

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. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

**Ex parte** BRUCE TOGNAZZINI, JAKOB NIELSEN,  
and BOB GLASS

---

Appeal No. 2000-0765  
Application No. 08/670,929

---

ON BRIEF

---

Before FLEMING, RUGGIERO, and DIXON, **Administrative Patent Judges**.  
DIXON, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the examiner's final rejection of claims 1-44, which are all of the claims pending in this application.

We AFFIRM-IN-PART.

## BACKGROUND

Appellants' invention relates to multiple embodiments of a dynamic display advertising system. A general understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. Standalone apparatus for displaying advertising, comprising:
  - a. a touchscreen display for displaying advertising;
  - b. a memory for storing advertising;
  - c. a computer configured to display advertising having at least one image and to change the advertising displayed when a user touches the touchscreen display.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Cameron et al. (Cameron)	5,592,378	Jan. 07, 1997 (Filed Aug. 19, 1994)
Bosworth et al. (Bosworth)	5,619,688	Apr. 08, 1997 (Filed Sep. 02, 1993)
Ferguson	5,649,186	Jul. 15, 1997 (Filed Aug. 07, 1995)
Jacobs	5,726,898	Mar. 10, 1998 (Filed Sep. 01, 1994)

Taligent Documentation, "Drag and Drop framework" (2 pages printed off the Internet on Nov. 20, 1998 at 3:29 PM from website [http://hpsalo.cern.ch/TaligentDocs/Talig...1.0/Docs/books/DF/DF\\_112.html#HEADING167](http://hpsalo.cern.ch/TaligentDocs/Talig...1.0/Docs/books/DF/DF_112.html#HEADING167)) Copyright date 1995 Taligent, Inc. (Taligent)

Appeal No. 2000-0765  
Application No. 08/670,929

Claims 1, 5, 6, 17 and 18 stand rejected under 35 U.S.C. § 102 as being anticipated by Jacobs. Claims 2, 23, 24, 28, 29, 33, 34, 38-40, 42, and 43 stand rejected under 35 U.S.C. § 103 as being unpatentable over Jacobs. Claims 3, 4, 25, and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Jacobs in view of Cameron. Claims 27, 30-32, and 35-37 stand rejected under 35 U.S.C. § 103 as being unpatentable over Jacobs in view of Cameron, Taligent, and Bosworth. Claims 7, 8, 16, 19, 41 and 44 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cameron in view of Taligent and Bosworth.

Claims 9 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ferguson. Claims 10-15, 21 and 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ferguson in view of Taligent and Bosworth.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No.14, mailed Nov. 22, 1999) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 12, filed Sep. 7, 1999) for appellants' arguments thereagainst.

## OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

At the outset, we generally agree with the examiner's rejections and application of the prior art with one exception concerning the dragging and dropping to initiate a search. With this said, we will address appellants' arguments in the order made in the brief and reply brief.

Appellants argue that the term "advertising" or "ad" have a prominent definition "to give conspicuous notice or information . . . to the public . . . especially, to praise publicly in this way to encourage buying." (See brief at page 5.) We agree with appellants that advertising information may be viewed differently than general information. With this definition established, we find that Jacobs expressly teaches the use of advertising information at col. 18. Jacobs states:

The product selection module 300 (FIG. 16) is divided into three main parts, shown in FIG. 28, namely a marketing loop 301, a customer selection module 320 and a product list retrieval module 340. The marketing loop 301, which includes steps 302 to 312 (FIG. 24), shows how the computer 2 is programmed to display the pictures and sound the audio for attracting customers to the kiosk 10 and showing them the kinds of products that they can purchase.

At col. 19 Jacobs states that:

[t]he product retrieval and presentation module 400 includes steps 401 to 419 (FIG. 32) that retrieve the complete products and product components from the files 17 and 18, assemble the components and display the products or assembled components according to a screen format selected by the customer. The questions of steps 401, 405, 406, 411, 412, 413, 415 and 416 preferably appear as buttons in the margins of the screen displays that show the products to the customer. The customer can touch the touchscreen 7 over the button 401 to view the groups of products presented simultaneously on the same screen. Otherwise, the products are presented one by one. If the customer sees a product that he thinks he may want to select, he can touch the save product button 413, which causes the product to be marked as saved for possible later recall when the customer touches the button 416.

