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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID TAM¹

Appeal 2019-000333
Application 13/844,462
Technology Center 2100

Before BRADLEY W. BAUMEISTER, JASON V. MORGAN, and
JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

BAUMEISTER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner’s Final Rejection of claims 1, 4, and 7, which constitute all of the pending claims. Appeal Br. 1, 28–30. These claims stand rejected on three grounds: (1) under 35 U.S.C. § 112(b) or § 112, ¶ 2 (pre-AIA), for being indefinite, (2) under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter, and (3) under 35 U.S.C. § 103 for being unpatentable. Final Action mailed Nov. 16, 2017 (“Final Act.”) 2–25. 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 SugarCRM, Inc. Appeal Brief filed June 25, 2018 (“Appeal Br.”) 2.

THE CLAIMED INVENTION

Appellant describes the present invention as follows:

Embodiments of the invention provide a method, system and computer program product for drag and drop manipulation of object attribute values. In an embodiment of the invention, a method for drag and drop manipulation of object[-]attribute values is provided. The method includes detecting a drop event for an object in a GUI of an application executing in memory of a computer. The method additionally includes identifying a region of the GUI into which the object is dropped and retrieving a value associated with the identified region, that [region value being] additionally associated with an attribute of the object. Finally, the method includes setting the attribute of the object with the retrieved value.

Abstract.

Independent claim 1 illustrates the appealed claims. It is reproduced below with formatting modified for clarity:

1. A method for drag and drop manipulation of object attribute values, the method comprising:
 - [i] loading an attribute set for objects of an application;
 - [ii] selecting a particular one of the attributes;
 - [iii] determining a value for the particular one of the attributes for each of the objects of the application;
 - [iv] positioning each one of the objects in a region of a graphical user interface (GUI) associated with a corresponding determined value;
 - [v] detecting a drop event for an object in the GUI; and,
 - [vi] responding to the drag and drop event by identifying a display region of the GUI into which the object is dropped and a corresponding value for the identified display region; and,
 - [vii] invoking a method member of the object to set the attribute of the object with the corresponding value.

STANDARD OF REVIEW

We review the appealed rejections for error based upon the issues identified by Appellant, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential).

35 U.S.C. § 112

The Rejection and Contentions

Claims 1, 4, and 7 stand rejected under 35 U.S.C. § 112(b) or § 112, ¶ 2 (pre-AIA), for failing to particularly point out and distinctly claim the subject matter that the inventor regards as the invention. Final Act. 2–3. The Examiner notes that claim 1 recites “determining a value” and later recites “associated with a corresponding determined value”. Final Act. 2. The Examiner determines that “[i]t is unclear whether the ‘determining a value’ corresponds to the ‘determined value’.” *Id.* The Examiner takes the position that “[f]or the purposes of rejection under prior art, the claim is interpreted as ‘**the** corresponding determined value’ directed to the value determined earlier.” *Id.*

The Examiner additionally notes that “**Claim 1** further recites ‘set the attribute of the object with the corresponding value’.” *Id.* at 3. According to the Examiner, “it is unclear whether this is in reference to the earlier recited ‘a corresponding value for the identified display region’ or ‘associated with a corresponding determined value’.” *Id.* The Examiner, likewise, rejects independent claims 4 and 7 for the same two reasons. *Id.* at 2–3.

In spite of determining that the claims are not reasonably definite, the Examiner also explains that “[f]or the purposes of rejection under prior art,

the claim is interpreted as directed to ‘set the attribute of the object with the corresponding value for the identified display region.’” *Id.* at 3.

In the Appeal Brief, Appellant reproduces a block quote of the Examiner’s § 112 rejection and states that “[f]or the purposes of this Appeal Brief, the Board is requested to read Appellants’ claims in light of Examiner’s suggestions in the Final Office Action.” Appeal Br. 5.

