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EXAMINER
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WINSTON III, EDWARD B

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ANTHONY J. VALLONE

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Appeal 2017-004537  
Application 13/730,075<sup>1</sup>  
Technology Center 3600

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Before CARLA M. KRIVAK, HUNG H. BUI, and JON M. JURGOVAN,  
*Administrative Patent Judges.*

BUI, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 43–49, 51–62, and 71–74, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.<sup>2</sup>

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<sup>1</sup> According to Appellant, the real party in interest is the inventor, Anthony J. Vallone. Br. 3.

<sup>2</sup> Our Decision refers to Appellant's Appeal Brief ("Br.") filed July 8, 2016; Examiner's Answer ("Ans.") mailed October 6, 2016; Final Office Action ("Final Act.") mailed January 14, 2016; and original Specification ("Spec."), filed December 28, 2012.

## STATEMENT OF THE CASE

Appellant’s invention relates to “icon-based user interfaces” and methods for navigating “a stack of unit boxes on a display of a device,” where “[r]espective unit boxes may represent, *e.g.*, the fields of a record in a health record of an individual,” and “icons” depict items of the unit boxes—such as “instances of observations about the health state of the individual” or “activities prescribed for and/or performed for or by the individual.” Spec. ¶¶ 5, 23, 34, 37; Title (capitalization altered). Appellant’s navigational user interface enables intuitive “creation, organization, annotation, accessing, updating, and removing the unit boxes . . . of the stack,” thus “facilitating retrieval of the patient care information.” Spec. ¶¶ 34, 37.

Claims 43–45, 71, and 72 are independent. Claims 43 and 45 illustrate Appellant’s invention, as reproduced below:

43. A nonvolatile computer-readable storage device comprising instructions that, when executed on a processor of a device having a display and a memory, present stack of unit boxes having a stack order, respective unit boxes comprising a first area, a second area, and at least one items, by:

for a current unit box in the stack, present on the display a unit box comprising at least one icon respectively depicting an item of the unit box;

upon receiving a selection of the first area, transitioning from the current unit box to a next unit box after the current unit box in the stack order, and displaying a unit box corresponding to the next unit box, the next unit box comprising at least one icon respectively depicting an item of the next unit box; and

upon receiving a selection of the second area, transitioning from the current unit box to a preceding unit box before the current unit box in the stack order, and displaying a unit box corresponding to the preceding unit box, the preceding unit box comprising at least one icon respectively depicting an item of the preceding unit box.

45. A method of presenting a stack of unit boxes having a stack order, respective unit boxes comprising at least one item on a device having a processor, a display, and a memory storing an icon set, the method comprising:

executing on the processor instructions configured to:

for a current unit box in the stack, presenting on the display a unit box comprising at least one icon respectively depicting an item of the unit box;

upon receiving a forward gesture associated with a first axis in a forward direction, transitioning from the current unit box to a next unit box after the current unit box in the stack order, and presenting on the display a unit box comprising at least one icon depicting an item of the next unit box;

upon receiving a backward gesture associated with the first axis opposite the forward direction, transitioning from the current unit box to a preceding unit box before the current unit box in the stack order, and presenting on the display a unit box comprising at least one icon depicting an item of the preceding unit box;

upon receiving a change gesture along a second axis that is orthogonal with the first axis:

identifying a selected item in a currently displayed unit box that is near the change gesture;

identifying an alternative item for the selected item;

transitioning from the selected item to the alternative item in the unit box, and

displaying the alternative item in the currently displayed unit box.

Br. 21–28 (Claims App’x).

*Examiner’s Rejection*

Claims 43–49, 51–62, and 71–74 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Final Act. 2–3.

## ANALYSIS

In *Alice Corp. Pty. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014), the Supreme Court reiterates an analytical two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66, 79 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice*, 134 S. Ct. at 2355. The first step in the analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts,” such as an abstract idea. *Id.* If the claims are directed to eligible subject matter, the inquiry ends. *Thales Visionix Inc. v. United States*, 850 F.3d 1343, 1349 (Fed. Cir. 2017); *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1339 (Fed. Cir. 2016). If the claims are directed to a patent-ineligible concept, the second step in the analysis is to consider the elements of the claims “individually and ‘as an ordered combination’” to determine whether there are additional elements that “‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 134 S. Ct. at 2355 (citing *Mayo*, 566 U.S. at 79, 78). In other words, the second step is to “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.’” *Id.* (citing *Mayo*, 566 U.S. at 72–73).

In rejecting independent claims 43–45, 71 and 72 under 35 U.S.C. § 101, the Examiner finds (1) these claims are directed to “the abstract idea of displaying images and rotating images in a stack using motion control gestures,” and “using stored images and given options to change a previous image to an ‘updated’ desired image”—similar to “the

abstract idea of comparing new and stored information using rules to identify options”; and (2) the claims do not “include additional elements that are sufficient to . . . amount to significantly more than the underlying abstract idea of comparing new and stored information and using rules to identify options.” Final Act. 2–3.

