

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAN BROWN, KRISTINA MALINIAK,
KIM ALTHOFF, and TIM A. WILLIAMS

Appeal No. 2000-0150
Application No. 08/661,440¹

ON BRIEF

Before MARTIN, LALL, and GROSS, Administrative Patent Judges.
MARTIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-13 under 35 U.S.C. § 103. We reverse.

¹ Application filed June 10, 1996.

A. The invention

The invention relates to two-way paging device, of which the front panel of such a device is shown in Appellants' Figure 2, described in the specification at 6-7:

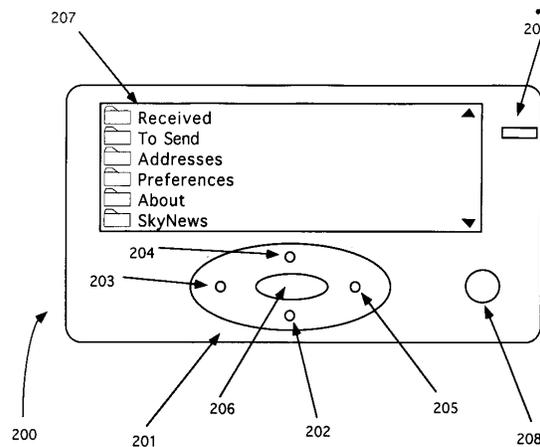


FIGURE 2

Data entry device 201 includes tabs 202-205 comprising down, left, up, and right tabs, which can be used to move a selection (not shown) on display screen 207. The center portion 206 of data entry device 201 comprises an enter or select button.

Figure 5, described in the specification at 15-16, shows the data entry screen displayed when the user desires to compose and send a message:

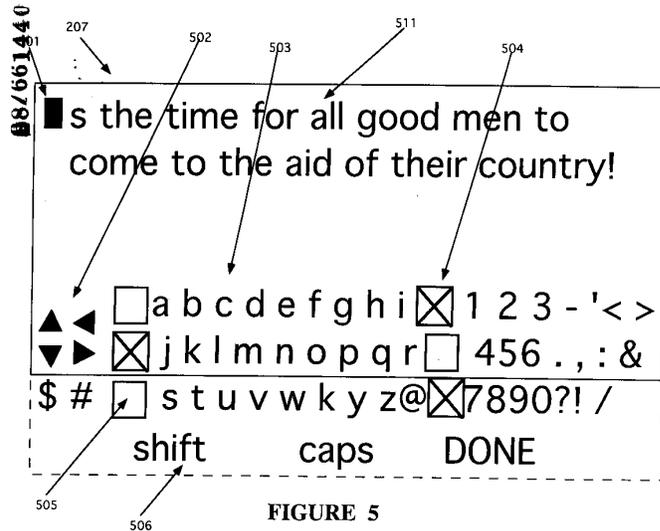


FIGURE 5

The screen includes a text area 511 for displaying entered text, a three-line alphanumeric character selection area 503, of which only two lines are displayed at a time (the currently undisplayed line being shown in the dashed-line box), and a line of functions including "shift," "caps," and "DONE." The left side of alphanumeric character selection area 503 includes four "cursor tokens" 502, which are selected by manipulation of tabs 202-205. Specification at 16, 11. 2-3. Area 503 also contains tokens which are "selected to provide various frequently used functions" (Specification at 16, 11. 5-7) and includes "space tokens 505" (empty boxes) representing insertion of a space and "delete token 506" (boxes containing X's) representing deletion of a character. Id. at 16, 11, 9-12.

The user can select a prestored message for transmission,

edit a prestored message, or compose a completely new message,
Specification at 10, 1. 14 to p. 11, 1. 22.

B. The claims

Claim 7, which is representative, reads as follows:

7. An apparatus for composing alphanumeric messages comprising a display screen having displayed thereon alphanumeric characters and data manipulation tokens and a data entry device for selecting said alphanumeric characters and said data manipulation tokens.

Appellant treats claims 1-13 as standing or falling together. Brief at 4.

Because the terms "token" and "data manipulation token" are not defined in Appellants' specification,² they will be given their broadest reasonable constructions consistent with Appellants' disclosure. In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). Appellants argument that "[d]ata manipulation tokens, as that term is used by the Applicant[s], are tokens or icons providing for the function of allowing editing of data on the display" (Brief at 9) is persuasive because it is consistent with the fact that "token" is broadly defined as a symbol. See The American Heritage

² We note that while the term "token" appears in the specification (at 15-application, the phrase "data manipulation token" does not.

Dictionary of the English Language 1351 (New College Edition, 1975), which defines "token" in pertinent part as follows:

"1. Something that serves as an indication or representation of some fact, event, emotion, or the like; a sign; symbol."

C. The references and rejection

The references relied on by the examiner are:

Kasparian et al. (Kasparian)	4,896,370	Jan. 23, 1990
Shiff	5,088,070	Feb. 11, 1992
Hosack et al. (Hosack)	5,418,528	May 23, 1995
Fennell	5,430,436	Jul. 4, 1995
Kirk et al. (Kirk)	5,768,578	June 16, 1998 (Filed Feb. 27, 1995)

Claims 1, 7, and 9-11 stand rejected under 35 U.S.C. § 103 as unpatentable for obviousness over Fennell in view of Kirk.

