

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ROBERT J. DASH and DONALD IRWIN

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Appeal No. 2002-1765  
Application No. 09/182,091

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ON BRIEF

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Before HAIRSTON, KRASS, and DIXON, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-15.

The invention is directed to the management of the display of information relating to the processing of documents by a multifunctional printer wherein messages conveying the information can only be displayed within a selected portion of a graphics user interface (GUI) display.

Representative independent claim 1 is reproduced as follows:

1 . A document processing control system having a memory, comprising:

(a) a graphical user interface for facilitating the processing of documents by a printing system, said graphical user interface including a display with a selected portion in which an information set pertaining to said processing of documents is displayed;

(b) a memory manager for communicating a representation of the information set to the selected portion of said graphical user interface display, said memory manager determining whether the information set includes information of a first type or information of a second type; and

(c) wherein said memory manager uses a first information processing mode to control display of the information in the selected portion of the graphical user interface display when the information set is of the first type, and said memory manager uses a second information processing mode to control display of the information set in the selected portion of the graphical user interface when the information set is of the second type.

The examiner relies on the following references:

Barker et al. (Barker)	4,723,211	Feb. 02, 1988
Motai	5,850,220	Dec. 15, 1998 (filed Sep. 26, 1996)
Lewchuk et al. (Lewchuk)	6,058,461	May 02, 2000 (filed Dec. 02, 1997)

Claims 1-15 stand rejected under 35 U.S.C. §103. As evidence of obviousness, the examiner cites Barker in view of Lewchuk with regard to claims 1-3 and 5-15, adding Motai to this combination with regard to claim 4.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

### OPINION

In rejecting claims under 35 U.S.C. §103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason much stem from some teachings, suggestions or implications in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). These showings by the examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

We will not sustain the examiner's rejection of claims 1-15 under 35 U.S.C. §103 because the examiner has clearly failed to establish a prima facie case of obviousness, within the meaning of 35 U.S.C. §103.

At page 3 of the answer, the examiner allegedly applies Barker to independent claims 1 and 9 by stating that Barker discloses "an integrated multiple data editor for compound documents, containing text, graphics, and tables;" that the editor "facilitates manipulation of a group of diverse object sets within a single displayable area on a page of a document" and simplifies formatting; that the editor "works with a page layout philosophy," that all pages "reside within a document object," that objects are "data-specific entities that the user can manipulate on the page," that object sets "may be moved into positions on the page," that the arrangement of objects "creates a structure called a superblock," that the superblock "is any displayable area containing two or more object sets," that the creation of this structure "greatly simplifies integration of different data types on the page for the user and allows the user to manipulate a group of object sets within a single displayable area on the page," and that the superblock "is treated as an object set," citing the abstract, column 5, lines 21-29 and Figure 2 of Barker.

Not one statement within the examiner's rationale attempts to specifically apply any teaching of Barker to the particular terms of the claims. While Barker may have a

graphical user interface, it is unclear how that GUI relates to “facilitating the processing of documents by a printing system,” as claimed. Barker isn’t even directed to a printing system. The claims further require that the display have a “selected portion in which an information set pertaining to said processing of documents,” i.e., documents processed by a printing system disclosure of which Barker is devoid, is displayed.

Elements (b) and (c) of independent claim 1 (and certain portions of independent claim 9) are directed to “a memory manager” with certain defined functions. Now, the examiner recognizes that Barker lacks such a feature and so the examiner turns to Lewchuk for a teaching of a memory manager. At page 4 of the answer, the examiner contends that Lewchuk discloses a system “including priorities for memory operations” and that a fetch priority level is higher than a prefetch priority level. The examiner then concludes that it would have been obvious “to include Lewchuk’s teachings in Barker’s invention because it facilitates the transfer and the display of different types of information in different portions of the display screen and it reduces latency” (answer-page 4). The examiner does not explain how or why a teaching of priorities for memory operations would be applicable to Barker’s editing apparatus. In any event, we disagree with the examiner’s combination for various reasons.

First, Lewchuk does not remedy the deficiencies of Barker noted supra. Moreover, Lewchuk may disclose a memory manager in the sense that certain priority

levels are assigned to each memory operation, but Lewchuk clearly does not provide for a memory manager “for communicating a representation of the information set to the selected portion of said graphical user interface display” and “determining whether the information set includes information of a first type or information of a second type,” as required by independent claims 1 and 9.

Still further, even if Barker and Lewchuk disclosed what is alleged by the examiner, the examiner has provided nothing that would have led the artisan to combine these references in any manner, let alone the manner set forth in the instant claims.

We find nothing in the combination of Barker and Lewchuk suggesting the use of a memory manager using a first information processing mode to control display of information in the selected portion of a graphical user interface when an information set is of a first type and using a second information processing mode to control the display of the information set in the selected portion of the graphical user interface when the information set is of a second type.

Motai, applied in combination with Barker and Lewchuk, for a teaching of “an image display apparatus that displays images and messages which are changed with elapse of time,” in a rejection of claim 4, does nothing to remedy the deficiencies of Barker and Lewchuk.

Appeal No.2002-1765  
Application No. 09/182,091

We will not sustain the rejection of claims 1-15 under 35 U.S.C. §103 because we find no prima facie case established by the examiner.

The examiner's decision 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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	)	
JOSEPH L. DIXON	)	
Administrative Patent Judge	)	

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Appeal No.2002-1765  
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