Analysis

In requesting that the Board read the claims “in light of Examiner’s suggestions,” it is not completely clear whether Appellant is intending to challenge the rejection. Appellant’s request can be interpreted as an acknowledgment that the claims are indefinite, coupled with an explanation of what the claims are intended to mean, as well as an indication of how the claims will be amended in the future. Alternatively, though, Appellant’s request also can be interpreted as constituting the following argument: the fact that the Examiner reasonably was able to understand the intended meaning of the claims demonstrates that one of ordinary skill reasonably can ascertain the metes and bounds of claim protection being sought.

We resolve the statement’s ambiguity in Appellant’s favor and interpret the Appeal Brief as arguing against the propriety of the indefiniteness rejection. Our ensuing review of the claims’ clarity indicates that the metes and bounds of claim protection being sought are reasonably ascertainable.

To be sure, some degree of ambiguity may arise from reading the claim language “a corresponding value” *in isolation*. However, the Supreme Court has recognized “that absolute precision [of language] is unattainable,” and that the “definiteness command” of § 112, ¶ 2, “require[s] that a patent’s

claims, *viewed in light of the specification* and prosecution history, inform those skilled in the art about the scope of the invention with *reasonable certainty.*” *Nautilus, Inc. v Biosig Instruments, Inc.*, 572 US 898, 910 (2014) (emphasis added).

In the present case, the full limitations pertaining to the questioned terms, “determining a value” and “associated with a corresponding determined value,” read as follows:

- [i] loading an attribute set for objects of an application;
- [ii] selecting a particular one of the attributes;
- [iii] *determining a value for the particular one of the attributes for each of the objects of the application;*
- [iv] *positioning each one of the objects in a region of a graphical user interface (GUI) associated with a corresponding determined value.*

Claim 1 (emphasis added).

Reading limitations [i]–[iii] as an ordered combination renders it reasonably clear that claim 1 requires that a specified attribute is associated with a plurality of objects, and limitation [iii] requires that the particular value of this specified attribute be determined for each object. It is reasonably clear that limitation [iv] requires that different regions of the GUI be associated with individual values of the attribute. It also is reasonably clear that limitation [iv] further requires that each object initially be positioned in the respective region of the GUI that is associated with the initial or “determined” value of the object’s specified attribute.

Limitations [v]–[vii] of claim 1 read as follows:

- [v] detecting a drop event for an object in the GUI;

[vi] responding to the drag and drop event by identifying a display region of the GUI into which the object is dropped and a corresponding value for the identified display region; and,

[vii] invoking a method member of the object to set the attribute of the object with the corresponding value.

Limitations [vi] and [vii] render it reasonably clear that upon detecting a drag and drop event for an object, the object's method member sets the value of the object's specified attribute to the value associated with the region of the GUI into which the object has been dropped.

As such, we see no unreasonable ambiguity in the meaning of the words of claim 1 or in the metes and bounds of claim protection being sought.

We, therefore, do not sustain the indefiniteness rejection of independent claim 1 or of claims 4 and 7, which recite similar limitations.

35 U.S.C. § 101

The Rejection

Claims 1, 4, and 7 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. Final Act. 3–5. The Examiner determines that “[t]he claims are directed to the abstract idea of classifying data and storing the classification via object attributes.” Final Act. 3. The Examiner further determines that

The claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional computer elements, which are recited at a high level of generality, provide conventional computer functions that do not add meaningful limits to practicing the abstract idea. Additionally, ¶0004–¶0006 of Applicant's specification describes that the use of drag and drop operations to create object associations is well known in the art, and further

that method members used for retrieving and storing object attributes are well known in the art.

Id.

Principles of Law

A. SECTION 101

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101.

However, the U.S. Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014).

In determining whether a claim falls within an excluded category, we are guided by the Court’s two-step framework, described in *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66 (2012), and *Alice*. *Alice*, 573 U.S. at 217–18 (citing *Mayo*, 566 U.S. at 75–77). In accordance with that framework, we first determine what concept the claim is “directed to.” *See Alice*, 573 U.S. at 219 (“On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”).

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes,

such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Court held that “a claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula.” *Diehr*, 450 U.S. at 187; *see also id.* at 191 (“We view respondents’ claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula.”). Having said that, the Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment.” *Id.* (citing *Benson* and *Flook*); *see, e.g., id.* at 187 (“It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.”).

