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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 14/580,668, inventor Shadi Iskander, and examiner CHIUSANO, ANDREW TSUTOMU.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SHADI ISKANDER

Appeal 2018-009189
Application 14/580,668
Technology Center 2100

Before KARA L. SZPONDOWSKI, SCOTT B. HOWARD, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 4–11, 14–19, 21–26, and 28–30, which constitute all of the claims pending in this application. 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 the real party in interest as Intel Corporation. Appeal Br. 2.

THE INVENTION

The disclosed and claimed invention is directed to “techniques for presenting time event information within an analog clock display.”

Spec. ¶ 1.²

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

1. An electronic device, comprising:
 - a display unit;
 - an event information interface to receive information about a time event; and
 - a Graphical User Interface (GUI) to:
 - display an analog clock on the display unit, wherein the analog clock comprises an hour scale corresponding to an hour hand of the analog clock and a minute scale corresponding to a minute hand of the analog clock;
 - display a time event icon on the hour scale of the analog clock at a position that identifies a time of the time event; and
 - move the time event icon from the hour scale to the minute scale if an amount of time remaining to the time event is within a specified time threshold.

REFERENCES

The prior art relied upon by the Examiner as evidence in rejecting the claims on appeal is:

² We refer to the Specification filed Dec. 23, 2014 (“Spec.”); Final Office Action mailed Aug. 22, 2017 (“Final Act.”); Appeal Brief filed Apr. 5, 2018 (“Appeal Br.”); Examiner’s Answer mailed July 27, 2018 (“Ans.”); and the Reply Brief filed Sept. 27, 2018 (“Reply Br.”).

Forstall et al. ("Forstall")	US 2009/0006994 A1	Jan. 1, 2009
Waibel et al. ("Waibel")	US 2011/0307241 A1	Dec. 15, 2011
Lee et al. ("Lee")	US 2012/0066629 A1	Mar. 15, 2012
Jang et al. ("Jang")	US 2015/0160856 A1	June 11, 2015
Knight et al. ("Knight")	US 2015/0378320 A1	Dec. 31, 2015
Barnes et al. ("Barnes")	US 2016/0151668 A1	June 2, 2016
Shin	US 2016/0161922 A1	June 9, 2016

Pierre Dragicevic, *SpiraClock: A Continuous and Non-Intrusive Display for Upcoming Events* (2002).

REJECTIONS

Claims 1, 4, 11, 14, 19, 21, 26, and 28 stand rejected under 35 U.S.C. § 103 as unpatentable over Knight and Dragicevic. Final Act. 3.

Claims 5, 22, and 24 stand rejected under 35 U.S.C. § 103 as unpatentable over Knight, Dragicevic, and Lee. Final Act. 5.

Claims 6, 15, and 29 stand rejected under 35 U.S.C. § 103 as unpatentable over Knight, Dragicevic, and Forstall. Final Act. 6.

Claims 7, 16, and 25 stand rejected under 35 U.S.C. § 103 as unpatentable over Knight, Dragicevic, and Waibel. Final Act. 7.

Claims 8–10, 17, 18, and 30 stand rejected under 35 U.S.C. § 103 as unpatentable over Knight, Dragicevic, and Barnes. Final Act. 8.

Claim 23 stands rejected under 35 U.S.C. § 103 as unpatentable over Knight, Dragicevic, Shin, and Jang. Final Act. 10.

ANALYSIS

Claim 1 recites “mov[ing] the time event icon from the hour scale to the minute scale if an amount of time remaining to the time event is within a specified time threshold.”

The Examiner finds Knight’s countdown timer feature teaches switching the time event icon if an amount of time remaining to the event time is within a specified threshold, but does not explicitly teach moving the time event icon from the hour scale to the minute scale if an amount of time remaining to the time event is within a specified time threshold. Final Act. 3 (citing Knight Figs. 1, 8, ¶¶ 17–20, 24, 32, 34, 42); *see* Ans. 4 (citing Knight ¶¶ 19–20). The Examiner further finds Dragicevic’s time events within a 1-hour threshold moving to the outer spiral teaches moving the time event icon to the minute scale if an amount of time remaining to the time event is within a specified time threshold. Final Act. 3 (citing Dragicevic 1, Fig. 1); *see* Ans. 4.