Jacobs also discloses the use of marketing screen lists 305 and audio lists 306 which are used with marketing screens 309 and sound files 311. (See Jacobs Figure 29.) Therefore, it is our reasoned opinion that Jacobs' marketing screens which display pictures would have been advertising images. In Figures 1A and 1B, Jacobs discloses both a standalone system and a remote/network based system, respectively, having a touchscreen, memory and computer. Once a customer is attracted to the system, the user interacts with the system to view other advertising to select an appropriate product for purchase. During this interaction, the user would use the touchscreen and the advertising displays would change in response to the user inputs.

Specifically, Jacobs states at col. 6 that:

The computer 2 displays card designs, card design components and card design criteria on the monitor 5, inviting a customer to make selections. The customer makes selections by pressing the locations of the touchscreen 7 that cover the portions of the monitor 5 that display the

Appeal No. 2000-0765  
Application No. 08/670,929

desired designs, components and criteria. The touchscreen 7 then sends those selections to the computer 2.

With the use of the touchscreen all changes/selections would be in response to the user touches. Therefore, we will sustain the rejection of independent claim 1 under 35 U.S.C. § 102.

Appellants argue that Jacobs does not provide advertising as that term is used in appellants' invention. (See brief at page 5.) We disagree with appellants.

Appellants have not identified any specific definition in the specification to further limit the term beyond the ordinary definition cited by appellants which we find that Jacobs teaches. Appellants argue that the products marketed by Jacobs are all digital information and differ from the example of a washing machine which cannot be delivered digitally. (See brief at page 6.) We find no limitation to support a distinction based upon the type of product. Therefore, this argument is not persuasive.

Appellants argue that Jacobs does not disclose a first conspicuous display such as a picture/image of a product. (See brief at page 6.) We disagree with appellants as discussed above.

Appellants argue that Jacobs is not necessarily "standalone" and cites to col. 5 of Jacobs' Figure 1B. We disagree with appellants as discussed above. Jacobs also teaches an embodiment in Figure 1A and Jacobs discusses at col. 4 a "single

apparatus 1A which performs all these functions at one location." Therefore, Jacobs clearly teaches a standalone system.

Appellants argue that Jacobs is not directed to, or suggestive of, conspicuous displays on subways, or office buildings to an unconnected public. We find no support in the language of claim 1 to support this argument. Therefore, this argument is not persuasive. If appellants intend to argue that Jacobs delivers a product in addition to advertising, we find no support in the use of the terminology "standalone apparatus for displaying advertising" to exclude other functions such as delivery of a product. Therefore, this argument is not persuasive.

Appellants argue that Jacobs does not disclose that the marketing information is initially displayed conspicuously to call attention or whether the screens contain an image. (See brief at page 7.) We disagree with appellants as discussed above. (See Jacobs at col. 18.) Furthermore, we note that appellants' arguments at page 7 imply that the change of the display is in response to the users initial touch of the advertising

or screen. We find no limitation to support such an argument in claim 1. Appellants argue that the examiner has not shown that Jacobs teaches "advertising having an image displayed conspicuously is replaced by another advertising image." (See brief at

page 8.) We find no express limitation that the image displayed conspicuously is replaced by another advertising image. (Emphasis added.) This argument implies that all advertising would have contained an image. We find no express limitation to support this interpretation. Additionally, in our opinion, once the customer is attracted to the terminal initially, the display of products continues to be advertising until the customer makes a selection or purchases a product in Jacobs. Therefore, the sequencing of products would continue to be advertising. Jacobs states at col. 19 that the user can

retrieve the complete products and product components from the files 17 and 18, assemble the components and display the products or assembled components according to a screen format selected by the customer. The questions of steps 401, 405, 406, 411, 412, 413, 415 and 416 preferably appear as buttons in the margins of the screen displays that show the products to the customer. The customer can touch the touchscreen 7 over the button 401 to view the groups of products presented simultaneously on the same screen. Otherwise, the products are presented one by one.

