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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte INGRID BERNAUDIN, DAVID HSIA, DERRICK KOON,
ANIMESH DAS, and STEVE ZYSKIEWICZ

Appeal 2019-001237
Application 13/931,592
Technology Center 2100

Before LINZY T. McCARTNEY, SCOTT E. BAIN, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

MCCARTNEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ seeks review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1 and 4–21. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ Appellant identifies SuccessFactors, Inc. as the real party in interest. Appeal Brief 2, filed August 28, 2018 (“Appeal Br.”).

BACKGROUND

This patent application concerns tile-based user interfaces. *See* Specification, Abstract, filed June 28, 2013 (“Spec.”). Claims 1, 15, and 19 are independent. Claim 1 illustrates the claimed subject matter:

1. A method comprising:

displaying a plurality of tiles in a display area of an output device of a computer, the plurality of tiles corresponding to a plurality of applications executing on the computer different from each other, a first tile at a first size presenting therein a single UI of a first application executing on the computer comprising a display of first information generated by the first application without activating the first application;

receiving first user input directed to the first tile;

in response to the first user input, displaying in the display area an animation of the first tile expanding from the first size to a second size; and

presenting in the first tile at the second size the UI of the first application comprising a display of second information generated by the first application different from the first information generated by the first application.

Appeal Br. 16.

REJECTIONS

Claims	35 U.S.C. §	References
1, 4–12, 14–21 ²	103	Tam, ³ Paretti, ⁴ MacDonald ⁵
13	103	Tam, Paretti, MacDonald, Sirpal ⁶

DISCUSSION

Claim 1 recites “displaying a plurality of tiles in a display area of an output device of a computer, the plurality of tiles corresponding to a plurality of applications executing on the computer.” Appeal Br. 16. Appellant argues that the Examiner has not shown that the combination of Tam, Paretti, and MacDonald teaches or suggests this limitation. *See* Appeal Br. 9–11; *see also* Reply Brief 2–5, filed November 26, 2018 (“Reply Br.”). Appellant asserts that the Examiner relied on Tam for this limitation and argues that the cited parts of Tam do not teach or suggest that a computer displays tiles corresponding to applications that are *executing on the computer* as required by the disputed limitation. *See* Appeal Br. 9–11; *see also* Reply Br. 2–5.

We agree with Appellant. The Examiner found that Tam teaches the limitation at issue because Tam discloses displaying a grid of graphical tiles that represent applications a user can download from an online application store. *See* Final Act. 5 (citing Tam ¶ 5, Fig. 9); *see also* Examiner’s Answer 9, mailed October 5, 2018 (“Ans.”) (quoting Tam ¶ 5). Relying on this

² The Final Office Action states that claims 1, 4–12, and 14–20 stand rejected on this ground, but this rejection also addresses claim 21. *See* Final Office Action 4–10, mailed February 16, 2018 (“Final Act.”).

³ Tam et al. (US 2015/0149329 A1; May 28, 2015).

⁴ Paretti et al. (US 2013/0155116 A1; June 20, 2013).

⁵ MacDonald et al. (US 2013/0229440 A1; September 5, 2013).

⁶ Sirpal et al. (US 2012/0081292 A1; April 5, 2012).

disclosure, the Examiner found that Tam “[a]pparently . . . discloses an application of the online application store installed and executed in a client device.” Ans. 9. The Examiner also found “it is well known in the art that downloading and installation is part of a process of executing an application stored in an online application store in a client device.” Ans. 9.

As argued by Appellant, even if Tam discloses displaying tiles that represent applications a user *can* download from an online application store, that does not show that the user *has* downloaded the applications, much less that the user is executing the applications on the device that is displaying tiles representing the applications. *See* Appeal Br. 9–11; Reply Br. 2–5. As for the Examiner’s finding that it is well known that downloading and installing an application is part of executing the application, the Examiner has provided no support for this finding. *See* Ans. 9. Although a computer may download and install applications before executing them, this sequence of events does not establish that the computer is displaying tiles corresponding to applications executing on the computer.

For the above reasons, we do not sustain the Examiner’s rejection of claim 1 and its dependent claims. Because the Examiner’s rejection of independent claims 15 and 19 suffer from similar flaws, we also do not sustain the Examiner’s rejections of these claims and their respective dependent claims.

CONCLUSION

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 4-12, 14-21	103	Tam, Parette, MacDonald		1, 4-12, 14-21
13	103	Tam, Parette, MacDonald, Sirpal		13
Overall Outcome				1, 4-21

REVERSED