Appellant argues “Knight does not disclose moving an icon from an hour scale to a minute scale of the analog clock.” Appeal Br. 11; *see also* Reply Br. 2. Appellant also argues “Dragicevic does not disclose moving an icon from an hour scale to a minute scale.” Appeal Br. 12. According to Appellant, Dragicevic’s sectors “remain at all times on a minute scale of the analog clock” and the “gradual movement outward does not move the colored sectors from an hour scale to a minute scale of the analog clock.” *Id.*; *see also* Reply Br. 3.

We are persuaded by Appellant’s argument as the Examiner has not identified sufficient evidence or provided sufficient explanation as to how the combination of Knight and Dragicevic teaches moving the time event icon from the hour scale to the minute scale as claimed.

The cited sections of Knight teach “a countdown timer feature 130 that visually presents . . . the time remaining until the start time of the scheduled event” as a “curved indicator 132” that “correspond[s] to a number of minutes remaining until the start time of the impending scheduled event.” Knight ¶ 19. Dragicevic teaches a “SpiraClock [which] is an analog clock with a white spiral inside” and “[e]vents [that] are depicted on the spiral as colored sectors.” Dragicevic 1. In Dragicevic, “[a]s time moves forward, the spiral unwinds and event sectors move in a radial way.” *Id.* Dragicevic’s “[s]ector edges coincide with minute marks” and “[e]vents occurring in less than one hour can therefore be directly read on the outer branch of the spiral.” *Id.*

In other words, the sections of Knight and Dragicevic cited by the Examiner and on the record before us do *not* teach *moving* the time event icon *from the hour scale to the minute scale* specifically when *an amount of time remaining to the time event is within a specific threshold* as claimed. Instead, Knight teaches including an *additional* time event indicator on the minute scale; and Dragicevic teaches time event icons (i.e., colored sectors) that are *always moving* (i.e., as time moves forward), and using *only the minute scale* (i.e., each revolution being an hour with the colored sectors coinciding with minutes).

Therefore, we agree with Appellant that the Examiner’s finding that the combination of Knight and Dragicevic teaches the disputed limitation is

in error because it is not supported by a preponderance of the evidence. *See In re Caveney*, 761 F.2d 671, 674 (Fed. Cir. 1985) (The Examiner’s burden of proving non-patentability is by a preponderance of the evidence.); *see also In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967) (“The Patent Office has the initial duty of supplying the factual basis for its rejection. It may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis.”).

Accordingly, we are constrained on the record before us to reverse the Examiner’s rejection of independent claim 1, along with the rejection of independent claims 11, 19, and 26, which recite limitations commensurate in scope to the disputed limitation discussed above, and dependent claims 4, 14, 21, and 28. *See* Appeal Br. 12.

Moreover, because the Examiner has not shown that the additional references cure the foregoing deficiency regarding the rejection of the independent claims 1, 11, 19, and 26, we will not sustain the obviousness rejections of dependent claims 5–10, 15–18, 22–25, 29, and 30. *See* Appeal Br. 13–15.

DECISION

In summary:

Claims Rejected	Basis	Affirmed	Reversed
1, 4, 11, 14, 19, 21, 26, 28	§ 103 Knight, Dragicevic		1, 4, 11, 14, 19, 21, 26, 28
5, 22, 24	§ 103 Knight, Dragicevic, Lee		5, 22, 24

Claims Rejected	Basis	Affirmed	Reversed
6, 15, 29	§ 103 Knight, Dragicevic, Forstall		6, 15, 29
7, 16, 25	§ 103 Knight, Dragicevic, Waibel		7, 16, 25
8–10, 17, 18, 30	§ 103 Knight, Dragicevic, Barnes		8–10, 17, 18, 30
23	§ 103 Knight, Dragicevic, Shin, Jang		23
Overall Outcome			1, 4–11, 14–19, 21–26, 28–30

REVERSED