below with our emphasis, is illustrative:

24. A computer-implemented method comprising:

displaying, by a computing system, a presentation of a particular geographic area as a presentation of a map view of the particular geographic area;

receiving, by the computing system and during the presentation of the map view of the particular geographic area, an indication of a user input to select a first user interface element;

displaying, by the computing system and as a result of having received the indication of the user input to select the first user interface element, a second user interface element that is configured to enable toggling from the presentation of the map view of the particular geographic area to a presentation of an overhead image view of the particular geographic area;

receiving, by the computing system, an indication of a user input to select the second user interface element; and

toggling, by the computing system as a result of having received the indication of the user input to select the second user interface element, the presentation of the map view of the particular geographic area to the presentation of the overhead image view of the particular geographic area.

THE REJECTION

The Examiner rejected claims 24–42 under 35 U.S.C. § 102(e) as anticipated by Kimchi (US 2006/0238383 A1; published Oct. 26, 2006). Final Act. 3–9.^{1,2}

CONTENTIONS

Claims 24–27, 30–32, 34–37, and 40–42

The Examiner finds that Kimchi discloses every recited element of independent claim 24. Final Act. 3–4. According to the Examiner, (1) Kimchi’s search-results screen corresponds to the recited first user-interface element, and (2) Kimchi’s map styles corresponds to the recited second user-interface element. *Id.* In the Examiner’s view, Kimchi’s user enters search terms in the search box, which corresponds to receiving an indication of user input. *Id.* at 3.

Appellants argue that Kimchi does not display a second user-interface element as a result of having received an indication of user input. App. Br. 6–7; Reply Br. 1. According to Appellants, Kimchi’s “Satellite” button is not displayed as a result of having received an indication of input to select the “search results 2902.” App. Br. 7.

¹ Throughout this opinion, we refer to (1) the Final Rejection mailed October 3, 2014 (“Final Act.”); (2) the Appeal Brief filed April 2, 2015 (“App. Br.”); (3) the Examiner’s Answer mailed October 14, 2015 (“Ans.”); and (4) the Reply Brief filed December 11, 2015 (“Reply Br.”).

² Despite stating “[e]very ground of rejection set forth in the Office action dated 10/3/2014 from which the appeal is /taken [sic] is being maintained” (Ans. 1), the rejection of claims 43–48 in the Final Action (Final Act. 9–13) has been withdrawn implicitly because these claims have been canceled.

ISSUE

Under § 102, has the Examiner erred in rejecting claim 24 by finding that Kimchi displays a second user interface element as a result of having received an indication of user input?

ANALYSIS

We begin by construing the key disputed limitation of claim 24, which recites, in pertinent part, receiving “an *indication* of a user input.” We emphasize “indication” here because the recited receiving step does not require receiving the user input itself. Rather, this step only requires receiving an *indication* of that input. Accordingly, we see no error in the Examiner’s broad, but reasonable, construction of this claim element as including Kimchi’s user entering search terms in the search box.

Final Act. 3.

Specifically, Kimchi displays search controls on a map. Kimchi ¶ 198, *cited in* Final Act. 3. For example, these controls include a search box and a “Map View” menu. Kimchi ¶ 198. In the search box, users can search for a particular place. *Id.* ¶ 145. For example, Kimchi’s Figure 28 shows a blank search box, whereas Figure 29 shows “Palace Kitchen, Seattle, WA” entered in the search box. *Id.*, Figs. 28–29, *cited in* Final Act. 3. The user interface shows a “Search” button for the user to push. *See* Kimchi, Figs. 28–29; *see also* Kimchi ¶ 70 (discussing buttons to

help the user interact). Search results 2902³ are then displayed on the map. *Id.*, Fig. 29.

