

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 9

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

---

Ex parte PETER A. HASEK

---

Appeal No. 2004-0365  
Application No. 10/105,505

---

ON BRIEF

---

Before STAAB, NASE and BAHR, Administrative Patent Judges.  
BAHR, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-8 and 11-17. Claims 9 and 10, the only other claims pending in this application, stand allowed.

We AFFIRM.

### BACKGROUND

The appellant's invention relates to a project management game comprising a game board having indicia 28 thereon representing tasks that collectively form deliverables, a plurality of game pieces, play money, a first die and a second die. In playing the game, each team at their turn rolls the first die to determine how many spaces their game piece is to be moved. The number of spaces moved represents tasks completed, with each task completed costing the team a cost value determined by a roll of the second die. The game board is also provided with a plurality of risk event spaces. When a team's game piece lands on a risk event space, the team must select a risk event card which indicates a risk event element, such as a labor strike or other setback, and consequently directs the team to move the game piece back a number of spaces. The objective is to reach finish points 14a through 14f, which reflect project closedown. A copy of the claims under appeal is set forth in the appendix to the appellant's brief.

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

Purlia	3,850,433	Nov. 26, 1974
Delamontagne	4,416,454	Nov. 22, 1983
Ledet et al. (Ledet)	6,237,915	May 29, 2001

The following rejections are before us for review.

Claims 1-8 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Purlia.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Purlia in view of Ledet.

Claims 11, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Purlia in view of Delamontagne.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the answer (Paper No. 7) for the examiner's complete reasoning in support of the rejections and to the brief (Paper No. 6) for the appellant's arguments thereagainst.

#### OPINION

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

Claim 1, the sole independent claim before us on appeal, reads as follows:

1. A project management game, comprising:
  - a game board having indicia thereon, the indicia representing a plurality of tasks that collectively form a plurality of deliverables to be completed and to be managed by a plurality of participants in the project management game, wherein the participants form one or more teams that play the project management game;
  - a plurality of game pieces positioned on the game board, each of the game pieces representing a selected one of the teams, wherein the project management game ends

when one or more of the game pieces reach a project closedown portion of the game board;

a first die having a plurality of sides with numbers thereon, wherein the first die may be rolled in order to indicate a number of spaces to be moved by a selected one of the game pieces; and

a second die having a plurality of sides with numbers thereon, wherein the second die may be rolled in order to indicate a cost value associated with one or more of the tasks.

Purlia discloses a board game comprising a game board 10 having a plurality of markings thereon, including an array of lines that form, inter alia, manufacturing plant spaces denoted "MFG. PLANT," a chance device in the form of a spinner or double roulette wheel having two grooves with a ball in each groove, and a plurality of search cards. The numbers on the sections of the inner groove of the roulette wheel indicate the number of spaces to be moved and the dollar amounts on the sections of the outer groove indicate amounts of money to be paid, to purchase a manufacturing plant for example, or transferred between players under certain circumstances as determined by the rules of the game. The examiner's position is that the manufacturing plant sections are "indicia representing a plurality of tasks that collectively form a plurality of deliverables" as called for in claim 1. As support for this position, the examiner points to the disclosure in column 9, lines 16-20, of Purlia, which states that

[w]hen a player lands on a manufacturing plant section, that is, upon the completion of any move, he may buy that manufacturing plant. The purchase price is determined by spinning the wheel and is indicated on the outer wheel, that is, in the angular section of outer groove 99 in which ball 101 comes to rest. If the ball lands on a section marked No Deal, the player cannot buy the plant at that time. If the

player does buy the plant, he places one of his property chips 68 in the groove 67 of that manufacturing plant section to indicate his ownership thereof.

We observe, at the outset, that claim 1 is directed to a game, not to the method of playing a game, and that the indicia on a game board, such as that of Purlia, represent to the players of the game whatever the players understand them to represent under the rules of the game. Thus, the manufacturing plant sections of Purlia's game board meet the limitations of the recited "indicia" in claim 1 regardless of the rules of Purlia's game. Moreover, even under the disclosed rules of Purlia's game, we consider the manufacturing plant sections to be representative of a plurality of tasks (deciding whether to try to purchase the plant, spinning the wheel to determine how much the plant will cost, paying the money to purchase the plant and placing a property chip on the plant section to indicate his ownership of that plant) that collectively form a plurality of deliverables (the purchased plants).

The examiner concedes that Purlia lacks a first die and a second die as recited in claim 1 but, for the reasons stated on page 3 of the answer, determines that it would have been obvious to one of ordinary skill in the art at the time of appellant's invention to modify Purlia to use a pair of dice for chance selection of movement and determining the cost of a task (e.g., the purchase of a plant). Appellant has not contested this determination in the brief but, rather, argues that Purlia does not teach or suggest a project management game that includes "indicia representing a plurality of tasks that collectively form a plurality of deliverables to be completed and to be managed by a

plurality of participants in the project management game” (brief, pages 3-4) and urges that it would not have been obvious to modify Purlia to provide such indicia.

For the reasons discussed above, we agree with the examiner that Purlia’s game board does have indicia which meet the limitations of claim 1; it is thus not necessary to modify Purlia to meet this limitation of claim 1. It follows that we do not find appellant’s argument persuasive of the nonobviousness of the subject matter of claim 1. We therefore sustain the examiner’s rejection of claim 1. We note that appellant has not argued separately the patentability of claims 2-8 and 13-15 apart from claim 1, thus allowing them to stand or fall with representative claim 1 (see brief, page 3). See In re Young, 927 F.2d 588, 590, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991); In re Wood, 582 F.2d 638, 642, 199 USPQ 137, 140 (CCPA 1978).

We shall also sustain the rejections of dependent claim 12 as being unpatentable over Purlia in view of Ledet and claims 11, 16 and 17 as being unpatentable over Purlia in view of Delamontagne since appellant has not challenged such with any reasonable specificity. See In re Nielson, 816 F.2d 1567, 1572, 2USPQ2d 1525, 1528 (Fed. Cir. 1987).

#### CONCLUSION

To summarize, the decision of the examiner to reject claims 1-8 and 11-17 under 35 U.S.C. § 103 is affirmed.

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

AFFIRMED

LAWRENCE J. STAAB	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
JEFFREY V. NASE	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
JENNIFER D. BAHR	)	
Administrative Patent Judge	)	

Appeal No. 2004-0365  
Application No. 10/105,505

Page 8

Baker Botts LLP  
2001 Ross Avenue  
Suite 600  
Dallas, TX 75201-2980