Clearly, there are user touches and screen/display changes which would include both text and images. Therefore, this argument is not persuasive.

Appellants argue that the examiner's position that greeting cards constitute advertising is not supported by the teachings of Jacobs. (See brief at page 8.) We disagree with appellants as discussed above. Again, appellants argue that Jacobs does not teach or suggest advertising to attract the attention of an unconnected public. (See brief at page 8.) We disagree as discussed above.

At pages 8-9 of the brief, appellants argue that Jacobs does not teach the changing of the display when a user acts. We disagree as discussed above. Since appellants have not rebutted the *prima facie* case of anticipation established by the examiner, we will sustain the rejection of independent claim 1 under 35 U.S.C. § 102.

With respect to independent claims 5 and 6, appellants argue that Jacobs does not teach "displaying advertising information" and "replacing the image." (See brief at page 9.) We disagree with appellants for the same reasons as discussed with respect to independent claim 1. While claim 5 specifies that the image is replaced with an image of a selected product, Jacobs teaches the display of products and related products, such as, other cards for the same occasion which may be selected.

Specifically, Jacobs discloses that:

[t]he product retrieval and presentation module 400 (FIG. 34) includes an optional feature that limits the initial display of products to the first "x" number of products on the list (step 404). After the customer has viewed

this group of products, he presses a "next" button (step 405) in order to see the next group of "x" number of products. The module 400 also allows the customer to view two or more products at the same time (steps 401 and 402). One or more of the products may be simultaneously displayed and held on the screen as a miniature which the customer can enlarge to fill the screen by touching the portion of the touchscreen 12 over the miniature. Thus, the customer may readily recall products displayed earlier. The presentation module 400 also allows the customer to scroll forward or backward through the groups of products (step 406). In alternative embodiment not illustrated, the module 400 may hold up the display of products meeting criteria other than those designated on a

special product list, until all other products have been displayed. [Jacobs at col. 16.]

Therefore, we agree with the examiner that Jacobs teaches the display of an advertising image and replacing images of related or similar products, and we will sustain the rejection of independent claims 5 and 6.

With respect to independent claims 17 and 18, appellants incorporate the same argument as with respect to claim 1. We agree with the examiner that Jacobs teaches the display of an advertising image and replacing images of related or similar products and this programmed computer would have a storage medium to store the computer program to produce the desired functionality. Therefore, this argument is not persuasive, and we will sustain the rejection of independent claims 17 and 18.

With respect to dependent claim 2, appellants argue that Jacobs does not teach the use of object oriented programming (OOP) and that even though well known,

Jacobs did not employ OOP and there is no suggestion to use OOP. (See brief at page 10.) First, the language of claim 2 does not require object oriented programming. An object may be deemed the image stored in the memory in a format which may be output to the display. Second, if "advertising objects" is specifically directed to OOP, we agree with the examiner that OOP along with many other programming formats were well known and that skilled artisans would have been motivated to use OOP and that the data items would have been stored as "objects." Again, appellants rely upon

the distinction between "advertising" and "product" data/objects. Therefore, this argument is not persuasive as discussed above, and we will sustain the rejection of dependent claim 2.

With respect to independent claim 23, appellants argue that the kiosk of Jacobs is not a standalone electronic poster and that the display of Jacobs is not poster-sized and thin like a poster. (See brief at pages 10-11.) We find no support in the language of claim 23 to support this argument. Therefore, this argument is not persuasive. Appellants argue that Jacobs contains many other elements outside the display and Jacobs does not teach or suggest that all the components are bundled into an electronic poster. (See brief at page 11.) We find no support in the language of claim 23 to support this argument. Therefore, this argument is not persuasive. Additionally, we take note that APPLE COMPUTER, MACINTOSH, etc. has been a unitary housing with the display since the mid-1980's. Therefore, this argument is not persuasive. We find no limitation in the language of claim 23 beyond the intended field of use of an "electronic poster" to limit the physical size or configuration of the system. We do not find this disconnected intended field of use limitation sufficient to support appellants' specific arguments. Therefore, this argument is not persuasive. Appellants argue that the shape of a poster may be hung in a bus or subway car, or on the side of a building

or bus stop. (See brief at page 11.) We find no support in the language of claim 23 to support this argument. Therefore, this argument is not persuasive.