The Examiner, therefore, finds that the user’s entering search terms in the search box corresponds to the recited indication of the first user-input. *See* Final Act. 3 (referring to Kimchi’s Figure 29, and noting that the user enters search terms in the search box, and search results are returned for user selection). We see no error in these findings because this search term entry is at least a received *indication* of the user’s future selection of the corresponding search results—i.e., input *to* select a first user-interface element, as recited. *See* Kimchi, Figs. 28–29. We also emphasize the word “to” here, for an indication of user input *to* select the first user interface element does not require indicating an *actual* selection, but merely requires indicating a possible *future* selection. In short, *but for* the user’s entering search terms in the search box in Figure 29 (“Palace Kitchen, Seattle WA”), there would be no corresponding search results 2902 from which the user can select. Therefore, this search-term entry at least *indicates* that future selection.

In addition, as shown in Figures 28 and 29, the search causes the “Map Style” element (the second user-interface element) to *remain displayed*. *See id.* In other words, the “Map Style” element is effectively displayed *as a result of* the user’s search. For example, Kimchi’s content-display module 710 renders the controls over the map information.

Id. ¶ 113, Fig. 7. Auto-refresh module 712 automatically refreshes data

³ The Examiner cites Figure 29, element 2910. Final Act. 3. The search results screen, however, is item 2902. *See* Kimchi Fig. 29. Accordingly, we presume that the Examiner intended to refer to element 2902.

associated with the map when new information is requested—such as a search request. *Id.* ¶ 118, Fig. 7. Accordingly, the “Map Style” menu is redrawn (the recited displaying) *as a result of* the having received the user’s search (the recited indication). *See id.* ¶¶ 113, 118; *see also id.*, Figs. 28–29 (showing the “Map Style” menu displayed before and after the indication is received).

Appellants’ contention that Kimchi’s “Satellite” button is not displayed *as a result of* having received an indication of input to select the search results 2902 (App. Br. 7; Reply Br. 1) is unavailing, for this argument is not commensurate with the scope of the claim. That is, nothing in the claim precludes *maintaining* the display of Kimchi’s “Satellite” button—along with the rest of the “Map Styles” menu—as a result of having received the above-discussed indication. *See Kimchi* ¶¶ 113, 118; *see also Kimchi*, Figs. 28–29.

Accordingly, we sustain the Examiner’s rejection of claim 24, and claims 25–27, 30–32, 34–37, and 40–42, not argued separately with particularity. *See App. Br. 6–9; Reply Br. 1–4.*

Claim 33

We, however, do not sustain the Examiner’s rejection of independent claim 33.⁴

⁴ Claim 33 recites, in pertinent part, “displaying, by the computing system and *as a result having* received the indication” (second occurrence). We presume that the emphasized portion was intended to recite “*as a result of having*” (emphasis added). We leave to the Examiner to address this apparent typographical error.

Claim 33 recites, in pertinent part, removing the display of the second user-interface element that enables toggling from a map view to a satellite image view.

Like the rejection of claim 24, the Examiner finds that Kimchi discloses every recited element of claim 33 including the second user-interface element. Final Act. 6–9. According to the Examiner, Kimchi’s “Map Styles” menu corresponds to the recited second user interface element. *Id.* at 7. The Examiner also finds that Kimchi’s user can turn off map indicators, such as “Starbucks.” *Id.* (citing Kimchi ¶ 114); *see also* Ans. 6. The Examiner further notes that Kimchi’s user can switch views and discusses Kimchi’s third user input. *See* Ans. 4–7.

Appellants argue, among other things, that Kimchi does not remove the display of the second user-interface element. App. Br. 9. According to Appellants, Kimchi does not remove the “Map Styles” menu. *Id.* Furthermore, Appellants argue that the Starbucks indicator is not configured to toggle the presentation, as recited. *Id.*

On this record, the Examiner has not shown that Kimchi removes the “Map Styles” menu, which the Examiner maps to the recited second user-interface element. *See* Final Act. 6–7. In fact, the cited figures show that the “Map Styles” menu does not change between views. *See* Kimchi, Figs. 28–29, *cited in* Final Act. 7. Furthermore, the cited passages related to changing the view do not discuss any changes to the “Map Styles” menu, let alone show that this menu is removed when the viewing angle of the map changes. *See* Kimchi ¶¶ 64, 144, *cited in* Final Act. 7.