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (citation omitted). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (alterations in original) (quoting *Mayo*, 566 U.S. at 77).

“[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

B. USPTO SECTION 101 GUIDANCE

In January 2019, the United States Patent and Trademark Office (“USPTO”) published revised guidance on the application of 35 U.S.C. § 101. USPTO, 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“2019 Guidance”). Under the 2019 Guidance, we first look to whether the claim recites the following:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities such as a fundamental economic practice, or mental processes); and
- (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP §§ 2106.05(a)–(c), (e)–(h)).

2019 Guidance, 84 Fed. Reg. 52–55.

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to whether the claim:

- (3) adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); or
- (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

2019 Guidance, 84 Fed. Reg. 56.

Analysis

STEP 2A, PRONG 1:

Under step 2A, prong 1, of the 2019 Guidance, we first look to whether claims 1, 4, and 7 recite any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities such as a fundamental economic practice, or mental processes). 84 Fed. Reg. 52–55.

Limitation [ii] of claim 1 recites “selecting a particular one of the attributes.” Limitation [iii] recites determining a value for the particular one of the attributes for each of the objects of the application.” Both of these limitations reasonably can be characterized as reciting mental processes that entail concepts that can be performed in the human mind, such as an observation, evaluation, judgment, or opinion.

The 2019 Guidance expressly recognizes mental processes as constituting a patent-ineligible abstract idea. 84 Fed. Reg. 52. Accordingly, limitations [ii] and [iii] of claim 1 reasonably can be characterized as reciting patent-ineligible abstract ideas under step 2A, prong 1, of the 2019 Guidance. Claims 4 and 7 reasonably can be characterized as reciting patent-ineligible ideas for the same reasons.

STEP 2A, PRONG 2:

Under step 2A, prong 2, of the 2019 Guidance, we next analyze whether claims 1, 4, and 7 recite additional elements that integrate the judicial exception into a practical application. 84 Fed. Reg. 52–55.

Appellant argues that the claims are directed to an improvement to computer functionality as opposed to being directed to an abstract idea that merely is carried out by a general-purpose computer. Appeal Br. 7–8. More

specifically, Appellant argues that the present invention goes beyond the mere collecting, analyzing, and storing of data, as suggested by the Examiner, and instead “describes a particular solution to a problem or a particular way to achieve a desired outcome. *Id.* at 8. According to Appellant, the invention improve[s] computer-related technology by allowing computer performance of a function not previously performable by a computer.” *Id.* at 8.

Appellant points to the following passage of the Specification’s “Description of the Related Art” section as providing evidence that “Appellants noted the inefficiencies and undeveloped nature of current drag and drop techniques in object oriented programming:”

Predominately, [in pre-existing drag and drop operations,] a value is established for a data member through the programmatic invocation of a corresponding method member. However, drag and drop techniques have been developed in which the value of a data member of a target object is established by dragging and dropping a different object onto the target object.

Spec. ¶ 6, *cited in* App. Br. 11.

Appellant then argues the invention provides improved computer functionality, as follows:

The unique combination of steps defined by Appellants’ claims address the foregoing problem by presenting a method that automatically invokes a method member to update an attribute of an object with the value of a different display region through simply dragging and dropping of the object. Most importantly, previous methodologies in existence prior to Appellants’ invention could not address the foregoing problem as evidenced in Appellants’ originally presented specification.

Appeal Br. 12.

Like Appellant, the Examiner also relies on the Specification's "Description of the Related Art" section, including the exact same passage, to support the determination that "the techniques associated with this classification [of data through the collecting, analyzing, and storing of the data] such as detecting drag and drop events and associated values with attributes of objects [was] well known in the art as admitted in Applicant's specification ¶¶0004–¶¶0006." Final Act. 4.