With respect to dependent claim 24, appellants incorporate the same argument as made for claim 2. (See brief at page 11.) Similarly, we do not find this argument persuasive for the same reasons as discussed with respect to claim 2.

With respect to independent claims 28, 29, 33, and 34, appellants present the same argument that the kiosk of Jacobs is not a "standalone electronic poster" as argued with respect to claim 23. (See brief at pages 12-13.) Again, we do not find this argument persuasive. Additionally, appellants argue that the advertising includes "a first image" which is not taught or suggested by Jacobs as argued with respect to claim 1. We disagree with appellants as discussed above with respect to claim 1. Jacobs does disclose the use of images as advertising.

With respect to independent claim 38, the examiner maintains that the advertising display may be mounted on/in a vehicle such as a cruise ship. (See answer at page 5.) Appellants argue that Jacobs does not teach delivering advertising for the reasons argued with respect to claim 1. (See brief at page 13.) Again, we do not find this argument to be persuasive. Appellants argue that Jacobs does not suggest the use of the kiosk in a vehicle, but is stationary. (See brief at page 13.) We agree with appellants that there is no express teaching of the use of the kiosk of Jacobs in a

vehicle, but we do agree with the examiner that the kiosk of Jacobs would be desirable on a moving vehicle, such as, a cruise ship where space is limited, but it would be desirable to have these products available to the customers. Appellants argue that a kiosk is especially inappropriate in a bus or subway car. We find no support in the language of claim 38 to support this argument since only a generic vehicle is recited. Therefore, this argument is not persuasive.

With respect to independent claims 39, 40, 42, and 43, appellants rely on the same arguments made with respect to claim 1 and 38 which we did not find persuasive. (See brief at pages 13-14.) Again, these arguments are not persuasive. Therefore, we will sustain the examiner's rejection of claims 2, 23, 24, 28, 29, 33, 34, 38-40, 42, and 43.

With respect to claims 3 and 4, appellants argue that since Cameron is directed to a networked-based system, then in combination with Jacobs, the system would not be a standalone apparatus. (See brief at page 14.) We disagree with appellants. Appellants argue that the examiner has not provided a "proper technical motivation to combine the references in the manner indicated." (See brief at page 15.) We disagree with appellants. Jacobs discloses the use of scroll/next buttons at column 16 for the user to navigate through the advertisements for products. Jacobs states that "[t]he presentation module 400 also allows the customer to scroll forward or backward

through the groups of products (step 406)." Appellants argue that the combination of teachings would defeat the purpose of Cameron. We disagree with appellants. The examiner is merely relying on the teachings of Cameron to more clearly show the user interfaces which were known and to display a logo, image, description, etc. on the screen and the use of OOP. We agree with the examiner that the display of at least one of these would have been obvious. Specifically, we find that it would have been obvious to skilled artisans to display the logo of the maker/marketer of goods on the display of the system of Jacobs and that the logo would have to be stored.

Additionally, Cameron teaches and suggests the use of OOP at col. 5 where Cameron states that

Order entry system 10 is preferably an object oriented system. With object oriented systems, functions performed by the system are each represented by an object. An object is a software packet containing a collection of related data and methods for operating on that data. Each method is made available to other objects for the purpose of requesting services of that object. Each object includes a set of related sub-functions. Accordingly, each object is preferably arranged as a structured collection of sub-functions, while each function should be arranged as a structured collection of objects.

Appellants argue that the examiner has relied upon hindsight to reconstruct the claimed invention. (See brief at page 15.) We disagree with appellants. Appellants argue neither Jacobs nor Cameron discloses the use of a logo as a sub-object. (See brief at page 16.) We disagree with appellants. Since Cameron discloses the use of OOP at

col. 5, it would have been apparent to skilled artisans that the objects would be a collection of sub-objects. The logo of the catalog would be one such sub-object. Additionally, it is our opinion that a company logo would also be on the banner at the top of the page. Additionally, other screens for payment would additionally have other logos, such as VISA® in Figure 14. Therefore, this argument is not persuasive, and we will sustain the examiner's rejection of dependent claim 3. With respect to dependent claim 4, both Jacobs and Cameron disclose the use of scroll functions as discussed above. Therefore, we will sustain the examiner's rejection of dependent claim 4.