The Examiner’s discussion of the Starbucks indicator or turning “off” a search criterion is unrelated to the “Map Styles,” which the Examiner cites

as corresponding to the second user-interface element. *See* Final Act. 7 (citing Kimchi ¶ 114). Notably, the claim requires that second user-interface element enables toggling from a map view to a satellite image view.

Although Kimchi discloses removing the Starbucks indicator, we see no relevance of this removal to the “Map Styles” menu or control over the recited toggling. *See* Kimchi ¶ 114. Rather, Kimchi’s Starbucks indicator is search result overlaid on the map that can be turned off. *See id.*

Notably, the Examiner’s response to Appellants’ arguments is not germane to the limitation at issue because the Examiner discusses Kimchi with respect to removing the display of *third* user interface element, instead of the second. *See* Ans. 4–7. The Examiner then further reiterates the above-discussed Starbucks example. *See id.*

Therefore, we are persuaded that the Examiner erred in rejecting independent claim 33.

Because this issue is dispositive regarding the Examiner’s error in rejecting these claims, we need not address Appellants’ other arguments.

Claims 28, 29, 38, and 39

We also do not sustain the Examiner’s rejection of claims 28, 29, 38, and 39.

Claim 28 recites, in pertinent part, (1) receiving an indication of another user input to select the first user-interface element, and (2) displaying a menu as a result of receiving this indication.

The Examiner finds that Kimchi’s indication of pan and zoom input corresponds to the indication of another user input, as recited in claim 28. Final Act. 5. In the rejection of claim 24, the Examiner finds that Kimchi’s

search results screen corresponds to the recited first user-interface element. *Id.* at 3. In responding to Appellants' arguments, the Examiner discusses how Kimchi changes the view. Ans. 4.

Appellants argue that Kimchi lacks displaying the recited menu. App. Br. 8; Reply Br. 1–2. According to Appellants, the cited portions of Kimchi are unrelated to the displaying the recited menu. Reply Br. 1–2.

We agree. The Examiner has not shown the cited pans and zooms in Kimchi relate to the recited first user interface element—i.e., Kimchi's search results screen. *See* Final Act. 5; Ans. 4. Rather, Kimchi discloses that the user can switch viewing angles, but this involves using controls associated with control component 1504, not the search box. *See* Kimchi ¶¶ 144–45, Fig. 15. By contrast, Kimchi's Figure 28 shows a blank search box, and Figure 29 shows "Palace Kitchen, Seattle, WA" entered in the box. *Id.*, Figs. 28–29, *cited in* Final Act. 5. Furthermore, the user interface shows a "Search" button for the user to push. *See* Kimchi, Figs. 28–29. Accordingly, the Examiner has not identified an indication of another user input to select the first user-interface element, as claimed. *See* Final Act. 5.

It follows that the Examiner also has not shown displaying a menu as a result of receiving this indication, as further recited in claim 28. App. Br. 8; Reply Br. 1–2. Although Kimchi discloses a dropdown menu (Kimchi ¶ 147, *cited in* Ans. 4), the Examiner has not shown that Kimchi displays this menu as a result of receiving another indication, as recited in claim 28. *See* Final Act. 5; Ans. 4.

Therefore, we are persuaded that the Examiner erred in rejecting (1) claim 28; (2) claim 38, which also similarly requires an indication of another user input; and (3) dependent claims 29 and 39 for similar reasons.

Because this issue is dispositive regarding the Examiner's error in rejecting these claims, we need not address Appellants' other arguments.

CONCLUSION

Under § 103, the Examiner did not err in rejecting claims 24–27, 30–32, 34–37, and 40–42, but erred in rejecting claims 28, 29, 33, 38, and 39.

DECISION

The Examiner's decision rejecting claims 24–42 is affirmed-in-part.

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