

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LOVIE A. MELKUS and DAVID J. SCHELL

Appeal No. 96-1343
Application 07/993,225¹

ON BRIEF

Before COHEN, MEISTER and STAAB, *Administrative Patent Judges*.
STAAB, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on an appeal from the final rejection of claims 1-7 and 9-14, all the claims remaining in the application.

Appellants' invention pertains to a method (claims 1-7) and system (claims 9-14) for controlling individual messages to users

¹ Application for patent filed December 18, 1992.

Appeal No. 96-1343
Application 07/993,225

of data processing systems. As explained on page 3 of the specification:

Upon the display of an individual message to a user in the normal course of use of a data processing system, the present invention allows the user to determine whether a message is to be displayed in the future. An OPTIONS pushbutton is provided in the message window and is used to display the selections to the user. If the user chooses that the message not be displayed, then future occurrences of the message producing action, which would normally cause the message to be displayed, will result in no display of the message. If the user selects that the message is to be displayed, then the user can choose the procedure for removing the message from the screen. The message can be removed automatically after the message has been displayed for a user selected period of time, or upon the occurrence of a specific or general user action. In this manner, individual messages can be controlled with regard to the display and removal of the messages.

Independent claims 1 and 9 are illustrative of the appealed subject matter and copies thereof, as they appear in the appendix to appellants' brief, are appended to this opinion.

The single reference of record relied upon by the examiner in support of the standing rejection is:

Obata et al. (Obata)	5,018,082	May 21, 1991
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The following reference is cited by this panel of the board in support of a new rejection made pursuant to 37 CFR § 1.196(b):

The Speller/Thesaurus chapter of the operation manual for WordPerfect® Version 4.2 (1986)

Appeal No. 96-1343
Application 07/993,225

Claims 1-7 and 9-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Obata.

Obata discloses a method and system for controlling the timing of the display of a guidance message on terminal equipment, such as multi-media communication terminals. The system includes a timer 6 for detecting the time interval between user input operations and a skill controller 7 for maintaining and updating a skill level corresponding to the length of a time delay occurring before the display of a guidance message. As explained at column 3, line 63 through column 4, line 9:

. . . [W]hen the next input operation is correctly performed by the user within the set time, the skill controller 7 increments the skill level by one. When the input operation is not performed within the set time, or the input operation is incorrectly performed, the skill controller 7 decrements the skill level by one. For example, when the user's skill level is high, the display timing of the next guidance message is delayed to enable the user to proceed to the next operation before displaying the next guidance message. Therefore, since it is not necessary to display unwanted guidance for the user, it is possible to increase the processing speed of the terminal. On the other hand, when the user's skill level is low, the display timing is made faster so that the user can be guided to the next step, at every step.

Independent claim 1 is directed to a method of controlling a data processing system comprising, inter alia, the steps of (a) detecting an occurrence of a message producing action, (b) providing a message associated with said detected message

Appeal No. 96-1343
Application 07/993,225

producing action to a user, and (c) providing to said user a selection of whether said message should be provided to said user upon future occurrences of said detected message producing action. Independent claim 9 contains similar limitations in means plus function format.

In rejecting the appealed claims as being anticipated by Obata, the examiner has taken the position that Obata meets step (c) because

Obata teaches awaiting a "choice selection" in which a message is displayed and the skill level is decreased if the user does not input a valid selection within a predetermined time interval.

Thus, Obata does teach providing to a user a "selection of whether a message should be provided upon future occurrences of an action that produces the message" because based upon the user's "choice selection", the skill level of the user is determined. The skill level in turn determines whether the message should be displayed on future occurrences because as the user's skill level increases, the time interval increases, such that messages take longer to be displayed. Hence, the user is offered discretion over displaying messages in the future by the speed in which he/she makes a selection. *In other words, the user makes a selection of sooner versus later for displaying future messages by the quickness of his/her response.* [answer, page 5; emphasis added]

We appreciate the point the examiner is making, namely, that Obata's *delaying* of the display of the message, coupled with the user's control over the length of the delay by inputting a valid

operation request before the message is displayed, constitutes a "selection" of the type called for in step (c) of claim 1 within the broad meaning of the claim terminology. However, we do not agree with this analysis for the following reasons.

Here, appellants' method and system provide to the user a selection of whether the message should be provided to the user upon future occurrences of the detected message producing action. That is, appellants' method and system, *in and of themselves*, provide to the user a selection or choice of blocking the provision of the message in the future. In contrast, Obata's method and system merely delay the provision of the message, and it is only upon the circumstance of an additional action by the user, i.e., inputting a correct response within a particular period of time, that the message is not provided. This difference is highlighted by the examiner's recognition that in Obata, the user's selection is limited to a choice "of sooner versus later for displaying future messages" (answer, page 5). Thus, in Obata the message will *always* be provided unless the user provides some additional input. In our view, step (c) of method claim 1 and means (c) of system claim 9 do not encompass within their metes and bounds this sort of operational scheme.