We agree with Appellant (Appeal Br. 12) that the relied upon paragraph 6 of the Specification explains that drag and drop operations were known generally. And Appellant acknowledges that it was known to establish a value for a data member through the programmatic invocation of a corresponding method member. *Id.* at 11 (citing Spec. ¶ 6). But contrary to the Examiner's finding, we do not see where paragraph 6 or any other portion of Appellant's Specification acknowledges that it was known to invoke a method member of an object to set the object's attribute specifically by identifying a value that corresponds to the region of the display into which the object is dropped.

In summary, Appellant has provided support for the assertion that the claims recite an improvement to the relevant computer technology. The Examiner, on the other hand, has not provided a factual basis for determining that Appellant's claims merely recite computer functionality that was well known.

For these reasons, Appellant persuades us that claims 1, 4, and 7 are directed to an improvement in the functioning of a computer or to the technical field of object oriented programming. MPEP § 2106.05(a). Accordingly, Appellant has persuaded us that claims 1, 4, and 7 integrate the

recited abstract ideas into a practical application within the meaning of the 2019 Guidance. 84 Fed. Reg. 52–55. We, therefore, do not sustain the Examiner’s rejection of claims 1, 4, and 7 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

35 U.S.C. § 103

The Rejections

Claims 1, 4, and 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Yang (US 2010/0077333 A1; published March 25, 2010), Hart (US 2012/0185800 A1; published July 19, 2012), and Lee Barney & Michael McLaughlin, ORACLE DATABASE AJAX & PHP WEB APPLICATION DEVELOPMENT, 2–20 (2008) (McGraw-Hill) (hereinafter “Barney”). Final Act. 5–12.

Claims 1, 4, and 7 stand rejected under 35 U.S.C. § 103 over two embodiments of Barney in combination with Prinsen (US 2007/0234227 A1; published Oct. 4, 2007). Final Act. 13–19.

Claims 1, 4, and 7 stand rejected under 35 U.S.C. §103(a) as obvious over Barney, Prinsen, and Fred Sauer, *gwt-dnd Drag-and-Drop for Google-Web-Toolkit (GWT)*, June 29, 2011, <https://gwt-dnd.appspot.com> (cited project files from <http://code.google.com>, last visited Dec. 8, 2014, have been preserved in the record) (hereinafter “Sauer”). Final Act. 19–25.

I.

THE FIRST REJECTION AND CONTENTIONS:

In relation to the obviousness rejection over Yang, Hart, and Barney, the Examiner finds that Yang disclose a method for drag and drop manipulation of object values that comprises (1) loading an attribute set for

objects of an application, (2) selecting a particular one of the attributes, (3) determining a value for the particular one of the attributes, (4) detecting a drop event for an object in the GUI, (5) responding to the event by identifying a display region of the GUI into which the object is dropped and a corresponding value for the identified display region, and (6) setting the attribute of the object with the corresponding value. Final Act. 5–6 (citing Yang ¶¶ 33, 36–39, 41–44; FIGs 2A–2D).

The Examiner finds that Yang does not disclose positioning each one of the objects in a region of the GUI associated with the value of the attribute for the one of the objects. Final Act. 6. The Examiner finds that Hart teaches various claim limitations including positioning each one of the objects in a region of a GUI associated with a corresponding determined value. *Id.* (citing Hart ¶¶ 29, 30, 33–37, 39, 56, 76, 77; FIG. 1A).

The Examiner reasons that one would have been motivated “to have modified Yang to include a viewer [that] can arrange files based on the values associated with a selected attribute based on the teachings of Hart” because “doing so would have . . . provide[d] the user with a system for navigating and manipulating large numbers of files with better visual feedback allowing more efficient and faster retrieval or evaluation of user-oriented information items.” *Id.* at 7.

The Examiner further finds that the combination of Yang and Hart does not disclose invoking a method member of the object to set the attribute of the object with the corresponding value. *Id.* The Examiner finds that Barney teaches this functionality and that motivation existed to additionally combine Barney’s teachings with those of Yang and Hart. *Id.*

More specifically, the Examiner describes the additional reliance on Barney as follows:

Barney teaches object manipulation techniques including drag and drop (Barney, page 8, lines 21–22, drag-and-drop library function `makeDraggable` acts on Element object attributes),

invoking a method member of the object to set the attribute of the object with the corresponding value (Barney, page 18, lines 15–17 - example Pencil object has method member `eraseText[,]` which sets attribute `eraserPercentage`, multiple other examples exist on this page).

