

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opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.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. 9

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CASEY S. A. COLEY, WILLIAM L. FOSTER
and ARTHUR L. FUMAROLO

Appeal No. 1998-0937
Application No. 08/415,911

ON BRIEF

Before THOMAS, KRASS, and LALL, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 14, all of the claims pending in the application.

The invention pertains to the operational control of a radio communication system and, more particularly, to an

information display interface to provide operator assisted operational control of the radio communication system.

Representative independent apparatus claim 8 is reproduced as follows:

8. An apparatus for providing operator assisted operational control of a radio communication system, comprising:

a communication network;

a computer coupled to the communication network, the computer having a display unit;

an information display interface displayed on the display unit;

first and second control sheets being selectively active on the information display interface, the first and second control sheets each having radio system control information thereon pertaining to a configurable category, including a radio system control panel for controlling a particular portion of the radio communication system that is contemporaneously located on both the first and second control sheets; and

an activated control sheet, selected from among the first and second control sheets, and displayed in a foreground display mode;

wherein operational control of the particular portion of the radio communication system is conducted through the radio system control panel as displayed on the activated control sheet.

The examiner relies on the following references:

Torres 1992	5,140,678	Aug. 18,
Schwob 1992	5,152,011	Sep. 29,

Claims 1 through 14 stand rejected under 35 U.S.C. 103 as unpatentable over Schwob and Torres.

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

OPINION

We reverse.

The examiner has not, in our view, established a prima facie case of obviousness with regard to the claimed subject matter.

At the outset, we would note that the portions of Schwob relied on by the examiner disclose a radio receiver and it is difficult to determine what the examiner considers to be the claimed "communication network" and a "computer coupled to the communication network, the computer having a display unit." However, assuming the examiner considers the receiver itself to be the claimed computer and that the receiver, together with whatever stations are pulled in, form a "communication network," it is our view that Schwob simply does not disclose

or suggest the claimed "first and second control sheets being selectively active on the information display interface."

Display 8 in Figure 2 of Schwob is merely a display on the receiver. There are no "control sheets," as claimed, and there clearly is no single control panel which is "contemporaneously located on both the first and second control sheets" [claim 8] or a control panel which is located on the first control sheet, the same control panel also being located on the second control sheet [claim 1].

With regard to the control panel being contemporaneously located on the first and second control sheets, the examiner's response to appellants' argument in this regard is that the references "meet the limitation in claims 1-14, but not the description in the specification" [answer-page 6], clearly indicating examiner's position to be that this limitation is not claimed. However, both independent claims 1 and 8 clearly do, in fact, set forth this limitation. Since the examiner has failed to take such claim limitation into account, no prima facie case of obviousness is made out.

Torres is applied for the teaching of overlapping files on a computer screen with the current file on top. It is

debatable whether this teaching is even combinable with Schwob which deals with a completely different kind of display but, in any event, Torres fails to provide for the deficiency of Schwob in that the control panel being contemporaneously located on the first and second control sheets.

Accordingly, the examiner's decision rejecting claims 1 through 14 under 35 U.S.C. 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
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PARSHOTAM S. LALL)	
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EAK/jlb

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