Appellants argue that claim 25 recites a logo and relies on the arguments made with respect to claim 23. For the same reasons, we do not find this argument persuasive, and we will sustain the rejection of claim 25.

With respect to claim 26, appellants argue that all the sub-objects are included in the ad object. (See brief at page 16.) We agree with appellants that the examiner has not established that all of the enumerated sub-objects would have been included in the ad object. Therefore, we will not sustain the rejection of dependent claim 26.

With respect to the drag and drop interaction and Taligent reference, appellants argue that Taligent is not a proper reference and that the examiner's reliance upon the copyright date is not sufficient to establish that the pages were published before the filing date of the current application. (See brief at page 17.) While we agree with appellants that the copy of the citation provided by the examiner was printed after the

Appeal No. 2000-0765  
Application No. 08/670,929

filing date, the copyright date tends to indicate that the information was available to skilled artisans prior to appellants' filing date of June 26, 1996. Appellants provide no rationale for challenging the date of the reference or to question whether it was an internal TALIGENT document at that time. Therefore, we will accept the 1995 copyright date.<sup>1</sup> (See generally **In re Epstein**, 31 USPQ2d 1817 (Fed. Cir. 1994).)

---

<sup>1</sup> In an attempt to document the date of the TALIGENT reference, we located a book entitled "INSIDE TALIGENT TECHNOLOGY," by Sean Cotter, published by Addison-Wesley Publishing Company, copyright date 1995 and Library of Congress date stamp July 11, 1995.

Chapter 2 at "More choices for users" was located at website:

<http://www.wildcrest.com/Potel/Portfolio/InsideTaligentTechnology/WW42.htm>

What kinds of interactions might be possible if telephones and computers could share some basic information about the people who use them to communicate? Suppose you are an illustrator and I need to talk to you about a drawing you have prepared for a book I'm writing. Instead of printing out the drawing and arranging a face-to-face meeting with you, I can open the drawing on my computer, then dial your number by dragging an icon that represents you over an icon that represents my telephone.

When you answer the phone, our computers also connect with each other automatically, and the drawing document on my screen appears in a window on your screen. Any changes you make to the document are instantly visible to me as you make them, and anything I do to the document is instantly visible to you; we are sharing the actual document in real time, not just a bitmapped image. When I move the pointer, your pointer moves, and vice versa. We can both talk on the telephone while treating our computer screens as if they were one shared piece of paper, pointing, making notes, and making corrections just as we would in a face-to-face meeting.

A copy of Chapter 3 - A Human Interface for Organizations, p 75-109 is enclosed with the decision and placed in the file. Specifically, page 91 discloses similar teachings that a user may embed a Business Card object in a document and drop it into a form to fill in information about the person automatically, or drop it on a telephone to dial the person's phone number. This is basically a teaching of dragging, dropping and initiating a information function as a result of the drop. We have not applied this reference, but make it of record for the examiner's consideration.

With this established that the Taligent reference is prior art, we agree with appellants that dragging and dropping an icon from one window to another is different from the function set forth in the language of independent claim 27. (See brief at page 17.) Claim 27 recites that the "processor is configured to search the database . . . In response to . . . dragging and dropping one subobject onto another subobject." Therefore, the Taligent reference applied by the examiner does not teach or suggest the claimed invention. Additionally, the examiner relies on the teachings of Bosworth to teach "dragging selected columns into a QBE grid to initiate a search." (See answer at page 7). The examiner provides no citation beyond the abstract to support the selection and dragging data into a search query. We equate this to a copy and paste with a selection and drag. Appellants argue that the user in Bosworth still is required to actuate/initiate the search function. (See brief at page 18.) We agree with appellants. Therefore, Bosworth does not teach or suggest the search in response to the drag and drop as recited in dependent claim 27, and we will not sustain the rejection of claim 27.

With respect to independent claims 30 and 35, appellants argue the dragging and dropping to perform a search. (See brief at page 19.) As above, this feature is not taught or suggest by the prior art applied against the claims, and we will not sustain the rejection of claim 30.

