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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SUNG-BUM PARK, SANG-HO PARK, JUN-PYO KIM, and
SUN-WOONG WOO

Appeal 2017-002416
Application 13/488,950
Technology Center 3600

Before DENISE M. POTHIER, JOHN A. EVANS, and
CATHERINE SHIANG, *Administrative Patent Judges*.

SHIANG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–3, 5–14, and 16–22, which are all the claims pending and rejected in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Introduction

According to the Specification, the present invention relates to managing a new product and technology introduction based on a work process. *See generally* Spec. 1.

In one general aspect, there is provided an apparatus configured to manage a new product and technology introduction based on a work process, including a display unit configured to display each stage of a project. The apparatus further includes an input unit configured to receive generation request information of a job item in each stage and progress result information indicating completion of the job item in each stage. The apparatus further includes a controller configured to control the display unit to display each stage of the project based on the generation request information and/or the progress result information.

Spec. ¶ 4.

Claim 1 is exemplary:

1. An apparatus configured to manage a new product and technology introduction based on a work process, comprising:
 - a display configured to display each stage of a project;
 - an input processor configured to receive generation request information of a job item in each stage and progress result information indicating completion of the job item in each stage, wherein one or more task is associated with the job item;
 - a controller configured to control the display to display the job item in each stage of the project in a job item section of a screen and the one or more task associated with each job item in a task section of the screen based on the generation request information and/or the progress result information, such that a color of a task is based on task progress, and the controller is configured to determine whether to progress to a next job item based on an approval request information for the next job item in response to a color of each task associated

with a current job item indicating task completion, wherein the controller comprises:

a task management processor configured to display a color of a current task in the current stage of the project based on the progress result information;

a job item approval processor configured to determine whether to progress to the next job item in the next stage of the project based on the color of the current task, and determine whether to change the color of the current task that has been completed based on the determination of whether to progress to the next job item; and

a job item management processor configured to display colors of a current job item in the current stage and the next job item based on the determinations of the job item approval processor, wherein the task management processor is configured to display a color of a next task in the next stage based on the determinations of the job item approval processor.

References and Rejections

Claims 1–3, 5–14, and 16–22 are rejected under 35 U.S.C. § 101 because they are directed to patentable-ineligible subject matter.

Claims 1–3, 5, 8–10, 12–14, 16–18, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the collective teachings of Yomogida (US 2007/0073575 A1, published March 29, 2007) and Correll (US 2010/0305987 A1, published December 2, 2010)

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the collective teachings of Yomogida, Correll, and Cassels (US 2010/0318392 A1, published December 16, 2010).

Claims 7, 21, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the collective teachings of Yomogida, Correll, Cassels, and Gauger (US 2007/0192156 A1, published August 16, 2007).

Claims 11 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the collective teachings of Yomogida, Correll, Cassels, and Gupta (US 2005/0097505 A1, published May 5, 2005).

ANALYSIS¹

35 U.S.C. § 101

We disagree with Appellants' arguments, and agree with and adopt the Examiner's findings and conclusions in (i) the action from which this appeal is taken (Final Office Action dated October 22, 2015 ("Final Act.") 7–8 and (ii) the Examiner's Answer dated October 4, 2016 ("Ans.") 4–10 to the extent they are consistent with our analysis below.

In reaching the decision, we have considered only the arguments Appellants actually raised. Arguments Appellants did not make are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner rejects the claims under 35 U.S.C. § 101 because they are directed to patent-ineligible subject matter. *See* Final Act. 7–8; Ans. 4–10. In particular, the Examiner concludes the claims are directed to the abstract idea of tracking progress of a project. *See* Final Act. 7; Ans. 4–5. The Examiner determines the claims do not identify an inventive concept to transform the nature of the claims into a patent-eligible application. *See* Final Act. 8; Ans. 5. Appellants argue the Examiner erred. *See* Appeal Brief dated March 21, 2016 ("Appeal Br.") 12–22; Reply Brief dated December 5, 2016 ("Reply Br.") 6–11.

¹ To the extent Appellants advance new arguments in the Reply Brief without showing good cause, Appellants have waived such arguments. *See* 37 C.F.R. § 41.41(b)(2).

