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WOMBLE BOND DICKINSON (US) LLP/BOEING			DYER, ANDREW R	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MICHAEL K. RODGERS, BRENT L. HADLEY, and
PATRICK J. EAMES¹

Appeal 2018-007328
Application 13/633,337
Technology Center 2100

Before ROBERT E. NAPPI, DAVID M. KOHUT, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1 through 30. 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(a). According to Appellant, The Boeing Company is the real party in interest. Appeal Br. 1.

INVENTION

The invention relates generally to a panoptic visualization system where media content of a document collection is arranged in a manner that reflects logical relationships between the content, additionally a restricted document is represented by a visual reorientation of the restriction in place of the restricted document. Abstract, page 3. Claim 1 is reproduced below.

1. An apparatus for implementation of a panoptic visualization system, the apparatus comprising a processor and a memory storing executable instructions that, in response to execution by the processor, cause the apparatus to implement at least:

an enforcer configured to identify a restricted page of a panoptic visualization document collection having a plurality of pages disassembled from one or more electronic documents, each page including respective media content and having associated metadata providing structured information about the page, the associated metadata for the pages further including structured information identifying links between the pages that establish one or more logical relationships between the respective media content thereof, the one or more logical relationships excluding pagination order sequence and chapterization of the pages; and

a layout engine coupled to the enforcer and configured to generate a layout of panoptically-arranged visual representations of the pages including the restricted page according to the pages and associated metadata,

wherein the layout is a two-dimensional layout in which the one or more logical relationships between the respective media content of the pages including the restricted page are expressed by a difference in size or depth of at least some of the visual representations relative to others of the visual representations, and

wherein in the layout, the visual representations of the pages other than the restricted page are images of the respective

pages including the media content thereof, and the visual representation of the restricted page is a visual representation of the restriction in place of an image of the restricted page that includes the media content thereof.

EXAMINER'S REJECTIONS²

The Examiner rejected claims 1, 2, 4, 7, 9, 10, 12, 15, 17, 18, 20, 23, 26, 28 and 30 under 35 U.S.C. § 103 as unpatentable by Tanaka (US 2008/0313537 A1; pub. Dec. 18, 2008), Horvitz (US 2004/0267701 A1; pub. Dec. 30 2004) and Benzaken (US 2010/0131551 A1; pub. May 27, 2010). Final Act. 2–20.

The Examiner rejected claims 3, 5, 11, 13, 19 and 21 under 35 U.S.C. § 103 as unpatentable by Tanaka, Horvitz, Benzaken, and Dillaway (US 2006/0206925 A1, Sept. 14, 2006). Final Act. 20–24.

The Examiner rejected claims 6, 14, and 22 under 35 U.S.C. § 103 as unpatentable by Tanaka, Horvitz, Benzaken, and Petrou (US 7,783,644 A1; pub. Aug. 24, 2010). Final Act. 24–26.

The Examiner rejected claims 8, 16 and 24 under 35 U.S.C. § 103 as unpatentable by Tanaka, Horvitz, Benzaken, and Gerhard (US 2009/0317020 A1; Dec. 24, 2009). Final Act. 26–28.

The Examiner rejected claims 25, 27, and 29 under 35 U.S.C. § 103 as unpatentable by Tanaka, Horvitz, Benzaken, and Finlayson (US 7,365,747 A1; pub. Apr. 29, 2008). Final Act. 28–30.

² Throughout this Decision we refer to the Appeal Brief filed November 7, 2017 (“Appeal Br.”); Reply Brief filed May 14, 2018 (“Reply Br.”); Final Office Action mailed June 7, 2017 (“Final Act.”); and the Examiner’s Answer mailed March 14, 2018 (“Ans.”).

DISCUSSION

Appellant presents several arguments directed to the Examiner's rejection of independent claims 1, 10 and 17. Appeal Br. 5–8. The dispositive issue presented by these arguments is did the Examiner err in finding the combination of Tanaka, Horvitz, Benzaken teaches using a layout of pages such that the logical relationship between the pages is expressed in size or depth of at least some of the visual relationships with respect to others, as recited in each of the independent claims?

The Examiner in the rejection cites to Horvitz as teaching this disputed limitation. Final Act. 5; Ans. 6 (citing Horvitz para 33). In response to Appellant's arguments the Examiner states:

Horvitz discloses a two dimensional layout of document pages. The document pages may be email messages. The email messages related in that they are in regards to a document or project (Horvitz, Para. 33). Further the difference in size shows documents that have been most "attended to." The size shows a relationship in that the most attended to are different.

Ans. 31.

We disagree with the Examiner. We concur that Horovitz teaches a two dimensional layout of related e-mails, however as argued by Appellant, on page 3 of the Reply Brief, Horvitz in paragraph 33 discusses the size of a region of a document being used to show the most attended or most recently attended section of the document. This teaching does not discuss the size or depth is based upon the relationship between the elements. Thus, the Examiner has not shown that the combination of Tanaka, Horvitz, Benzaken

teach the limitations of each of independent claims 1, 10 and 17.

Accordingly, we do not sustain the Examiner's rejection of independent claims 1, 10, 17 and dependent claims 2, 4, 7, 9, 12, 15, 18, 20, 23, 26, 28 and 30 similarly rejected based upon the combination of Tanaka, Horvitz, and Benzaken.

The Examiner's obviousness rejections of dependent claims 3, 5, 6, 8, 11, 13, 14, 16, 19, 21, 22, 24, 25, 27 and 29 similarly rely upon the combination of Tanaka, Horvitz, Benzaken to teach the limitations of the independent claims. Accordingly, we do not sustain the Examiner's obviousness rejections of claims 3, 5, 6, 8, 11, 13, 14, 16, 19, 21, 22, 24, 25, 27 and 29 for the same reasons as discussed with respect to independent claims 1, 9 and 17

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 2, 4, 7, 9, 10, 12, 15, 17, 18, 20, 23, 26, 28, 30	103	Tanaka, Horvitz, Benzaken		1, 2, 4, 7, 9, 10, 12, 15, 17, 18, 20, 23, 26, 28, 30
3, 5, 11, 13, 19, 21	103	Tanaka, Horvitz, Benzaken, Dillaway		3, 5, 11, 13, 19, 21
6, 14, 22	103	Tanaka, Horvitz, Benzaken, Petrou		6, 14, 22
8, 16, 24	103	Tanaka, Horvitz, Benzaken, Gerhard		8, 16, 24
25, 27, 29	103	Tanaka, Horvitz, Benzaken, Finlayson		25, 27, 29
Overall Outcome				1-30

REVERSED