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the object attribute modification of Yang as modified by Hart to use a method member of the object to set the value of the attribute based on the teachings of Barney. The motivation for doing so would have been to obtain the modular code efficiency associated with the use of methods in object oriented programming (Barney, page 20).

Final Act. 7.

In response, Appellant argues, *inter alia*,

Essentially present in [each of the claims] is the response to a drag and drop event by identifying a display region of the GUI into which the object is dropped and a corresponding value for the identified display region; and, invoking a method member of the object to set the attribute of the object with the corresponding value of the display region.

Appeal Br. 20, emphasis omitted.

Appellant continues,

Appellants have not professed to have invented the simple invocation of a method. But, this critical claim limitation is more complicated than a mere method invocation. The plain language requires the invocation of the method of the object to set the attribute of the object with **the corresponding value for the**

display region following a drag and drop event. [In Barney, t]he “color” value and the eraser size passed to the “Pencil” method is not a corresponding value for the display region nor invoked to set the attribute of the Pencil from a drag and drop event. . . .

The makeDraggable function only adds the “methods and attributes” related to adding the ability to drag an object. The makeDraggable function **does not** perform the Appellants’ claim element of “invoking a method member of the object to set the attribute of the object with the corresponding value” of the display region[,] nor is the makeDraggable function even called in the Pencil function on page 18 of Barney. Therefore, Barney fails to even consider Appellants’ essential claim element of “invoking a method member of the object to set the attribute of the object with the corresponding value.”

Id. at 22–23.

Appellant summarizes by repeating this argument:

[T]he Examiner has omitted consideration of the essential element of “invoking a method member of the object to set the attribute of the object **with the corresponding value**” of the display region. Instead, Examiner has only accounted for invoking a method member of an object to set the attribute of the object.

Id. at 23.

The Examiner subsequently confirms that Barney does not disclose the disputed functionality, but explains that the rejection is based, instead, on the teachings of the combined references:

In the first rejection (Yang/Hart/Barney, Office Action Pages 5–12), the claim limitations corresponding to Appellant’s argument [regarding the claim language] . . . “a corresponding value for the identified display region” and “set the attribute of the object with the corresponding value”[] are cited as disclosed in **Yang rather than Barney**. The cited embodiment of Barney discloses invoking a method member to set a value. In turn, Yang discloses setting the object with the attribute value corresponding to the display region (Yang, ¶0041–¶0043 with Figs. 2A–2D -

icons 212, 213, and 214 representing attributes and encompass regions on the [sic] and ¶0044 – user may drop the file in a drag and drop operation onto the attribute icon (region)).

Ans. 7.

ANALYSIS:

The cited references arguably may teach all of the individual claim elements, but only when these elements are viewed in isolation. The Examiner has not set forth a sufficient explanation for why one of ordinary skill in the art would have been motivated to combine the teachings so as to provide the response-dependent functionalities, as claimed. That is, the Examiner has not sufficiently explained why one of ordinary skill would have combined the cited references so as to cause the system to respond to a drag and drop event by identifying a display region of the GUI into which the object is dropped and a corresponding value for the identified display region; and then invoke a method member of the object to set the attribute of the object with the corresponding value of the display region.

The rejection, instead, appears to be a result of the Examiner impermissibly using information gleaned only from Appellant's claims as a roadmap. *See In re McLaughlin*, 443 F.2d 1392, 1395, (CCPA 1971) (explaining that an obviousness rejection based upon hindsight reasoning is improper when the rejection is based upon information gleaned only from an applicant's disclosure).

Accordingly, we do not sustain the obviousness rejection of claims 1, 4, and 7 over the combination of Yang, Hart, and Barney.

II.