Appellants have not persuaded us of error. Section 101 of the Patent Act provides “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” 35 U.S.C. § 101. That provision “contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 133 S. Ct. 2107, 2116 (2013)). According to the Supreme Court:

[W]e set forth a framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts. First, we determine whether the claims at issue are directed to one of those patent-ineligible concepts. . . . If so, we then ask, “[w]hat else is there in the claims before us?” . . . To answer that question, we consider the elements of each claim both individually and “as an ordered combination” to determine whether the additional elements “transform the nature of the claim” into a patent-eligible application. . . . We have described step two of this analysis as a search for an “inventive concept” —*i.e.*, an element or combination of elements that is “sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.”

Alice Corp., 134 S. Ct. at 2355.

The Federal Circuit has described the *Alice* step-one inquiry as looking at the “focus” of the claims, their “character as a whole,” and the *Alice* step-two inquiry as looking more precisely at what the claim elements add—whether they identify an “inventive concept” in the application of the ineligible matter to which the claim is directed. *See Elec. Power Grp., LLC*

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v. Alstom S.A., 830 F.3d 1350, 1353 (Fed. Cir. 2016); *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016); *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015).

Regarding *Alice* step one, the Federal Circuit has “treated *collecting information*, including when limited to particular content (which does not change its character as information), as within the realm of abstract ideas.” *Elec. Power*, 830 F.3d at 1353 (emphasis added); *see also Internet Patents*, 790 F.3d at 1348–49; *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015); *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014). “In a similar vein, we have treated *analyzing information* [including manipulating information] by steps people go through in their minds, or by mathematical algorithms, without more, as essentially mental processes within the abstract-idea category.” *Elec. Power*, 830 F.3d at 1354 (emphasis added); *see also In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 613 (Fed. Cir. 2016). “And we have recognized that *merely presenting the results of abstract processes of collecting and analyzing information, without more* (such as identifying a particular tool for presentation), is abstract as an ancillary part of such collection and analysis.” *Elec. Power*, 830 F.3d at 1354 (emphasis added); *see also Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 714–15 (Fed. Cir. 2014).

The rejected claims “fall into a familiar class of claims ‘directed to’ a patent-ineligible concept.” *Elec. Power*, 830 F.3d at 1353. Contrary to Appellants’ arguments, the claims are similar to the claims of *Electric Power*, and are focused on the combination of abstract-idea processes or functions. *See Elec. Power*, 830 F.3d at 1354. For example, claim 1 is

directed to collecting information (“receive . . . information”), and analyzing and displaying information (“display . . .”; “control the display to display . . . determine . . . based on . . .”; “determine . . . based on . . .”). Claim 12 is directed to analyzing and displaying information (“display . . .”; “determining . . .”). Similarly, claim 20 is directed to analyzing and displaying information (“display . . .”; “determining . . .”). *See Elec. Power*, 830 F.3d at 1353. The dependent claims are directed to similar functions or processes, and Appellants have not shown such claims are directed to other non-abstract functions or processes. *See* claims 2, 3, 5–11, 13, 14, 16–19, 21, and 22.

Contrary to Appellants’ arguments (Appeal Br. 12, 14–15), the Examiner correctly determines the claims are directed to the abstract idea of tracking the progress of a project with the recited functions or steps discussed above. *See* Ans. 4. The abstract idea constitutes a fundamental economic practice used in business (project management) or a method of organizing human activities (the human activities involved in the sequence of tasks and activities in carrying out a project). Ans. 4. Appellants’ assertion that the claimed method “cannot operate as a mere abstract idea outside of a technological environment” (Appeal Br. 15; *see also* Appeal Br. 14, 19) is unsupported by evidence. In particular, Appellants have not persuasively explained why the claims cannot be performed by mental processes and humans. As pointed out by the *Electric Power* Court, “merely selecting information . . . for collection, analysis, and display does nothing significant to differentiate a process from ordinary mental processes, whose implicit exclusion from § 101 undergirds the information-based category of abstract ideas.” *Elec. Power*, 830 F.3d at 1355.

