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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PRIYA PRAKASH, ANTONIO PEDRO REZENDES,
GUILHERME SCHNEIDER, and LAURA JUNKKONEN

Appeal 2017-002588
Application 13/486,543¹
Technology Center 2100

Before LINZY T. McCARTNEY, NATHAN A. ENGELS, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

DEJMEK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–5, 8–14, and 17–31. Claims 6, 7, 15, and 16 have been canceled. App. Br. 12, 14. We have jurisdiction over the remaining pending claims under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify Nokia Technologies Oy as the real party in interest. App. Br. 2.

STATEMENT OF THE CASE

Introduction

Appellants' claimed invention is generally directed to the provision of a notification mechanism on, for example, a user device. Spec. ¶ 6. In a disclosed embodiment, a notification bar, which may be located near an edge of a touchscreen display, may be extended via user input and display additional content relevant to the notification indication. Spec. ¶¶ 6–7.

Claim 1 is representative of the subject matter on appeal and is reproduced below with the disputed limitations emphasized in *italics*:

1. A method comprising:

causing provision of a notification bar at an edge of a touch screen display in response to an occurrence of an event, the notification bar providing information indicative of the event;

enabling, responsive to user input, extension of the notification bar away from the edge of the touch screen display to display one or more levels of notification classes in addition to the information indicative of the event, each level including one or more different notification classes;

providing, with a processor, a dynamic association that defines content of the one or more notification classes included in a respective level, wherein the one or more notification classes of the respective level are defined by dynamic criteria so as to be different from the one or more notification classes of another level, *wherein the dynamic criteria that defines the one or more notification classes included in a respective level is based upon a statistical probability that the content of the one or more notification classes included in the respective level will be used, and wherein providing a dynamic association comprises weighting different notification classes based upon current conditions and events;* and

causing presentation of the notification bar to remain in an extended position away from the edge of the touch screen display so as to display one or more levels of notification classes upon cessation of the user input, *wherein the extended position is one of a plurality of*

such positions in which the notification bar is capable of being caused to remain.

The Examiner's Rejections

1. Claims 1–5, 9–14, and 18–31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tseng et al. (US 2009/0249247 A1; Oct. 1, 2009) (“Tseng”). Final Act. 2–7.

2. Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tseng and *When new messages arrive*, Mozilla Thunderbird - The Unofficial How-to Blog (Sept. 25, 2006), <https://tbirdhowto.wordpress.com/2006/09/25/when-new-messages-arrive/> (“Thunderbird”). Final Act. 7–8.

ANALYSIS²

In rejecting claim 1, the Examiner finds, *inter alia*, Tseng teaches providing a notification bar at an edge of a touchscreen display and, upon selection by a user, extending the notification bar to display additional levels of notification classes, and

providing a dynamic association that defines content of the one or more notification classes included in a respective level, wherein the one or more notification classes of the respective level are defined by dynamic criteria so as to be different from the one or more notification classes of another level, and wherein the dynamic criteria that defines the one or more notification classes included in a respective level is based upon a statistical

² Throughout this Decision, we have considered the Appeal Brief, filed June 29, 2016 (“App. Br.”); the Reply Brief, filed December 5, 2016 (“Reply Br.”); the Examiner’s Answer, mailed October 7, 2016 (“Ans.”); and the Final Office Action, mailed February 10, 2016 (“Final Act.”), from which this Appeal is taken.

probability that the content of the one or more notification classes included in the respective level will be used.

Final Act. 2–3 (citing Tseng ¶¶ 48, 52–53, Fig. 2B).

Appellants assert Tseng fails to teach or suggest “defining the content of the notification class(es) included in a respective level in accordance with dynamic criteria that is based upon a statistical probability that the content of the notification class(es) included in the respective level will be used,” as recited in claim 1. App. Br. 6–7; Reply Br. 1–4. In particular, Appellants argue Tseng “relies upon the user’s interaction with a notification to determine the content presented.” App. Br. 7. Further, Appellants contend Tseng does not teach that the display of music controls (for example) is brought about by the extension of the notification bar away from the edge of a touchscreen. Reply Br. 2–3. Still further, Appellants argue the display of the music controls is not based on a statistical probability that such controls will be used, but rather appears to be “predefined.” Reply Br. 3–4.

Tseng is generally directed to displaying a notification message of a recent alert event for a mobile device. Tseng, Abstract. Tseng discloses the notification message may be displayed in a peripheral area at the edge of the display and may further be selected by the user. Tseng ¶¶ 28–29. Further, Tseng describes the selection may occur by a long press “or by pressing on the status area and dragging downward to pull out the messages as if they are mounted on or under a window shade.” Tseng ¶ 29. When expanded, the notification may also display additional controls, for example, based on the notification message. *See* Tseng ¶ 48. Tseng describes a scenario wherein a notification message may relate to a change in song being played by a music player application. Tseng ¶ 48. If the user selects the notification message, “the device can infer that interaction with the music

player is desired by the user” and music player controls (e.g., play, pause, stop, next track) may be displayed along with album art or other songs on a playlist. Tseng ¶ 48.

