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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NOAH HORTON, SALMAN RAFAT ANSARI,
JOSHUA JAMES ELLITHORPE, and
DAMANDIP SINGH SANGHERA

Appeal 2019-000032
Application 13/794,464
Technology Center 2100

Before ST. JOHN COURTENAY III, SCOTT B. HOWARD, and
SCOTT E. BAIN, *Administrative Patent Judges*.

BAIN, *Administrative Patent Judge*.

DECISION ON APPEAL¹

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–4, 6–12, 14–16, 18, 19, and 21, which constitute all claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies Oracle International Corporation as the real party in interest. App. Br. 1.

BACKGROUND

The Claimed Invention

The invention relates to an “improved [method] to implement web pages,” and specifically, to a configuration for a web page layout permitting a web page designer to “implement functional content on the web page.” Spec. ¶¶ 4, 8–9. The Specification refers to such functional content (or embedded applications) as “widgets,” *id.* ¶ 4, and describes a “new type of widget,” called a “contextual” widget, as follows:

disclosed is an improved approach to implement a new type of widget that obtains its context information from another widget. For example, when a *contextual widget* is dropped into a drop zone, that *contextual widget* would obtain its context data from its parent drop zone widget. The drop zone is a location on the web page layout that permits drag and drop capability to insert functional content.

Id. ¶ 9 (emphasis added).

Claims 1, 8, and 15 are independent. Claim 1 is illustrative of the invention and the subject matter in dispute, and reads as follows:

1. A computer implemented method implemented with a processor, comprising identifying a widget to render;
determining that the widget is a particular instance of a contextual widget comprising code to obtain context data from any compatible parent widget in which the contextual widget is nested, wherein software functionality of the contextual widget performs differently depending on which parent widget nests the contextual widget;
determining that the particular instance of the contextual widget is nested in a particular instance of a parent widget, wherein the particular instance of the parent widget supplies particular context data;
retrieving the particular context data from the particular instance of the parent widget; and

rendering the particular instance of the contextual widget having software functionality that is based at least in part on the particular context data, wherein placement of the particular instance of the contextual widget is based at least in part on the particular instance of the parent widget.

App. Br. 8 (Claims App.).

The Rejections on Appeal

Claims 1, 4, 6–12, 14–16, 18, 19, and 21 are rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Fairweather (US 2003/0188004 A1; published Oct. 2, 2003). Final Act. 3–9.

Claims 2 and 3 are rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Fairweather and Moore (US 2008/0195483 A1; published Aug. 14, 2008). Final Act. 9–10.

DISCUSSION

We have reviewed the Examiner’s rejections in light of Appellant’s arguments presented in this appeal. Arguments which Appellant could have made but did not make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). On the record before us, Appellant has not persuaded us of error. We adopt the Examiner’s reasoning and analysis as our own, and provide the following for highlighting and emphasis.

Rejections under 35 U.S.C. § 103(a)

Appellant argues the Examiner erred in finding Fairweather teaches or suggests a “contextual widget comprising code to obtain context data from any compatible parent widget in which the contextual widget is nested,” and “rendering” the contextual widget based on that context data, as recited in claim 1. App. Br. 4–6; Reply Br. 2–4. Appellant asserts that the Examiner

appears to rely on “inherency” in Fairweather, but that “nothing in Fairweather [] suggest[s] . . . that functionality based on a *widget’s nesting level* is equivalent to a widget [as in claim 1] having software functionality based at least in part on the *particular context data retrieved from the instance of the parent widget in which it is nested.*” Reply Br. 4 (emphasis in original); *see also* App. Br. 4. On the record before us, however, we are unpersuaded by Appellant’s arguments.

As the Examiner finds, Fairweather discloses a “functional” software architecture comprised of “widgets,” utilizing an “ancestry chain” in which widgets may be “nested” within one another. Ans. 15-19; Fairweather ¶¶ 23, 25–27; *see also id.* Abstract, ¶¶ 11, 12. According to Fairweather, the “ancestry chain closely matches the perceived visual *context* of any given widget,” and the nesting of widgets as “defined by the ancestor chain” will “*configure[] the behaviors and resultant appearance of invoked functions into the context from which they are invoked.*” *Id.* ¶ 27 (emphases added); *see also id.* ¶¶ 50, 57. Thus, as the Examiner finds, each widget in Fairweather has “executable functions/code including parameters to obtain data from the calling widget,” which means that a “child widget has executable functions/code to obtain data from a parent widget.” Ans. 18.

Accordingly, we agree with the Examiner’s finding that Fairweather discloses, or at least suggests, a widget obtaining contextual data from a parent widget in which it is nested. Contrary to Appellant’s argument, the Examiner has not relied on inherency to support this finding, but rather has relied on the teachings of Fairweather.

Further, as the Examiner finds, Fairweather’s description of “*configur[ing] the . . . resultant appearance . . . into the context*” teaches or

suggests the “rendering” of the contextual widget based on the context data, as recited in claim 1. Fairweather ¶ 27. Final Act. 5. The Examiner finds, and we agree (based on the foregoing disclosures of Fairweather), that:

[i]t would have been obvious to one of the ordinary skill in the art at the time the invention was made . . . [that] ‘nesting of widgets defining an ancestor chain to configure the behaviors and resultant appearance of invoked functions’ . . . means at least a partial functionality or context data of an instance of a nested/child widget is based on or invoked from a functionality or context data of a parent widget instance.

Ans. 6 (emphasis omitted).

Accordingly, we sustain the Examiner’s obviousness rejection of claim 1. For the same reasons, we also sustain the obviousness rejections of the remaining claims, which were not argued separately. App. Br. 7.

DECISION

We affirm the Examiner’s decision rejecting claims 1–4, 6–12, 14–16, 18, 19, and 21.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv). *See* 37 C.F.R. § 41.50(f).

AFFIRMED