Regarding the “improved product management” and “aiding in product management through technology” allegations argued by Appellants (App. Br. 12, 15), our reviewing court has declared:

While the claimed system and method certainly *purport to accelerate the process of analyzing audit log data, the speed increase comes from the capabilities of a general-purpose computer, rather than the patented method itself. See Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can. (U.S.), 687 F.3d 1266, 1278 (Fed. Cir. 2012)* (“[T]he fact that the required calculations could be performed *more efficiently* via a computer does not materially alter the patent eligibility of the claimed subject matter.”).

FairWarning IP, LLC v. Iatric Sys., Inc., 839 F.3d 1089, 1095 (Fed. Cir. 2016) (emphases added).

Applying this reasoning to the rejected claims, we similarly find any purported “improved product management” and “aiding in product management through technology” come from the capabilities of general-purpose computers (the recited “display,” “processor,” and “controller”), rather than the claimed steps or functions. Similar to the claims of *FairWarning*, the rejected claims “are not directed to an improvement in the way computers operate” and “the focus of the claims is not on . . . an improvement in computers as tools, but on certain independently abstract ideas that use computers as tools.” *FairWarning*, 839 F.3d at 1095.

Appellants’ assertion regarding preemption (App. Br. 14, 20; Reply Br. 9) is unpersuasive, because “[w]hile preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility. . . . Where a patent’s claims are deemed only to disclose patent ineligible subject matter under the *Mayo* framework, as they are in this case, preemption concerns are fully addressed and made

moot.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015); *see also OIP*, 788 F.3d at 1362–63 (“that the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make them any less abstract”).

Regarding *Alice* step two, contrary to Appellants’ arguments, Appellants have not shown the claims in this case require an inventive set of components or methods, or invoke any assertedly inventive programming. *See Elec. Power*, 830 F.3d at 1355.

As pointed out by the Examiner (Ans. 5) and contrary to Appellants’ arguments (App. Br. 17; Reply Br. 6, 11), the Specification describes using “general-purpose” computers to implement the claimed invention.

[0065] The units described herein may be implemented using hardware components and software components. For example, the hardware components may include microphones, amplifiers, band-pass filters, audio to digital convertors, and processing devices. *A processing device may be implemented using one or more general-purpose or special purpose computers, such as, for example, a processor, a controller and an arithmetic logic unit, a digital signal processor, a microcomputer, a field programmable array, a programmable logic unit, a microprocessor or any other device capable of responding to and executing instructions in a defined manner. . . . a processing device may include multiple processors or a processor and a controller. In addition, different processing configurations are possible, such a parallel processors.*
Spec. ¶ 65 (emphases added).

Appellants argue “the ‘display’ becomes ‘specialized hardware’ by the way the ‘display’ itself is recited as a feature.” Reply Br. 6. That argument is unpersuasive, as Appellants do not cite any case law holding the display of a general-purpose computer programmed with abstract functions or steps becomes patent eligible under *Alice*. Nor have Appellants shown

why performing specific abstract functions on a processor (Appeal Br. 22) renders the claims patent eligible under *Alice*.

Contrary to Appellants' arguments, the claims are similar to the claims of *Electric Power*, because they do not require any nonconventional computer or display components, or even a “non-conventional and non-generic arrangement of known, conventional pieces,” but merely call for performance of the claimed information collection, analysis, and display functions on generic computer components and display devices. *See Elec. Power*, 830 F.3d at 1355; *see also* Claim 1 (reciting “a display,” “an . . . processor,” and “a controller”); Claim 12 (reciting “a display” and “a processor”); Claim 20 (reciting “a display” and “a processor”). The dependent claims call for similar generic components and devices, and Appellants have not shown such claims require any non-conventional components or devices. *See* claims 2, 3, 5–11, 13, 14, 16–19, 21, and 22.

Appellants' assertions (App. Br. 17–21) about *SiRF Technology, Inc. v. International Trade Commission*, 601 F.3d 1319 (Fed. Cir. 2010) and *Research Corp. Technologies, Inc. v. Microsoft Corp.*, 627 F.3d 859 (Fed. Cir. 2010) are unpersuasive. Those cases predate *Alice* and do not employ the *Alice* two-step inquiry. As discussed above and below, Appellants have not shown the rejected claims are eligible under the *Alice* two-step inquiry.