Appellant argues independent claim 43 (and similarly worded independent claim 44) and independent claim 45 (and similarly worded independent claims 71 and 72) are not directed to the generic abstract ideas asserted by the Examiner, but rather to novel and nonobvious user interfaces and technical operations for accessing and navigating electronic records (such as medical records) represented by “unit boxes” and “icons,” as claimed. Br. 11–12, 16–17, 19. Appellant argues claims 43 and 44 are directed to “a specific improvement to the computer’s basic ability to display information and interact with the user” by “navigating through data records in a stack or sequential order” using “specific areas of a unit box [representing a data record] for navigating through a stack of unit boxes” without “need[ing] . . . scroll bars, buttons, and drop down menus that are commonly used to navigate through lists.” Br. 11, 14. Appellant also argues independent claims 45, 71, and 72 are directed to improved user interfaces and navigation techniques using “forward and reverse gestures along a first axis” to move through a stack of unit boxes, and “gestures along a second axis . . . to display alternate items within the unit box” and “transition between items (or in claim 72 activities) within a unit box.” Br. 17, 19.

When considering whether the claims are directed to a patent ineligible concept, such as an abstract idea, “[t]he ‘directed to’ inquiry . . . cannot simply ask whether the claims *involve* a patent-ineligible concept,

because essentially every routinely patent-eligible claim involving physical products and actions *involves* a law of nature and/or natural phenomenon.” *See Enfish*, 822 F.3d at 1335–36 (citing *Mayo*, 566 U.S. at 70–71). Rather, “the ‘directed to’ inquiry applies a stage-one filter to claims” considered in their entirety, in light of the Specification, to ascertain whether the claims’ character as a whole is directed to excluded subject matter. *Id.* (citing *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015)).

Having reviewed the evidence, we disagree with the Examiner’s finding that the claims are directed to an abstract idea of comparing new and stored information using rules to identify “options to change a previous image to an ‘updated’ desired image.” *See* Final Act. 2–3; Ans. 6. Rather, we conclude the character of the claims as a whole is directed to *improved user interfaces for electronic devices, and improved methods for accessing and navigating electronic records*, the user interfaces and navigation methods being especially “beneficial when displaying data on devices with small displays, such as mobile devices.” Br. 11–12, 14, 17, 19. *See Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356, 1362–63 (Fed. Cir. 2018) (claims directed to “an improved user interface for electronic devices, particularly those with small screens” and to “a specific manner of displaying a limited set of information to the user,” improve “the efficiency of using the electronic device by bringing together ‘a limited list of common functions and commonly accessed stored data’” and “are not directed to an abstract idea”); *see also Trading Techs. Int’l, Inc. v. CQG, Inc.*, 675 F. App’x 1001, 1002–05 (Fed. Cir. 2017) (claims directed to “improvements in existing graphical user interface devices that have no ‘pre-

electronic trading analog” and “recite more than ‘setting, displaying, and selecting’ data or information that is visible on the [graphical user interface] device” are not directed to an abstract idea); *Enfish*, 822 F.3d at 1335–36.

Our conclusion is supported by Appellant’s Specification, which confirms the improved user interfaces and navigation techniques. Particularly, the Specification describes Appellant’s invention as directed to “icon-based user interfaces” that “‘shepherd[]’ information associated with an activity [or other record information] once it is stored as a unit box in the stack” and “enable a comparatively simple and intuitive navigational system that may be cognizable to users . . . with little training.” *See* Spec. ¶¶ 4, 37; Title (capitalization altered). For example, Appellant’s claims 43 and 44 divide unit boxes (representing fields of records) into at least two areas (first and second areas), such that “[u]pon selecting a first area of the unit box . . . the next record is displayed” and “[u]pon selecting a second area of the unit box . . . the previous data record is displayed” together with icons depicting items of respective unit boxes. Br. 11, 14. Claims 45, 71, and 72 additionally allow gestures along a second axis—orthogonal to a first axis of the stack of unit boxes—to transition between alternate items within a unit box and display an alternate item according to the transition. Br. 17, 19. Claims 43–45, 71, and 72 thus provide a “language-independent presentation of information through the use of icons” depicting informational items of unit boxes, the claims enabling simple and intuitive “creation, organization, annotation, accessing, updating, and removing the [stacked] unit boxes” as well as “replac[ing] the selected item in a record stored in the memory representing the unit box.” *See* Spec. ¶¶ 37, 58.

Because claims 43–45, 71, and 72 are directed to improved user interfaces and techniques for accessing and navigating electronic records, we find claims 43–45, 71, and 72, and their dependent claims 46–49, 51–62, 73, and 74 are not directed to an abstract idea. As the claims are not directed to an abstract idea under the first step of the *Alice* analysis, we need not proceed to step two of the analysis. *See Enfish*, at 1336, 1339.

For these reasons, we do not sustain the Examiner’s rejection of claims 43–49, 51–62, and 71–74 as directed to non-statutory subject matter under 35 U.S.C. § 101.

#### CONCLUSION

On the record before us, we conclude Appellant has demonstrated the Examiner erred in rejecting claims 43–49, 51–62, and 71–74 under 35 U.S.C. § 101.

#### DECISION

As such, we REVERSE the Examiner’s rejection of claims 43–49, 51–62, and 71–74.

REVERSED