Claims 2-6, 8, 12, and 13 stand rejected under 35 U.S.C. § 103 as unpatentable for obviousness over Fennell in view of Kirk, Hosack, Kasparian, and Shiff.³

Fennel discloses a pager which allows a received message to be modified by addition or deletion of alphanumeric characters prior to being stored and also allows the generation and storage

³ Although the statements of this ground of rejection in the final Office action (Paper No. 13, at 3) and the Answer (Paper No. 18, at 4) fail to include Kirk, it is apparent from the discussion of the rejection that this is an oversight.

of information when a message has not been received. The pager includes two display areas 68 and 70, directional keys 52, ENTER key 54, MODIFY key 56, SCROLL key 58, DELETE key 60, and SELECT key 62:

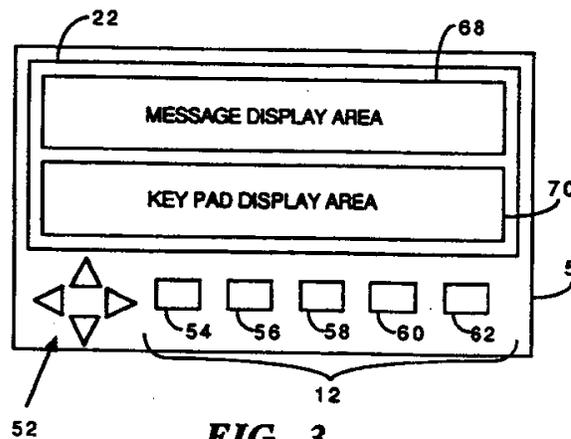


FIG. 3

Referring to the flowchart shown in Figure 2, Fennell explains that

[t]he preferred key pad arrangement 42 [in flowchart] comprises a plurality of characters (e.g., the entire English alphabet and/or numerical digits 0-9) displayed by selecting the ENTER function key 54 (adding new information) or the MODIFY function key 56 (modifying the received message). The characters of a variety of languages (e.g., French, Spanish, "kana", etc.) may be displayed on the key pad arrangement 42 without deviating from the intent of the invention.

Fennel, col. 3, ll. 4-12. As no other symbols are described as being displayed in the key pad display area, the examiner was

correct to hold that Fennell "does not disclose a display containing data manipulation tokens." Answer at 3.

For this teaching, the examiner relies on Kirk, which discloses a user interface for an information retrieval system which retrieves information from a number of sources, including the Internet, and organizes the information in accordance with a knowledge base. A preferred embodiment of the information retrieval apparatus is implemented using a digital computer (col. 3, ll. 43-45). Figure 6, reproduced below, shows a first screen of the user interface 103, which consists of a hypertext browser 602 (including text 604, graphics 606, and a hypertext link 608), a knowledge base browser/editor 610, and a command window 622 containing a knowledge base object editor 616 (col. 29, l. 9 to col. 30, l. 16). The upper left-hand corner of hypertext browser 602 also shows blocks representing various browser functions, including "Forward Link" and "Page Forward."

As indicated in Figure 7 (not reproduced below), which shows second screen of the user interface, the knowledge base object editor 616 of Figure 6 has been replaced by a concept editor 708. As noted by Appellant (Brief at 8), Figure 7 includes a second reference numeral 708, which refers to a hypertext link (col. 32, l. 67 to col. 33, l. 1), identified in Figure 6 as 608.