Appellants' arguments (App. Br. 13–15, 17–19, 21)² about *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014) are unpersuasive. In *DDR Holdings*, the court determines:

the claims at issue here specify how interactions with the

² Appellants also cited a PTAB decision (Appeal Br. 14–15), which is not precedential.

Internet are manipulated to yield a desired result—a result that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink. Instead of the computer network operating in its normal, expected manner by sending the website visitor to the third-party website that appears to be connected with the clicked advertisement, the claimed system generates and directs the visitor to the above-described hybrid web page that presents product information from the third-party and visual “look and feel” elements from the host website. When the limitations of the ‘399 patent’s asserted claims are taken together as an ordered combination, the claims recite an invention that is not merely the routine or conventional use of the Internet.

DDR Holdings, 773 F.3d at 1258–59 (emphases added).

Unlike the claims of *DDR*, The rejected claims are not directed to any functions or steps associated with the “Internet.” *DDR Holdings*, 773 F.3d at 1258. In particular, the rejected claims do not “specify how interactions with the Internet are manipulated to yield . . . a result that overrides the routine and conventional sequence of events.” *DDR Holdings*, 773 F.3d at 1258. Nor do the claims “recite an invention that is not merely the routine or conventional use of the Internet.” *Id.* at 1259.³ In addition, this case is distinguished from *DDR* because as discussed above, the claims here recite inventions that are merely the routine or conventional use of the technology—the opposite of what the claims of *DDR* represent. *See DDR Holdings*, 773 F.3d at 1258–59.

Further, Appellants’ assertion (App. Br. 16–18, 20–21) about *Diamond v. Diehr*, 450 U.S. 175 (1981) is unpersuasive. In *Diehr*, the Court

³ Appellants also advance arguments that are not commensurate with the scope of the claims. *See, e.g.*, Appeal Br. 17–19, 21–22; Reply Br. 8. Further, Appellants’ attorney argument about “unprecedented capability of” the method (Appeal Br. 18) is unsupported by evidence and is unpersuasive.

determines:

we think that *a physical and chemical process for molding precision synthetic rubber products* falls within the § 101 categories of possibly patentable subject matter. That respondents' claims involve the *transformation of an article, in this case raw, uncured synthetic rubber, into a different state or thing cannot be disputed*. The respondents' claims describe in detail a step-by-step method for accomplishing such, beginning with the loading of a mold with raw, uncured rubber and ending with the eventual opening of the press at the conclusion of the cure. Industrial processes such as this are the types which have historically been eligible to receive the protection of our patent laws.

Diehr, 450 U.S. at 184 (emphases added).

This case is distinguished from *Diehr* because unlike the claims of *Diehr*, the rejected claims are not directed to “a physical and chemical process for molding precision synthetic rubber products.” Nor do the claims “involve the transformation of an article.” *Diehr*, 450 U.S. at 184. In particular, Appellants' following arguments are unpersuasive:

during Appellants' process, a transformation takes place. For example, the user interactive exercises all entail transformations on the display, i.e., in the arrangements of the parts during the user interaction. Additionally, the generation of a report (i.e. recited in dependent claim 2) is a further manifestation of a transformation during Appellants' claimed process.

Appeal Br. 22.

Appellants' above arguments are not commensurate with the scope of the claims. For example, claim 1 does not recite “the arrangements of the parts during the user interaction” and claim 2 does not recite “generation of a report.” In any event, Appellants have not shown why and how interacting with a general-purpose computer or generating a report via a general-purpose computer is patent eligible under *Alice*.

Likewise, Appellants’ argument that the “instant claims recite specific machines, including a processor and other tangible components such as a stylus, touch screen/user interface, display, and icons that further ameliorate the functioning of the processor” (Appeal Br. 23) is not commensurate with the scope of the claims. In any event, Appellants have not shown why and how collecting, analyzing and displaying information (discussed above) via a general-purpose computer are patent eligible under *Alice*.

In addition, Appellants’ assertion (Reply Br. 7–8) about *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) is unpersuasive. In *McRO*, the Court determines:

Claim 1 of the ’576 patent is focused on *a specific asserted improvement in computer animation*, i.e., the automatic use of rules of a particular type. . . . It is the incorporation of the claimed rules, not the use of the computer, that “improved [the] existing technological process” by allowing the automation of further tasks.