Appeal No. 96-1343
Application 07/993,225

It follows that we cannot sustain the standing rejection of the appealed claims as being anticipated by Obata.

Under the provisions of 37 CFR § 1.196(b), we enter the following new rejection.

Claims 1, 2, 5, 9, 10 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Spell Check program of WordPerfect® Version 4.2 (hereinafter, Spell Check). Using the language of appellants' claim 1 as a guide, and with particular reference to pages 4 and 5 of the Speller/Thesaurus Chapter of the operation manual for WordPerfect® Version 4.2, the Spell Check program constitutes a method of controlling individual messages (i.e., the Spell Check menu displayed across the bottom of the screen) on a data process system comprising the steps of (a) detecting an occurrence of a message producing action (the absence of a match between a particular word of a document and the entries of Spell Check's dictionaries), (b) providing a message associated with said detected message producing action to a user (displaying the message "Not Found" in the lower left hand corner of the screen upon the initial absence of a match), (c) providing to said user a selection of whether said message should be provided to the user upon future occurrences of said detected message producing action, and detecting said user selection

Appeal No. 96-1343
Application 07/993,225

(providing to the user a selection "2 Skip" which, if selected, causes Spell Check for the rest of the document to "ignore" the word in question, i.e., not display the "Not Found" message when subsequent absences of a match between the word and the Spell Check's dictionaries are detected), and (d) upon detections of subsequent occurrences of said message producing action, utilizing said user selection to determine if said message is to be provided to said user (depending on whether the user selects "2 Skip" or, for example, "1 Skip once," utilizing the user's selection to either display or not display the "Not Found" message upon subsequent occurrences of the absence of a match between the word and the entries of the Spell Check's dictionaries). In a similar fashion, the components of a general purpose computer programmed to run WordPerfect® Version 4.2 with Spell Check would comprise a system having the various "means" set forth in claim 9.

With respect to claims 2 and 10, clearly Spell Check's step of providing the "2 Skip" selection includes the step of "displaying" to the user a selection of how the provision of the "Not Found" message is to be terminated. Hence, Spell Check anticipates these dependent claims as well.

Appeal No. 96-1343
Application 07/993,225

As to claims 5 and 12, Spell Check's step of displaying to the user the "2 Skip" selection further comprises the step of providing to the user a selection of terminating the provision of the "Not Found" message upon the occurrence of a "selected" user action, since the user must enter the specific keystroke corresponding to "2" in order to select the "2 Skip" selection. Thus, Spell Check also anticipates these dependent claims.

In summary, the examiner's § 102 rejection of the appealed claims is reversed, and a new rejection of claims 1, 2, 5, 9, 10 and 12 pursuant to our authority under 37 CFR § 1.196(b) has been made.

The decision of the examiner is reversed.

The new rejection under 37 CFR § 1.196(b) should not be considered final for the purpose of judicial review.

Any request for reconsideration or modification of this decision by the Board of Patent Appeals and Interferences based upon the same record must be filed within one month from the date of the decision (37 CFR 1.197). Should appellants elect to have further prosecution before the examiner in response to the new rejection under 37 CFR 1.196(b) by way of amendment or showing of facts, or both, not previously of record, a shortened statutory

Appeal No. 96-1343
Application 07/993,225

period for making such response is hereby set to expire two months from the date of this decision.

REVERSED, 1.196(b)

IRWIN CHARLES COHEN)	
Administrative Patent Judge))	
)	
)	
JAMES M. MEISTER)	BOARD OF PATENT
Administrative Patent Judge))	APPEALS AND
)	INTERFERENCES
)	
LAWRENCE J. STAAB)	
Administrative Patent Judge))	

Appeal No. 96-1343
Application 07/993,225

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APPENDIX

1. A method of controlling individual messages on a data processing system, said data processing system receiving message producing actions, comprising the steps of:

a) detecting an occurrence of a message producing action;

b) providing a message associated with said detected message producing action to a user;

c) providing to said user a selection of whether said message should be provided to said user upon future occurrences of said detected message producing action, and detecting said user selection;

d) upon detections of subsequent occurrences of said message producing action, utilizing said user selection to determine if said message is to be provided to said user.

9. A data processing system, comprising:

a) means for detecting an occurrence of a message producing action;

b) means for providing a message associated with a detected message producing action to a user, said means for providing a message being responsive to the detection of said detected message producing action by said means for detecting;

c) means for providing to said user a selection of whether said message should be provided to said user upon future occurrences of said detected message producing action, said means for providing to said user a selection being responsive to the provision of said message to said user by said means for providing a message;

d) means for controlling said means for providing said message to said user based on said user selection.