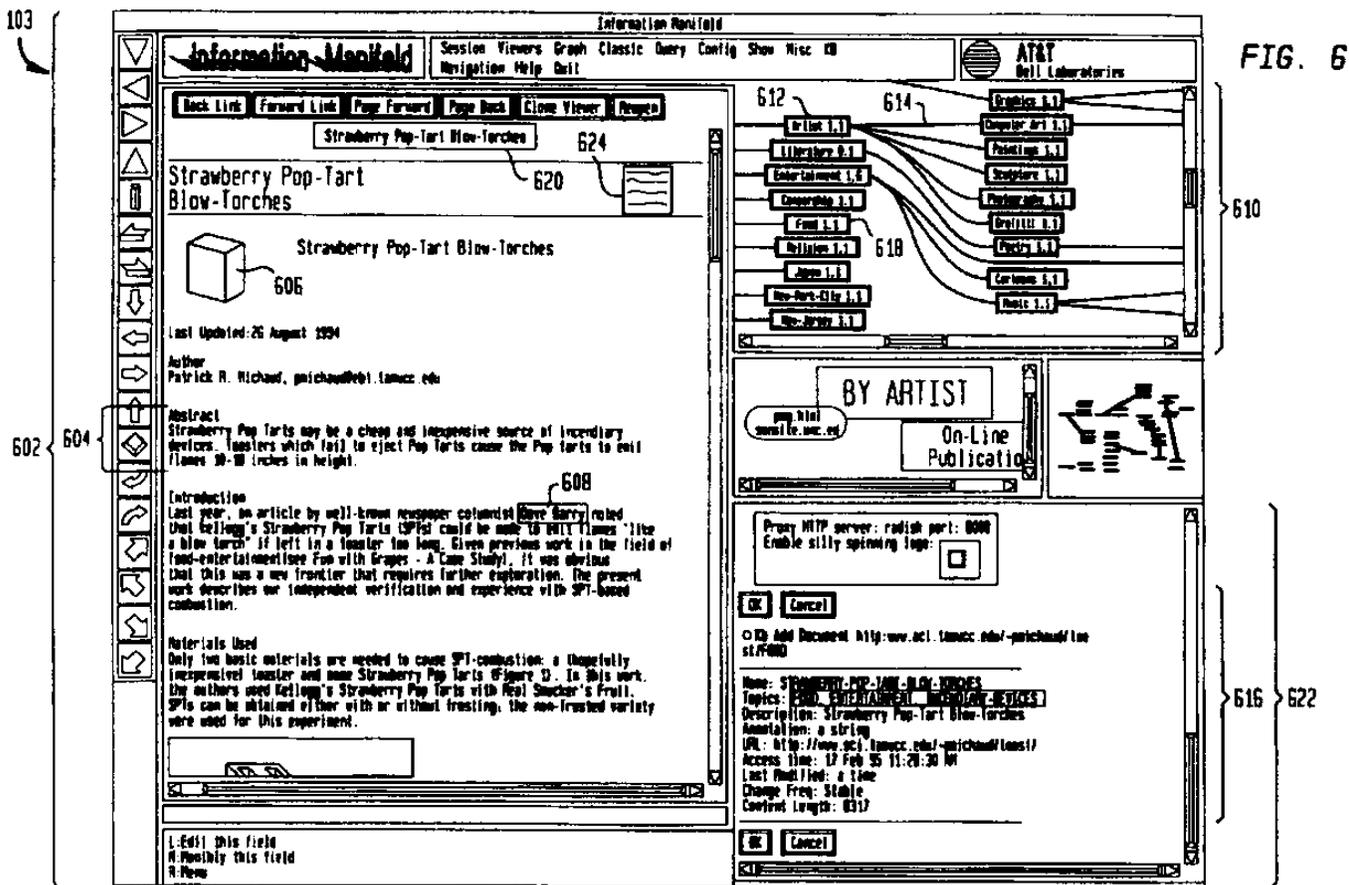


FIG. 6

The examiner describes Kirk as "disclos[ing], in Figs. 6-7, col. 26, lines 36-64, col. 28, lines 31-64, and col. 9 [sic, 29?], lines 9-19, a messaging unit for composing alphanumeric characters which displays alphanumeric characters along with data manipulation tokens which can be selected with a mouse (see Figs. 6-7), elements 608 [hypertext link], 708 [hypertext link or concept editor], 610 [knowledge base browser/editor], 616

[knowledge base object editor], along with tokens such as PAGE FORWARD, FORWARD LINK, etc.)." The examiner then states the case for obviousness as follows:

[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to display alphanumeric characters along with data manipulation tokens, as taught by Kirk et al., in the device of Fennell because in this way the user has the ability to view an overall organization of the information which more accurately describes the contents of the information sources and makes editing easier.

Answer at 4.

We agree with Appellants that the rejection is improper. Assuming for the sake of argument that one or more of Kirk's elements 608, 708, 610, 616, PAGE FORWARD, and FORWARD LINK can accurately described as a "data manipulation token" in the sense of Appellants' claims, the examiner's above-quoted proposed motivation for adding one or more of these elements to the information displayed by Fennell's pager is unconvincing because Fennell's pager is not used to receive and store information of the type received by Kirk's computerized information retrieval system. Nor is there any apparent need to organize the information received by Fennell's pager in the complex manner disclosed by Kirk, i.e., in accordance with a knowledge base. Finally, the examiner has not explained, and it is not otherwise

apparent, exactly how the examiner proposes to modify Fennell's display to incorporate Kirk's "tokens."

For the foregoing reasons, we cannot sustain the rejection of claim 7 and its dependent claims 9-11 over Fennell in view of Kirk. For the same reasons, we cannot sustain the rejection over these references of claim 1, which is narrower than claim 7 in that it is limited to a "wireless messaging unit." Because the above deficiencies are not cured by Hosack, Kasparian, and Shiff, we cannot sustain the rejection of dependent claims 2-6, 8, 12,

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and 13 over Fennel in view of Kirk and these additional
references.

REVERSED

JOHN C. MARTIN)	
Administrative Patent Judge)	
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)	
)	BOARD OF PATENT
PARSHOTAM S. LALL)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

JCM/sld

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CC:

DAVID R. HALVORSON
BLAKELY SOKOLOFF TAYOR AND ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025
[INSERT ADDRESS]

Enclosure: Page 1351 of The American Heritage Dictionary of the
English Language.