Further, the automation goes beyond merely “organizing [existing] information into a new form” or carrying out a fundamental economic practice. . . . *The claimed process uses a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animated characters.*

McRO, 837 F.3d at 1314–15 (emphases added).

This case is distinguished from *McRO* because unlike the claims of *McRO*, the rejected claims are not directed to “a specific asserted improvement in computer animation,” let alone “us[ing] a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animated characters.” *McRO*, 837 F.3d at 1314–15. Further, Appellants’ attorney argument that the claimed invention was “not previously performable by a

computer” (Reply Br. 8) is unsupported by evidence and unpersuasive. *See In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) (“attorney argument [is] not the kind of factual evidence that is required to rebut a prima facie case of obviousness”); *Meitzner v. Mindick*, 549 F.2d 775, 782 (CCPA 1977) (“Argument of counsel cannot take the place of evidence lacking in the record.”).

Finally, Appellants cite *Bascom Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016) (Reply Br. 7–8), but do not persuasively explain why that case is similar to the present case. As discussed above, the rejected claims are similar to the claims of *Electric Power*, and they do not “require an arguably inventive distribution of functionality within a network, thus distinguishing the claims at issue from those in *Bascom*.” *Elec. Power*, 830 F.3d at 1355; *see also Bascom Global Internet Services*, 827 F.3d at 1350 (construed in favor of the nonmovant at pleading stage, finding a sufficient inventive concept in “the installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user”). Similar to the claims of *Electric Power*, the rejected claims specify what information is desirable to display, analyze, and gather, but they “do not include any requirement for performing the claimed functions of gathering, analyzing, and displaying . . . by use of anything but entirely conventional, generic technology.” *Elec. Power*, 830 F.3d at 1356. Therefore, similar to the claims of *Electric Power*, the rejected claims “do not state an arguably inventive concept in the realm of application of the information-based abstract ideas.” *Elec. Power*, 830 F.3d at 1356.

In short, Appellants have not shown the claims, read in light of the

Specification, require anything other than conventional computer and display technology for collecting, analyzing, and presenting the desired information. *See Elec. Power*, 830 F.3d at 1354. Such invocations of computers are “insufficient to pass the test of an inventive concept in the application” of an abstract idea. *See Elec. Power*, 830 F.3d at 1355.

Because Appellants have not persuaded us the Examiner erred, we sustain the Examiner’s rejection of claims 1–3, 5–14, and 16–22 under 35 U.S.C. § 101.

35 U.S.C. § 103

Claims 1–3, 5–11, and 21⁴

We have reviewed the Examiner’s rejections in light of Appellants’ contentions and the evidence of record. We concur with Appellants’ contention that the Examiner erred in finding the cited portions of Yomogida teach “a job item approval processor configured to determine whether to progress to the next job item in the next stage of the project based on the color of the current task,” as recited in claim 1. *See App. Br. 24–30; Reply Br. 12.*

Initially, the Examiner cites Yomogida’s Figure 21, and paragraphs 133, 142, 145, 146, 279, and 295 for teaching the limitation. *See Final Act. 11–12.* Appellants contend, and we agree, the cited Yomogida’s portions do not teach the disputed limitation. *See App. Br. 24–27.*

⁴ Appellants raise additional arguments with respect to this group of claims. Because the identified issue is dispositive of the appeal with respect to this group of claims, we do not reach the additional arguments.

In response to Appellants' arguments, the Examiner determines "Appellant's argument relies on an unreasonably narrow interpretation of the prior art." Ans. 12. We disagree with the Examiner because the cited Yomogida's portions describe using colors to visualize "progress of each task" (Yomogida ¶ 279), but they do not describe using colors to "determine whether to progress to the *next* job item . . . based on the color of the *current* task," as required by claim 1 (emphases added).

The Examiner also asserts—without citing any supporting evidence or sufficient explanation—that one skilled in the art would consider the above disclosures of Yomogida teach or suggest "a job item approval processor configured to determine whether to progress to the next job item in the next stage of the project based on the color of the current task" (Ans. 12). That assertion is unpersuasive because it lacks adequate evidential support.

