

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

Appeal No. 2002-1258
Application No. 09/148,551

ON BRIEF

Before HAIRSTON, KRASS and JERRY SMITH, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 12-33.

The invention is directed to the processing and display of geographical data. A computer display is partitioned into two display areas. One display area is used to display graphical representations of a geographic area and a second display area presents textual geographical information. A user controls the two display areas using a suitable input means, such as a mouse or a keyboard.

Representative independent claim 12 is reproduced as follows:

12. A computer based graphical system to display geographic information comprising:

(a) a first display area for presentation of graphical representations of geographic information;

(b) second display area for presentation of textual geographic information;

(c) user input means; and

(d) means responsive to said user input means to control the information presented by said first and second display areas.

The examiner relies on the following reference:

Israni et al. (Israni)	5,968,109	Oct. 19, 1999 (filed Oct. 25, 1996)
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Claims 12-33 stand rejected under 35 U.S.C. §102 (e) as anticipated by Israni.

Reference is made to the brief and answer for the respective positions of appellant and the examiner.

OPINION

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440,

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1444, 221 USPQ 385, 388 (Fed. Cir. 1984); cert. dismissed, 468 U.S. 1228 (1984);
W.L. Gore and Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313
(Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With regard to independent claim 12, this claim calls for a geographical information display having a first display area for graphical representations, a second display area for presentation of textual geographical information, a user input means, and something responsive to the user input means to control the information presented by the first and second display areas.

The examiner, at page 6 of the answer, cites "features of software application note figure 11A col. 5 lines 18-28" as the sole reasoning for the rejection and the application of the Israni reference to the instant claimed subject matter.

Not only has the examiner failed to establish a one-to-one correspondence between the instant claimed elements and that which is disclosed by Israni, but our review of those cited portions of Israni finds nothing indicative of what is claimed by appellant. Figure 11A shows a map display area with a parcel having cells, along with intersecting cells. This figure is an illustration showing a subdivision of cartographic data in a process. We find nothing therein indicative of two display areas, one for graphical data and one for textual information. We also find nothing in Figure 11A of

Israni indicating a user input means or anything responsive to that user input means. Column 5, lines 18-28, of Israni, to which the examiner referred, has nothing whatsoever to do with Figure 11A. Moreover, that cited section of the Israni specification is directed to a navigation software program having subprograms including a route calculation function, a map display function and a maneuver generation function. Again, there is nothing therein directed to two display areas, user input means or a means responsive to a user input means, and the examiner has not explained how these cited portions of Israni are to be applied against the instant claim language. While the examiner gives a more lengthy “explanation” at pages 8-9 of the answer, in response to appellant’s arguments, this time also referring to column 1, lines 62-67, column 7, lines 37-67, column 9, lines 3-49, and Figure 2 of Israni, the examiner still never points out how the disclosure of Israni corresponds to the instant claimed elements. That is, the examiner never specifically points to two first and second display areas for presentation of graphical representations of geographic information and textual geographic information, respectively, to a user input means, and to a means responsive to the user input means to control the information presented by the first and second display areas.

Accordingly, the examiner has failed to establish a prima facie case of anticipation with regard to claim 12 and we will not sustain the rejection of this claim under 35 U.S.C. §102 (e), nor will we sustain the rejection of claims 13-19 on this ground since they depend from claim 12.

Since independent claim 20 is the method counterpart of claim 12, including similar recitations, we also will not sustain the rejection of claim 20, or of claims 21-23, dependent thereon, under 35 U.S.C. §102 (e).

Independent claims 24, 30 and 32 are a bit different. For example, claim 24 requires providing data defining each geographic object within a spatial extent; partitioning the spatial extent into cells, generating a unique cell identification for each cell; grouping the defining data by the unique cell identification to form cell grouped geographic objects; and storing the cell grouped geographic objects in a database record corresponding to the unique cell identification. Claims 30 and 32 are similar.

The examiner recites all of these claimed steps at pages 4-5 of the answer and states that Israni teaches all of these things, and then says: "See cover figure spatially organized data, spatial index, and non-spatially organized data. Also note figure 7A attribute array (818); figure 11A map display area and intersecting cells; figure 11B control bit definitions; also see col.2 lines 52-58; col.3 lines 34-40; col.10 lines 52-63" (answer-page 5).

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We have reviewed the portions of Israni cited by the examiner but we are unable to determine what parts of these portions the examiner is relying on for teaching each of the claimed steps and the examiner never explains how the reference is being applied by presenting a one-to-one correspondence between what is disclosed by Israni and the claimed steps.

Accordingly, the examiner has not established a prima facie case of anticipation with regard to claims 24, 30, 32 and the claims dependent thereon. Therefore, we will not sustain the rejection of claims 20-33 under 35 U.S.C. §102 (e).

Moreover, we agree with appellant that while Israni may disclose a parcelization method for dividing geographic data into separate parcels, there does not appear to be, in Israni, a combining of data defining each geographic object within a spatial extent into one database record, as required by claims 24, 30 and 32, with claims 30 and 32 requiring the cell grouped geographic objects to be stored in one database record for each particular identification of the respective claim.

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The examiner's decision rejecting claims 12-33 under 35 U.S.C. §102 (e) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JERRY SMITH)	
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