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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* SABRINA HOU and PENG GUO

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Appeal 2018-005865  
Application 14/292,509  
Technology Center 2100

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Before DENISE M. POTHIER, LINZY T. McCARTNEY, and  
SCOTT E. BAIN, *Administrative Patent Judges*.

McCARTNEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1, 3, 5–8, 10, 12–15, 17, and 19–22. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

## BACKGROUND

The present patent application involves techniques that allow “users to input keyboard key combinations via context menu shortcuts.” Specification Abstract, filed May 30, 2014 (“Spec.”). Claims 1, 8, and 15 are independent. Claim 1 illustrates the claimed invention:

1. A method for performing a key combination operation on an operating system or application running in a virtual machine that is instantiated in a host machine that provides a remote virtual desktop of the virtual machine, comprising:

presenting a function toolbar on the remote virtual desktop of the virtual machine that is displayed on a client computing device that has a touch interface and is connected to the host machine over a network, wherein the function toolbar includes a plurality of function keys;

in response to receiving a first touch input on one of the function keys, determining, by the client computing device, that the first touch input is a tap and hold event and presenting a context menu which includes a selectable object indicating a shortcut for a combination of the one of the function keys and one or more other keys; and

in response to receiving a second touch input on the selectable object, translating, by the client computing device, the second touch input into a keyboard-based command a simultaneous operation of the one of the function keys and the one or more other keys, and transmitting the keyboard-based command from the client computing device to the virtual machine over the network, such that the keyboard-based command is executed on the operating system or application running in the virtual machine.

Appeal Brief 17, filed February 6, 2018 (“App. Br.”).

## REJECTIONS

<b>Claims</b>	<b>Basis</b>	<b>References</b>
1, 3, 6–8, 10, 13–15, 17, and 20–22	§ 103	Isaacson, <sup>1</sup> Nylund, <sup>2</sup> and Lindsay <sup>3</sup>
5, 12, and 19	§ 103	Isaacson, Nylund, Lindsay, and Swanson <sup>4</sup>

## DISCUSSION

We have reviewed the Examiner’s rejections and Appellants’ arguments, and Appellants have not persuaded us that the Examiner erred. As consistent with the discussion below, we adopt the Examiner’s findings, conclusions, and reasoning in the Final Office Action mailed July 7, 2017 (“Final Act.”) and Answer mailed March 19, 2018 (“Ans.”).

We address Appellants’ arguments in turn. Appellants have waived arguments Appellants failed to adequately or timely present. *See* 37 C.F.R. § 41.37 (c)(1)(iv); *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (explaining that when “an appellant fails to present arguments on a particular issue . . . the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection”).

### Claim 1

Claim 1 recites “in response to receiving a first touch input on one of the function keys. . . *presenting a context menu which includes a selectable object indicating a shortcut for a combination of the one of the function keys and one or more other keys.*” App. Br. 17 (emphasis added). Appellants

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<sup>1</sup> Nylund et al. (US 2015/0026586 A1; Jan. 22, 2015).

<sup>2</sup> Isaacson et al. (US 2015/0278922 A1; Oct. 1, 2015).

<sup>3</sup> Lindsay (US 2013/0093682 A1; Apr. 18, 2013).

<sup>4</sup> Swanson et al. (US 2004/0239638 A1; Dec. 2, 2004).

contend that Isaacson does not teach or suggest the emphasized “presenting” limitation. App. Br. 9–12. Appellants assert that the limitation requires *on-screen* function keys and that “[t]he on-screen function key that is pressed is *itself* displayed in the context menu.” App. Br. 8–10 (emphasis added). Appellants contend Isaacson does not teach or suggest that “the on-screen function key that is pressed is itself displayed in the context menu within a selectable object.” App. Br. 11.

We find Appellants’ arguments unpersuasive. The “presenting” limitation requires presenting a context menu that includes “a selectable object *indicating* a shortcut *for* a combination of the one of the function keys and one or more other keys.” App. Br. 17 (emphases added). Even if “indicating a shortcut” means “displaying a shortcut”—and it is far from clear that it does—the limitation does not require the shortcut in turn include an identifier of the recited key combination. Rather than recite “a shortcut *including an identifier* of a combination of” keys or something similar, the limitation simply recites “a shortcut *for* a combination” of keys. The word “for” has many common meanings, including “concerning.” *See, e.g., For*, Merriam-Webster’s Collegiate Dictionary (11th ed. 2003). Thus, the broadest reasonable interpretation of “a shortcut for a combination of the one of the function keys and one or more other keys” encompasses a shortcut that simply concerns this key combination.

