

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GREGORY P. FITZPATRICK and MARVIN L. WILLIAMS

Appeal No. 96-2097
Application 08/037,983¹

ON BRIEF

Before URYNOWICZ, MARTIN and LEE, Administrative Patent Judges.
URYNOWICZ, Administrative Patent Judge.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-18, all the claims pending in the application.

The invention pertains to scheduling a meeting between two entities (a "requester" and a "target") when a conflicting event

¹ Application for patent filed March 25, 1993.

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appears on an electronic calendar of the target at the requested meeting time. Claim 1 is illustrative and reads as follows:

1. A method, performed in a data processing system, for scheduling a meeting between a requester and a target on an electronic calendar maintained on the data processing system by the target, wherein said requester and said target are separate entities, the method comprising the computer implemented steps of:

determining, in response to an input, to the data processing system, of a date, a time and a duration of a proposed meeting between the requester and the target, that a conflicting event appears on the electronic calendar maintained on the data processing system by the target for the date and time and during the duration input to the data processing system;

in response to a selection, by the requester, upon the determination that a conflicting event appears on the electronic calendar maintained by the target, to monitor the electronic calendar maintained by the target for the removal of the conflicting event, and also in response to the determination that the conflicting event appears on the electronic calendar maintained by the target, monitoring the electronic calendar maintained by the target to detect the removal of the conflicting event from the electronic calendar maintained by the target; and

scheduling a meeting between the requester and the target on the electronic calendar maintained by the target, in response to the detection of the removal of the conflicting event from the electronic calendar maintained by the target.

The references relied upon by the examiner as evidence of obviousness are:

Hotaling et al. (Hotaling)	5,124,912	Jun. 23, 1992
McGaughey, III et al. (McGaughey)	4,977,520	Dec. 11, 1990

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The appealed claims stand rejected as unpatentable over Hotaling in view of McGaughey under 35 U.S.C. § 103.

The positions of the examiner and the appellants with regard to the propriety of these rejections are set forth in the final rejection (Paper No. 6), the appellants' brief (Paper No. 10) and the examiner's answer (Paper No. 14).

Appellants' Invention

Appellants disclose an electronic calendaring system which determines, in response to an input of a date, time and duration of a proposed meeting between a meeting requester and a second party (target), that a conflicting event appears on the target's electronic calendar, monitors the target's electronic calendar to detect the removal of the conflicting event, and schedules a meeting between the requester and the target on their electronic calendars in response to the detection of the removal of the conflicting event.

The Prior Art

Hotaling discloses a method performed in a data processing system for scheduling a meeting between a requester and a target on an electronic calendar. The system determines, in response to an input from a requester to a file separate from each target's personal calendar, a date, time and duration of a proposed

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meeting between the requester and the target (column 1, lines 35-43). The apparatus compares the data for each target's calendar for available and unavailable time periods within the times and dates specified by the requester, and the comparison results in a determination of at least one common date and time for all specified targets within the specified time requirements of the requester (column 1, lines 40-51).

McGaughey discloses an electronic calendaring system for allowing a target to respond to an electronic meeting notice by accepting or rejecting the invitation to attend the meeting based on the target's calendar (column 4, lines 26-39).

The Rejection under 35 U.S.C. § 103

We reverse the rejection of appellants' claims 1-18 as unpatentable over Hotaling in view of McGaughey under 35 U.S.C. § 103. With respect to the only independent claims, method claim 1 and apparatus claim 8, neither reference discloses monitoring or means for monitoring an electronic calendar maintained by a target to detect the removal of a conflicting event from the calendar, or scheduling or means for scheduling a meeting between the requester and the target on the electronic calendar maintained by the target in response to the detection of the

removal of the conflicting event from the electronic calendar.² It has not been established that it would have been obvious to one of ordinary skill in the art at the time the invention was made to add these features to the above prior art combination. Motivation or suggestion in the prior art to add these features to the prior art relied on by the examiner has not been established. The mere fact that the prior art may be modified in the manner suggested by the examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

Whereas the rejection of the only independent claims, claims 1 and 8, over the applied prior art is reversed, the rejection of dependent claims 2-7 and 9-18 over that art is reversed.

REVERSED

² Although the claimed invention does not cause the removal of a conflicting event on the target's calendar as noted by appellants, we note that a statement in the examiner's answer to the effect that at col. 4, lines 18-48 and at FIGS. 6A and 6B McGaughey teaches removing a conflicting event on the calendar maintained by the target is seen to have no actual support in the aforementioned parts of the reference.

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