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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID COBLENTZ and ANNIE CARNIE

Appeal 2018-006994
Application 12/184,129
Technology Center 3600

Before ERIC S. FRAHM, JOYCE CRAIG, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–4, 6–9, 11, 13, 14, and 16–20. Claims 5, 10, 12, and 15 have been canceled. *See* Appeal Br. 4. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies Adobe Systems Incorporated as the real party in interest. Appeal Br. 4.

STATEMENT OF THE CASE

Introduction

Appellant's application relates to the management and control of a graphical user interface (GUI). *See* Spec. ¶¶ 11–12. In particular, the application discloses controlling a GUI based on the digital rights management (DRM) associated with third-party add-ins that modify the GUI.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method, comprising: performing by a computer:

during operation of a graphical user interface, regulating operation of a primary component object model add-in for an electronic document and a secondary component object model add-in, wherein said regulating comprises subjugating, based on the primary component object model add-in governing digital rights management of the electronic document, the second component object model add-in to the primary component model add-in, wherein subjugating the secondary component object model comprises:

determining that a resource associated with the secondary component object model add-in extends the graphical user interface;

in response to determining that the resource associated with the secondary component object model add-in extends the graphical user interface, determining that the resource alters a pre-existing functional operation that is executable within the graphical user interface, the pre-existing functional operation comprising a command in the graphical user interface;

in response to determining that the resource associated with the secondary component object model add-in extends the graphical user interface, *determining that the command*

comprises a limited operation to which the digital rights management governed by the primary component object model add-in pertains; and

in response to determining that the command comprises the limited operation, applying a remedial action that comprises at least one of denying the command, disabling a document to which the command is targeted, or disabling the secondary component object model add-in.

Appeal Br. 21–22, Claims Appendix (emphases added).

The Examiner's Rejections²

Claims 1–4, 6–9, 11, 13, 14, and 16–20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Final Act. 3–5.

Claims 1–4, 6–9, 11, 13, 14, and 16–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dhanjal (US 2007/0055936 A1; Mar. 8, 2007) in view of Raley (US 2002/0108050 A1; Aug. 8, 2002). Final Act. 6–11.

ANALYSIS

Written Description

Claims 1–4, 6–9, 11, 13, 14, and 16–20

The Examiner rejects claim 1 for failing to comply with the written description requirement, finding the Specification does not adequately

² In the Final Action, the Examiner rejected claims 13 and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite. Final Act. 5–6. However, the Examiner noted that the rejection was overcome in the Advisory Action mailed January 12, 2018, after the filing of the Appeal Brief. Advisory Act. 2. Accordingly, this rejection is not before us.

convey to an ordinarily skilled artisan that the inventors had possession of the limitations “determining that a resource associated with the secondary component object model add-in extends the graphical user interface” and “in response to determining that the resource associated with the secondary component object model add-in extends the graphical user interface, determining that the resource alters a preexisting functional operation that is executable within the graphical user interface.” *See* Final Act. 3–4, Ans. 6–7.

Appellant argues the Examiner erred because paragraphs 14, 17, 23, and 25 of the Specification adequately support these limitations. *See* Appeal Br. 16–17, Reply Br. 4–5. In particular, Appellant argues the Specification discloses determining that an add-in modifies a GUI based on an examination of the XML resources. *See* Appeal Br. 17 (citing Spec. ¶ 23). Appellant argues the Specification discloses that an add-in modifies a GUI by changing functions of the GUI. *See id.* (citing Spec. ¶ 14). Appellant also argues the Specification discloses that an add-in could alter a previous modification to a GUI. *See id.* (citing Spec. ¶ 17). Finally, Appellant argues a determination can be made whether one or more commands of a COM add-in comprise a limited operation. *See id.* at 17–18 (citing Spec. ¶ 25). Appellant also argues these paragraphs refer to control of both a primary COM and a secondary COM, which are capable of extending a GUI. *See* Reply Br. 4–5.

Appellant has persuaded us of Examiner error. As argued by Appellant, the Specification discloses that add-ins may modify existing functionality in a GUI, which supports the disputed limitation “determining that the resource alters a preexisting functional operation that is executable

within the graphical user interface.” *See* Appeal Br. 16–17 (citing Spec. ¶¶ 14, 17, 23, 25). The Specification discloses one or more add-ins may alter preexisting functionality, thus disclosing that this functionality may be performed by a primary or secondary add-in. *See* Spec. ¶ 14. Thus, the Specification provides sufficient support for the disputed limitations in claim 1.

For these reasons, we do not sustain the Examiner’s written description rejection of independent claim 1. We also do not sustain the written description rejection of independent claims 11 and 17, which recite commensurate limitations. We do not sustain the written description rejection of dependent claims 2–4, 6, 7, 9, 13, 14, 16, and 18–20 for the same reasons.