THE SECOND AND THIRD OBVIOUSNESS REJECTIONS AND CONTENTIONS:

For the rejection over Barney and Prinsen (Final Act. 13–19), the Examiner relies on Barney’s drag and drop library function, `makeDraggable`, as well as the `onmousemove` code, for teaching the steps of loading and selecting an attribute, positioning the objects in the GUI, detecting a drop event, and responding to the event by setting an attribute of the object with the corresponding value. *Id.* at 13–14 (citing Barney 8:18–20, 8:21–22, 12:45–70, 12:74, 13:6–21). The Examiner relies on Prinsen for teaching a drag-and-drop manipulation of a set of objects wherein the user performs a single drag-and-drop operation on multiple items. *Id.* at 14 (citing Prinsen ¶ 35; FIG. 2). The stated motivation for modifying Barney’s drag-and-drop method with Prinsen’s teachings is “to enable a collective operation using multiple selected items to be performed, thereby improving user interface efficiency.” *Id.* (citing Prinsen ¶ 2).

The Examiner relies on Barney’s disclosure of the Pencil object and method member `eraseText`, as discussed in the preceding rejection, for teaching “an object whose attributes are set by a method member of the object.” *Id.* (citing Barney 18:15–17). The stated motivation for modifying Barney’s draggable object attribute setting method, as already modified by Prinsen, is “to obtain the modular code efficiency associated with the use of methods in object oriented programming.” *Id.* at 15 (citing Barney 20).

The third obviousness rejection over Barney, Prinsen, and Sauer, relies on Barney and Prinsen in a manner that is similar to that

of the second rejection. Final Act. 19–21. The Examiner relies on Sauer for “teach[ing] a draggable object whose dragged attributes are set by a method member of the object.” Final Act. 21. The stated motivation to the object attribute setting method of Barney and Prinsen is “to obtain the modular code efficiency associated with the use of methods in object oriented programming.” *Id.*

In the Examiner’s Answer mailed August 10, 2018 (“Ans.”), the Examiner also further clarifies the rationale underlying the second and third rejections:

In the second and third of the multiple parallel rejections of the claims (Barney/Prinsen/second embodiment of Barney at Office action Pages 13–19; and Barney/Prinsen/Sauer at Pages 19–25, respectively), the claim limitations corresponding to [Appellant’s argument] (specifically “a corresponding value for the identified display region” and “set the attribute of the object with the corresponding value”) are cited as disclosed in a **different embodiment of Barney**. In these rejections, it is the mouse movement dragging of the icon in Barney that discloses setting the object with the attribute value corresponding to the display region (Barney, Page 12, lines 45–47 – onmousemove updates the position of the object, and Page 12, line 74[,] and page 13[,] lines 6–21 - onmouseup terminates dragging).

Ans. 7–8.

Appellant presents arguments regarding the second and third obviousness rejections that are similar to the arguments raised in relation to the first rejection. Appeal Br. 22–26. These arguments can be summarized, as follows:

In both rejections, not only do Sauer or Barney not disclose Appellants’ essential claim element, it would not have been obvious to combine Sauer or Barney to the other references because the plain source code in Sauer or Barney would not supply the functionality required to teach Appellants’ claimed

invention. Examiner's flawed, piecemeal approach to attempt to teach Appellants' claimed invention cannot be used as a prima facie case of obviousness under the law.

Id. at 26.

ANALYSIS:

Appellant's arguments regarding the piecemeal nature of the second and third rejections are persuasive for reasons similar to those explained in relation to the first rejection over the combination of Yang, Hart, and Barney. Accordingly, we do not sustain the obviousness rejections of claims 1, 4, and 7 over either of the combination of Barney and Prinsen or the combination of Barney, Prinsen, and Sauer.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1, 4, 7	112(b)	Indefiniteness		1, 4, 7
1, 4, 7	101	Eligibility		1, 4, 7
1, 4, 7	103	Yang, Hart, Barney		1, 4, 7
1, 4, 7	103	Barney, Prinsen		1, 4, 7
1, 4, 7	103	Barney, Prinsen, Sauer		1, 4, 7
Overall Outcome				1, 4, 7

REVERSED