With respect to independent claim 7, the language requires "dragging selected information from said text portion onto said image portion of said display and initiating an information retrieval search in response thereto." Therefore, the Taligent reference applied by the examiner does not teach or suggest the claimed invention. Additionally, the examiner relies on the teachings of Bosworth which does not remedy the deficiency in Cameron and Taligent, as discussed above. (See brief at pages 20 and 21.) Therefore, we will not sustain the rejection of independent claim 7 and its dependent claim 8.

With respect to independent claims 16, 19, 41 and 44, appellants argue the drag and drop limitation. (See brief at pages 22-24.) Therefore, we agree with appellants and will not sustain the rejection of independent claims 16, 19, 41 and 44.

With respect to claims 9 and 20, the examiner relies on the teachings of Ferguson to teach a custom network based electronic newspaper. (See answer at pages 8-9.) We agree with the examiner that the user in Ferguson would select the topics to be searched and presented. From our review of Ferguson, Ferguson teaches that the end user creates a template of the topics of interest via a graphical user interface. (Ferguson at col. 2.) Additionally, Ferguson teaches

[d]ifferent sections that are available to the end-user to select are displayed at an options menu button 202 titled "Section." Listed on the options menu button 202 is the currently selected section. In the example, the currently selected section is titled "General News." (Other example

sections include the following: Business & Finance; Computers & Technology; Film, Video & Broadcast; Games & Interactive Media; and Advertising.) [Emphasis added] [Ferguson at col. 4.]

From our understanding of Ferguson, Ferguson teaches that an end user may select advertising as a section to view where the advertisements would be assembled into a custom newspaper.

Appellants argue that Ferguson looks nothing like a newspaper in newsprint. (See brief at page 25.) We find no support in the language of claim 9 to support this argument. Therefore, this argument is not persuasive. While Ferguson does not specifically identify the content of the advertising, we find that it would have included at least one of a logo, an image or text for display to the reader. Appellants argue that

Figure 5 of Ferguson does not include a logo or image. We find that Figure 5 is merely exemplary and does not show advertising. Therefore, this argument is not persuasive. Additionally, Figure 2B shows Advertising as a section to select and there is a new product section which may be selected. In our view, each of these sections may be deemed to contain advertising objects. Therefore, we find that the examiner has established a *prima facie* case of obviousness and appellants have not adequately rebutted the *prima facie* case. Therefore, we will sustain the examiner's rejection of independent claims 9 and 20 (which is a similar program product claim).

With respect to dependent claims 10-15, 21 and 22, appellants argue the drag and drop feature which initiates an information retrieval function is not taught or suggested by the prior art combination. (See brief at page 26.) We agree with appellants as discussed above, and we will not sustain the rejection of claims 10-15, 21, and 22.

### **CONCLUSION**

To summarize, the decision of the examiner to reject claims 1, 5, 6, 17 and 18 under 35 U.S.C. § 102 is affirmed; the decision of the examiner to reject claims 2, 23, 24, 28, 29, 33, 34, 38-40, 42, and 43 under 35 U.S.C. § 103 is affirmed; the decision of the examiner to reject claims 3, 4 and 25 under 35 U.S.C. § 103 is affirmed; the decision of the examiner to reject claim 26 under 35 U.S.C. § 103 is reversed; the decision of the examiner to reject claims 27, 30-32, and 35-37 under 35 U.S.C. § 103 is reversed; the decision of the examiner to reject claims 7, 8, 16, 19, 41, and 44 under 35 U.S.C. § 103 is reversed; the decision of the examiner to reject claims 9 and 20 under 35 U.S.C. § 103 is affirmed; and the decision of the examiner to reject claims 10-15, 21 and 22 under 35 U.S.C. § 103 is reversed.

Appeal No. 2000-0765  
Application No. 08/670,929

No time period for taking any subsequent action in connection with this appeal  
may be extended under 37 CFR § 1.136(a).

**AFFIRM-IN-PART**

MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
JOSEPH F. RUGGIERO	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

jld/vsh

Appeal No. 2000-0765  
Application No. 08/670,929

MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON DC 20005-3096