Claim 8

The Examiner separately rejects claim 8 for failing to comply with the written description requirement, finding the Specification does not adequately convey to an ordinarily skilled artisan that the inventors had possession of the limitation:

wherein subjugating the secondary component object model further comprises: parsing an additional resource associated with the secondary component object model add-in; determining that the additional resource extends the graphical user interface and alters a pre-existing functional operation that is executable within the graphical user interface, the preexisting functional operation comprising an additional command in the graphical user interface; in response to determining that the additional resource extends the graphical user interface, determining that the additional command does not comprise a limited operation to which the governed digital rights management pertains; and in response to determining that the additional command does not comprise a limited operation,

passing the additional command to an operating system for execution.

See Final Act. 4–5.

The Examiner finds the Specification discloses passing a command to the operating system for execution, where the command is not a limited operation, and that, alternatively, a command associated with a secondary COM add-in may be overridden, disabling the associated COM add-in when the command is a limited operation. *Id.* (citing Spec. ¶¶ 26–27). The Examiner concludes that these combined teachings fail to adequately support the above limitations. *Id.*

Appellant argues the Examiner erred by failing to consider the entirety of the Specification. *See* Reply Br. 5. The Specification describes, “a determination may be made of one or more commands associated with at least one of the COM add-ins that extend a GUI. At block 118 a determination may be made whether the one or more commands comprise a limited operation.” Spec. ¶ 25. Appellant argues the Specification discloses determining whether one or more commands include a limited operation and does not limit this procedure to a one-time operation or a single command. *See* Reply Br. 5 (citing Spec. ¶ 25).

Appellant has persuaded us of Examiner error. The Specification provides sufficient support for the limitations in claim 8, at least in the combined teachings of paragraphs 25–27. In particular, the Specification discloses that a determination is made as to whether a COM add-in extends a GUI, and an XML resource is parsed to determine whether the command is directed toward a limited operation. Spec. ¶ 25. If no limited operation exists, then the command is passed to the operating system. *Id.* ¶ 26.

For these reasons, we do not sustain the Examiner's written description rejection of dependent claim 8.

Obviousness

Claim 1 recites "in response to determining that the resource associated with the secondary component object model add-in extends the graphical user interface, determining that the command comprises a limited operation to which the digital rights management governed by the primary component object model add-in pertains." Claim 1 further recites "in response to determining that the command comprises the limited operation, applying a remedial action that comprises at least one of denying the command, disabling a document to which the command is targeted, or disabling the secondary component object model add-in."

The Examiner finds the combination of Dhanjal and Raley teaches or suggests these limitations. *See* Final Act. 6–11, Ans. 3–5. In particular, the Examiner finds Dhanjal discloses a primary component object module add-in and a secondary component object module add-in that alters the primary add-in. *See* Ans. 3–4. The Examiner finds Raley discloses that DRM governs modifications to the interface. *See id.* at 4. The Examiner finds the combination of these teachings discloses the enforcement of usage rights for digital content. *See id.*

Appellant argues the Examiner erred because an ordinarily skilled artisan would not have been motivated to combine the references as proposed by the Examiner. *See* Appeal Br. 12–13, Reply Br. 2. Appellant has persuaded us of Examiner error. The Examiner finds and ordinarily skilled artisan would have been motivated to combine Dhanjal with Raley "in order to enforce usage right for digital contents." *See* Final Act. 8.

However, the Examiner's finding is not supported by any rational underpinnings regarding how the combined teachings of Dhanjal and Raley disclose the language of claim 1. In particular, the Examiner fails to provide the necessary rational underpinnings for applying the digital right management teachings of Raley to the primary component object model add-in. Rather, Dhanjal discloses that a third-party COM add-ins can modify a user interface based on the XML file of one or more add-ins (*see* Dhanjal ¶ 39), while Raley teaches that a host GUI can disable commands based on the DRM of the host program (*see* Raley ¶ 74). However, neither reference teaches applying the DRM from a primary add-in to determine whether to apply a remedial action to a secondary add-in. Thus, the proposed modification of Dhanjal in view of Raley requires additional changes that are not explained by the Examiner, nor does the Examiner provide adequate rationale for such changes.

For these reasons, we do not sustain the Examiner's obviousness rejection of independent claim 1.³ We also do not sustain the obviousness rejection of independent claims 11 and 17, which recite commensurate subject matter, or dependent claims 2–4, 6–9, 13, 14, 16, and 18–20.

³ Because we agree with at least one of the dispositive arguments advanced by Appellant, we need not reach the merits of Appellant's other arguments.

CONCLUSION

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1-4, 6-9, 11, 13, 14, 16-20	112, first paragraph	Written Description		1-4, 6-9, 11, 13, 14, 16-20
1-4, 6-9, 11, 13, 14, 16-20	103	Dhanjal, Raley		1-4, 6-9, 11, 13, 14, 16-20
Overall Outcome				1-4, 6-9, 11, 13, 14, 16-20

REVERSED