Appellants suggest that Figure 4B of Appellants’ drawings requires us to interpret the limitation more narrowly. *See* App. Br. 10–11; Reply Brief 2–4, filed May 18, 2018 (“Reply Br.”). Although Figure 4B shows part of a process that causes an identifier of a selected function key to appear in each of the displayed key combination shortcuts, Appellants’ written description

makes clear that Figure 4B is merely an *example* of the claimed method. *See, e.g.,* Spec. ¶¶ 9 (“Figure 4 illustrates *exemplary* operations for inputting key combinations using context menu shortcuts, according to an embodiment of the present disclosure.” (emphasis added)), 39 (same). Although we interpret claims in light of their associated specification, we generally do not import examples from the specification into the claims. *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1315–23 (Fed. Cir. 2005) (en banc); *see also In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1369 (Fed. Cir. 2004) (“We have cautioned against reading limitations into a claim from the preferred embodiment described in the specification, even if it is the only embodiment described, absent clear disclaimer in the specification.”). Appellants have offered no persuasive reason to do so here.

Under the broadest reasonable interpretation of the “presenting” limitation discussed above, we agree with the Examiner that Isaacson teaches or suggests the limitation. As found by the Examiner, Isaacson discloses a menu that includes “shortcut keys which the user can press to select the options without using the mouse.” Isaacson ¶ 77; Final Office Action 4, mailed July 7, 2017 (quoting Isaacson ¶ 77). Isaacson explains the menu can show “that the user can press alt-1, alt-2, or alt-3 to select the various drop up menu options, or ctrl-1, ctrl-2, or ctrl-3, or some other single key or key combination to select the various drop down menu options.” Isaacson ¶ 77. Because the disclosed shortcuts execute functions mapped to various key combinations, the shortcuts are “for,” that is the shortcuts concern, the various key combinations. *See* App. Br. 14 (acknowledging that

Isaacson teaches interacting with menu options by “us[ing] a touch screen to select an option”).<sup>5</sup>

Appellants rely on the above arguments to show that Isaacson also fails to teach or suggest “in response to receiving a second touch input on the selectable object, translating . . . the second touch input into a keyboard-based command a simultaneous operation of the one of the function keys and the one or more other keys” as recited in claim 1. *See* App. Br. 14 (arguing that although Isaacson teaches using a touch screen to select an option, Isaacson does not teach “the selectable object must contain *the* one of the function keys that initially displayed the context menu” (emphasis modified)). We find these arguments unpersuasive for the reasons discussed above.

Finally, Appellants appear to argue that Nylund and Lindsay each fail to teach or suggest this limitation. *See* App. Br. 14–15. But the Examiner concluded this limitation would have been obvious over a *combination* of Isaacson, Nylund, and Lindsay. Final Act. 3–5. “[O]ne cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references,” *In re Keller*, 642 F.2d 413, 426 (CCPA 1981).

For the above reasons, we sustain the Examiner’s rejection of claim 1.

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<sup>5</sup> In response to the arguments in the Appeal Brief, the Examiner offered a construction of the “presenting” limitation in the Answer. Answer 8–9, mailed March 19, 2018. Appellants argue this construction is “unreasonably broad.” Reply Br. 4. We agree and do not adopt this construction.

Remaining Claims

Because Appellants have not presented separate, persuasive patentability arguments for claims 3, 5–8, 10, 12–15, 17, and 19–22, we also sustain the Examiner’s rejections of these claims.

CONCLUSION

<b>Claims Rejected</b>	<b>Basis</b>	<b>Reference(s)</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 3, 6–8, 10, 13–15, 17, and 20–22	§ 103	Isaacson, Nylund, and Lindsay	1, 3, 6–8, 10, 13–15, 17, and 20–22	
5, 12, and 19	§ 103	Isaacson, Nylund, Lindsay, and Swanson	5, 12, and 19	
<b>Summary</b>			1, 3, 5–8, 10, 12–15, 17, and 19–22	

No period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED