

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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 DARYL J. KAHL,
RAYMOND E. LEE, and
ROBERT J. TORRES

Appeal No. 96-1317
Application 08/250,302¹

ON BRIEF

Before THOMAS, BARRETT, and TORCZON, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

¹ Application for patent filed May 26, 1994. According to appellants, the application is a continuation of Application 07/808,112, filed December 16, 1991.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 7, 11 to 13, 17, 18 and 20 to 24, which constitute all the claims remaining in the application.

Representative claim 7 is reproduced below:

7. A method of presenting a monthly calendar view of an electronic calendar in a computer system having a display screen, comprising the steps of:

displaying a two dimensional pictorial representation of a monthly scheduling calendar in which a first dimension segments time by weeks of a month and a second dimension which segments time by days of a week, said representation displayed on a single display screen panel in order to allow a user to see all days in a month simultaneously;

displaying textual information comprising at least a start time and an event summary for any event scheduled on any day on said monthly scheduling calendar; and

interactively editing said information directly on said monthly scheduling calendar without opening any other display screen panels.

The following references are relied on by the examiner:

Fersko-Weiss, PackRat (PackRat), PC Magazine, 11/27/98, p. 414

Symantec, TIME LINE User Manual (TIME LINE), 1990, pages 5-3 to 5-5, 5-14, 6-2 to 6-6, 9-8

Appeal No. 96-1317
Application 08/250,302

Claims 7, 11 through 13, 17, 18 and 20 to 24 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon TIME LINE in view of PackRat.

Rather than repeat the positions of the appellants and the examiner, reference is made to the Brief and the Answer for the respective details thereof.

Opinion

We reverse.

Independent claims 7 and 13 are respective method and apparatus versions of appellants' disclosed textual information display feature, whereas the subject matter of method claim 20 relates to appellants' disclosed vertical busy bar feature.

If we assume for the sake of argument that it would have been proper within 35 U.S.C. § 103 from an artisan's perspective to have combined the teachings of PackRat and Time Line, we conclude that the result would not be the subject matter set forth in independent claims 7 and 13 on appeal as well as independent claim 20. This reasoning of combinability would be based upon the project management approaches discussed in each reference. The combined features appear to us, according to the reasoning of the examiner, to have been based upon picking and choosing bits and pieces of the respective claimed features from both references. We are unable to conclude and are not

persuaded by the examiner's reasoning that the monthly calendar shown in the upper-left portion of the middle Figure of page 414 of PackRat would have been modified by the additional showings and teachings in this reference, further in view of TIME LINE's showings, to yield a display of textual information comprising at least a start time and an event summary for any event schedule on any day and to have done so on the monthly scheduling calendar itself. PackRat also shows in addition to the monthly calendar, a weekly calendar as well as a day schedule. But there is no showing or teaching in this reference, even as modified by TIME LINE, which would have persuaded us that it would have been obvious to have modified or combined features to present textual information of the noted two types on the monthly calendar itself. Appellants' claimed invention is a straightforward view of discreet features that may be found in each reference.

Furthermore, as to the editing feature of claims 7 and 13, it does not appear to us from our understanding of both references that editing would occur without opening any other additional display panel. We are not persuaded by the examiner's reasoning to correlate teachings of both references to the rather straightforward features cited in independent claims 7 and 13 on appeal.

Turning lastly to the subject matter of independent claim 20 on appeal, the two-dimensional pictorial representation of the monthly scheduling calendar shown in the large figure in the middle of page 414 of PackRat is identical to that which has been set forth in

claims 7 and 13 on appeal. However, we are unable to agree with the examiner's conclusion of the obviousness of displaying any events scheduled on any day of said calendar on the calendar itself and to further do so in a vertically stacked manner. PackRat's weekly calendar showing for any given day to the upper-right of his figure is horizontally-based for any day. The apparent busy bars for the day schedule portion at the bottom of PackRat's figure appear to be, in one sense, vertically stacked but they are not shown to be displayed on the overall calendar for the whole month itself. There is nothing that we can derive from and are not persuaded by the examiner's reasoning of the combinability from TIME LINE to modify these depictions. The GANTT outline shown at the bottom of page 5-3 of TIME LINE may be construed as vertically stacked, but is arranged in such a manner as to overlap the days, weeks, and months, and is not taught or suggested to be depicted on any given monthly calendar.

Appeal No. 96-1317
Application 08/250,302

In conclusion, the examiner's decision to reject all pending claims on appeal under 35 U.S.C. § 103 is reversed.

REVERSED

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| JAMES D. THOMAS |) | |
| Administrative Patent Judge |) | |
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| |) | BOARD OF PATENT |
| LEE E. BARRETT |) | |
| Administrative Patent Judge |) | APPEALS AND |
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Appeal No. 96-1317
Application 08/250,302

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