As set forth in Tseng (*see, e.g.*, Tseng ¶ 48), the additional content (i.e., music controls) is displayed after the user selects and pulls down the related notification message that a new song is being played. Further, as the Examiner finds, Tseng teaches expanding the message area into the main zone of a display. Final Act. 3 (citing Tseng ¶¶ 52–53, Fig. 2B). Thus, contrary to Appellants’ assertions, we agree with the Examiner that Tseng teaches extending the notification bar away from the edge of a touchscreen display to display one or more levels of notification classes.

When construing claim terminology during prosecution before the Office, claims are to be given their broadest reasonable interpretation consistent with the Specification, reading claim language in light of the Specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). We are mindful, however, that limitations are not to be read into the claims from the Specification. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993).

Here, Appellants’ Specification discusses a “statistical probability” only in one paragraph (paragraph 48) and provides an exemplary scenario wherein a notification manager may include a table or other indication of weighted values for different notification classes. Spec. ¶ 48. The weights may be “associated to context situations, based on current conditions.” Spec. ¶ 48. Further, the Specification recites “levels may include content

that statistically *is generally most commonly used.*” Spec. ¶ 48 (emphasis added).

We are unpersuaded the Examiner erred in finding Tseng teaches the content in the notification classes is defined by a dynamic criteria based upon a statistical probability that the content included in the notification level will be used. The Examiner finds “[t]he dynamic criteria relates to the media play[er] currently running and what the system intends the user may need to interact with the media player accounts for a statistical probability.” Ans. 9. Additionally, as Tseng teaches, based on the particular context, the user device may infer the additional content to be displayed that a user may wish to use. *See* Tseng ¶ 48. In other words, the displayed content may include content that is generally most commonly used. Thus, we agree with the Examiner that Tseng teaches or reasonably suggests the dynamic criteria that defines the notification classes included in a level is based upon a statistical probability that the content of the notification class included in the level will be used.

Appellants additionally argue Tseng fails to teach “weighting different notification classes based upon current conditions and events.” App. Br. 8; Reply Br. 4–5. In particular, Appellants argue the Examiner conflates Tseng’s sorting of notification icons with weighting different notification classes. App. Br. 8. Further, Appellants argue “notification classes are distinct from notifications themselves and, more particularly, from icons of notification.” App. Br. 8; Reply Br. 5.

Although we agree with Appellants that notification classes are distinct from icons of notification, the Examiner does not conflate the two. Indeed, the Examiner acknowledges the difference between icons of

notification and notification classes. Ans. 10. However, the Examiner finds, and we agree, “icons of notifications each correspond to a notification class.” Ans. 10. Tseng teaches sorting the icons based on their relative priority or importance to one another (e.g., voice mails are more important than e-mails) or on other conditions (e.g., most recent message). Tseng ¶ 36. Thus, the Examiner relies on Tseng’s teaching of sorting icons associated with (or corresponding to) different classes and finds Tseng “has the capability to identify and determine a particular icon to display the same determination can be reasonably correlated to notification classes to weight notification classes using the same criteria of current conditions and events.” Ans. 10. As the Examiner further explains, “[o]ne skilled in the art would therefore have the knowledge to weight and display notification classes based upon current conditions and events since the disclosure of Tseng sets forth a method of priority of importance.” Ans. 10–11. Additionally, the Examiner finds, and we agree, “[o]ne skilled in the art would have due capabilities to apply this priority feature/weighting to the notification classes to produce same predictable results of visually displaying a higher weighted notification in a more prominent position or location. . . . for quicker viewing.” Final Act. 4; *see KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007) (concluding “the mere application of a known technique to a piece of prior art ready for the improvement” would have been obvious).

Additionally, Appellants contend the cited disclosures of Tseng do not teach or suggest “the extended position . . . is one of a plurality of such positions in which the notification bar is capable of being caused to remain.” App. Br. 9.

We do not find Appellants' contention persuasive of Examiner error because, as an initial matter, 37 C.F.R. § 41.37(c)(1)(iv) requires 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 cited disclosures of prior art. *See In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011).

Moreover, the Examiner finds, and we agree, Tseng teaches the disputed limitation with its disclosure that the user can drag a status bar downward on the display to reveal an expanded notification area. Ans. 11 (citing Tseng ¶ 46); *see also* Final Act. 3–4 (citing Tseng ¶¶ 53, 59, 60, Figs. 2B–C). As the Examiner explains, “[w]hen the bar is dragged to the bottom of the screen the notification bar will stay, until a notification is selected or the notification bar is selected by the user and slid upwards in the same manner as its motion downward.” Ans. 11. Appellants do not persuasively or specifically rebut these findings and explanations of the Examiner in the Reply Brief. *See generally* Reply Br. 1–5.

For the reasons discussed *supra*, we are unpersuaded of Examiner error. Accordingly, we sustain the Examiner's rejection of independent claim 1 and, for similar reasons, the rejection of independent claims 10 and 19, which recite similar limitations and were not argued separately. *See* App. Br. 5. Further, we sustain the Examiner's rejections of claims 2–5, 8, 9, 11–14, 17, 18, and 20–31, which depend therefrom and were not argued separately. *See* App. Br. 9–10.

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DECISION

We affirm the Examiner's decision rejecting claims 1–5, 8–14, and 17–31.

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