The Examiner also cites Correll's Figure 10 and paragraphs 42 and 43. *See* Ans. 13. However, those Correll's portions describe using colors as alert indicators (Correll ¶ 43), but they do not describe using colors to "determine whether to progress to the *next* job item . . . based on the color of the *current* task," as required by claim 1 (emphases added).

Because the Examiner fails to provide sufficient evidence or explanation to support the rejection, we are constrained by the record to reverse the Examiner's rejection of claim 1. We also reverse the Examiner's rejection of claims 2, 3, 5–11, and 21, which depend on claim 1. Although the Examiner cites additional references for rejecting some dependent claims, the Examiner has not shown the additional references overcome the deficiency discussed above regarding the rejection of claim 1.

Claims 12–14, 16–20, and 22

Regarding independent claims 12 and 20, Appellants contend “[a]s discussed above with respect to independent claim 1, the cited references do not disclose ‘determining whether the current task is completed based on whether the current task is in the color indicating the completion of the current task.’” Appeal Br. 32. Appellants’ argument contradicts the record, as claim 1 does not recite the above limitation, and Appellants have not made arguments regarding the above limitation with respect claim 1.

Appellants’ remaining argument with respect to the above limitation (Appeal Br. 32) is merely a general assertion, which is unpersuasive of error. *See* 37 C.F.R. § 41.37(c)(1)(iv) (“A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.”); *see also In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (holding that “the Board reasonably interpreted Rule 41.37 to require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art”).

Because Appellants have not persuaded us the Examiner erred, we sustain the Examiner’s rejection of independent claims 12 and 20.

Dependent Claim 13

Dependent claim 13 recites “displaying *the current job item and the current task in a color* based on whether the job state is normal” (emphasis added). Appellants argue “the claim displays the current job item and the current task in a color based on a normal job state, but there is only one color change in Yomogida.” Appeal Br. 34.

We disagree. It is well established that during examination, claims are given their broadest reasonable interpretation consistent with the specification and should be read in light of the specification as it would be interpreted by one of ordinary skill in the art, but without importing limitations from the specification. *See In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted); *SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004).

Appellants' argument is not commensurate with the scope of the disputed limitation, which does require "color change," as Appellants assert (Appeal Br. 34; *see also* Reply Br. 15). To the extent Appellants are arguing the disputed limitation requires displaying both "the current job item in a color" and "the current task in a color," Appellants fail to show claim 13 requires such interpretation, as the claim merely recites "the current job item and the current task in a color." Because Appellants fail to provide persuasive evidence to show their interpretation is the broadest reasonable interpretation of the limitation, one skilled in the art can reasonably interpret "the current job item and the current task in a color" to mean (i) "the current job item" and (ii) "the current task in a color."

Because Appellants have not persuaded us the Examiner erred, and for similar reasons discussed above with respect to independent claim 12, we sustain the Examiner's rejection of dependent claim 13.

Dependent Claims 14, 16, and 17

Dependent claim 14 depends from claim 13 and further recites "wherein the determining of whether the job state is normal comprises determining whether *the current job item and the current task* are being

performed within the job performance period information” (emphasis added). The Examiner cites Yomogida’s Figure 21 and paragraphs 278–279 for teaching claim 14. *See* Final Act. 16; Ans. 19. While the cited Yomogida portions teach current tasks, they do not teach “the current job item” and “the current task,” as required by claim 14. *See* Yomogida Fig. 21, ¶¶ 278–79. Therefore, we agree with Appellants that the Examiner has not shown the cited Yomogida portions teach “the current job item and the current task,” as required by claim 14. *See* Appeal Br. 34.⁵

Because the Examiner fails to provide sufficient evidence or explanation to support the rejection, we are constrained by the record to reverse the Examiner’s rejection of dependent claim 14.

Each of dependent claims 16 and 17 recites “the current job item . . . the current task.” Claims 16 and 17. For similar reasons discussed above with respect to claim 14, the Examiner has not shown the cited Yomogida portions teach “the current job item” and “the current task,” as required by claims 16 and 17. Therefore, we also reverse the Examiner’s rejection of dependent claims 16 and 17.

Dependent Claim 18

Dependent claim 18 recites:

The method of as claimed in claim 17, wherein the displaying of the current task in the color indicating the job progress state comprises:

⁵ Appellants have not made such arguments with respect to claim 13.

displaying the current task in a color indicating a normal job progress state of the current task if the current task is being performed within the job performance period information; and displaying the current task in a color indicating an abnormal job progress state of the current task if the current task is being performed beyond the job performance period information.

Claim 18.

Appellants argue:

As explained, above, dependent claim 2 is allowable for its dependence on an allowable base claim. Additionally, Appellants argue that the Gantt charts and other disclosures referred to in the cited Yomogida do not appear to fully disclose that not only is there “one or more job item in each stage based on the generation request information,” but also that there is “a task generation processor configured to generate the one or more task associated with each job item in each stage based on the generation request information.”

Appeal Br. 35.

Appellants’ argument is not commensurate with the scope of the claim, as claim 18 materially differs from claim 2. In addition, claim 18 does not recite “one or more job item in each stage based on the generation request information” or “a task generation processor configured to generate the one or more task associated with each job item in each stage based on the generation request information,” as Appellants assert (Appeal Br. 35 (emphasis omitted)).

While Appellants’ arguments are not directed to the scope of claim 18, for purpose of judicial economy, we reverse the Examiner’s rejection of claim 18, which depends on claim 17 and includes all of the limitations of

claim 17. Our reversal is based on the reasons discussed above with respect to claim 17.

Dependent Claim 19

Regarding dependent claim 19, Appellants argue the cited portions of Gupta do not teach “semiconductor technology introduction project[s] and/or a semiconductor new product project.” Appeal Br. 37; *see also* Reply Br. 17.

In response to Appellants’ arguments, the Examiner correctly finds “Gupta’s reference to ‘information technology projects’ and ‘engineering projects in the semiconductors’ is reasonably understood by one skilled in the art as encompassing technology introductions and new product projects, based on the knowledge and inferences of one skilled in the art.” Ans. 24.

Appellants fail to show the Examiner’s above finding is incorrect. In particular, Appellants’ response that “Gupta does not explicitly specify the types of semiconductor projects recited in these claims” (Reply Br. 17) does not show Examiner error. *See In re Baxter Travenol Labs.*, 952 F.2d 388, 391 (Fed. Cir. 1991) (“It is not the function of this court [or this Board] to examine the claims in greater detail than argued by an appellant, looking for [patentable] distinctions over the prior art.”).

Because Appellants have not persuaded us the Examiner erred, and for similar reasons discussed above with respect to independent claim 12, we sustain the Examiner’s rejection of dependent claim 19.

Dependent Claim 22

Dependent claim 22 depends from claim 12 and recites “transmitting a processing result guide message to a mail or a mobile terminal of a person in charge of the next job item in response to the determination that the current job item is finished.” The Examiner additionally cites Gauger’s paragraph 4 for teaching claim 22. *See* Final Act. 19–20; Ans. 23. Appellants argue that paragraph does not teach the recited limitation. Appeal Br. 35–36.

We have reviewed Gauger’s paragraph 4, and agree that paragraph does not teach or suggest the recited limitation. *See* Appeal Br. 35–36. Further, the Examiner has not adequately explained why and how the cited Gauger’s paragraph teaches or suggests the limitation recited in claim 22.

Because the Examiner fails to provide sufficient evidence or explanation to support the rejection, we are constrained by the record to reverse the Examiner’s rejection of dependent claim 22.

DECISION

We affirm the Examiner’s decision rejecting claims 1–3, 5–14, and 16–22 under 35 U.S.C. § 101.

We reverse the Examiner’s decision rejecting claims 1–3, 5–11, 14, 16–18, 21, and 22 under 35 U.S.C. § 103.

We affirm the Examiner’s decision rejecting claims 12, 13, 19, and 20 under 35 U.S.C. § 103.

Because we affirm at least one ground of rejection with respect to each claim on appeal, we affirm the Examiner’s decision rejecting claims 1–3, 5–14, and 16–22. *See* 37 C.F.R. § 41.50(a)(1).

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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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED