

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY SCHINDLER,
RANDALL FARWELL, ROBERT MOORE,
RIX S. CHAN, and BRIAN A. BENNETT

Appeal No. 1999-1605
Application 08/502,882¹

ON BRIEF

Before HAIRSTON, BARRETT, and GROSS, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed July 17, 1995, entitled "Context Sensitive Remote Control Groups."

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This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1-15.

We affirm-in-part.

BACKGROUND

The disclosed invention relates to a processor controlled system, such as an entertainment system, having multiple remote controls. The remote controls are used to provide user control over separate programs running on the system and enables multiple users to control multiple different programs at the same time, such as a television program in one window and a check balancing program in another.

Claim 15 is reproduced below.

15. A processor controlled system for executing computer program applications under the control of multiple remote control devices each transmitting a signal identifying itself combined with a signal representing a desired user interaction with an application, the system comprising:

a receiver for receiving the signals from the remote control devices;

a module that identifies an application associated with the remote control device as a function of the identifying signal and a predetermined association of remote control devices and applications; and

a router that routes a representation of the desired user interaction to the identified application for execution.

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The Examiner relies on the following prior art:

1993	Rickenbach et al. (Rickenbach)	5,233,686	August 3,
1994	Sawdon	5,276,458	January 4,
1994	Iguchi et al. (Iguchi)	5,307,297	April 26,
1996	Tanaka et al. (Tanaka)	5,515,051	May 7,
			(filed March 5,
			1993)

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka and Rickenbach.

Claims 2-5, 8, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka, Rickenbach, and Sawdon.

Claims 6, 7, and 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka, Rickenbach, Sawdon, and Iguchi.

We refer to the final rejection (Paper No. 9) (pages referred to as "FR__") and the examiner's answer (Paper No. 15) (pages referred to as "EA__") for a statement of the Examiner's position, and to the appeal brief (Paper No. 14)

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(pages referred to as "Br__") for a statement of Appellants' arguments thereagainst.

OPINION

Claim 15

Tanaka is directed to a protocol for a wireless signaling system which includes a plurality of transmitters and a single receiver. The protocol permits the receiver to accurately identify data transmitted asynchronously from the plural transmitters. Plural transmitters can communicate with the same receiver by setting ID (identification) codes (col. 2, lines 60-67; col. 3, lines 11-14). The device code in the header indicates the type of transmitter (col. 2, lines 62-63). Tanaka states (col. 3, lines 7-10): "The receiver decides whether reception (or processing) is permitted by first processing the device codes, and then processing the subsequent data."

Appellants argue that claim 15 describes a system that identifies an application associated with a remote control device as a function of the identifying signal and a predetermined association between multiple remote control devices and multiple applications (Br6). It is argued that

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Tanaka only deals with one application and there are no predetermined associations of remote control devices and applications as claimed (Br6-7). Further, it is argued that the OCR device is not a remote control device as taught in the present application nor as claimed (Br7).

The Examiner finds that it is inherent that Tanaka has a module for identifying an application associated with the remote control device "since Tanaka et al could identify each of the multiple remote control devices . . . and each of the multiple remote control devices (2,3) has to cooperate with its own application program (own driver)" (FR2) and "[e]ach of the multiple remote control device[s] (2,3) has its own interface and driver (application program) in a processor system" (FR5). Therefore, the Examiner finds that keyboard and OCR transmitters each have an associated device driver (although this is not disclosed in Tanaka) and reads the claimed "applications" on those device drivers rather than on the word processing program; see also EA6-7. The Examiner concludes that "[i]t would have been obvious to have a router for routing a representation of the desired user interaction to the identified application for execution since Tanaka et al

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have a router in a system (see figure 7(b)) for representing the processing in a system" (FR2).

It appears that the Examiner's rejection is based on claim 15 being so broad that it is rendered obvious over Tanaka in an unintended way, rather than Tanaka actually being directed to Appellants' disclosed invention. Appellants have not shown error in the Examiner's broad interpretation of claim 15 or in the Examiner's findings underlying the conclusion of obviousness.

The transmitters 2, 3 in Tanaka correspond to the claimed "multiple remote control devices." The OCR transmitter is broadly a "remote control device" in that it remotely controls entry of data which is broadly a "desired user interaction with an application" and Appellants have not explained how the remote control claim language distinguishes over the OCR. The remote control devices are not recited to have "user input devices" as in independent claim 1. Although we believe that one of ordinary skill in the art would have appreciated that the keyboard and OCR are only representative transmitters and that it would have been

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obvious to use other transmitters, such as a mouse pointer device, to interact with the word processor program of Tanaka, the Examiner has not provided such reasoning and we do not rely on it. The transmitted device code in Fig. 2, which indicates the type of transmitter, is broadly "a signal identifying itself," where this limitation is not as narrow as "an indication unique to said remote control device," as recited in claim 1. The transmitted data part in Fig. 2 is broadly "a signal representing a desired user interaction with an application." A receiver 1 receives signals from the remote control devices.

The Examiner found that the data processing is done according to a device driver specific to the type of transmitter; i.e., the receiver must have a driver that handles keyboard data from a keyboard transmitter, a different driver that handles OCR data from an OCR transmitter, and some way of routing data to the proper driver associated with the type of transmitter. Thus, the Examiner found that the "applications" are the device driver programs, not the word processing program. Appellants have not challenged the inherent existence of device drivers in Tanaka, nor said why a

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device driver is not an "application" as broadly claimed, nor countered the Examiner's assertion that "the corresponding interface and driver in the processor system have to activate after the processor system identif[ies] the remote control device (2,3)" (FR5). There must be a predetermined association between a certain type of transmitter as a function of the device code (the "identifying signal") and a routing of data ("a representation of the desired user interaction") to the proper driver for execution because Tanaka teaches processing the data based on the device codes (col. 3, lines 7-10). Appellants have not persuaded us of error in the Examiner's obviousness rejection. Arguments not made are considered waived. Cf. In re Wiechert, 370 F.2d 927, 936, 152 USPQ 247, 254 (CCPA 1967) ("This court has uniformly followed the sound rule that an issue raised below which is not argued in this court, even if it has been properly brought here by a reason of appeal, is regarded as abandoned and will not be considered. It is our function as a court to decide disputed issues, not to create them."). For these reasons, the rejection of claim 15 is sustained.

Claim 1

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The Examiner finds that the difference between the subject matter of claim 1 and Tanaka is that Tanaka does not teach a "personal computer is capable of running multiple applications that are responsive to selected groups of the user input devices, such that different applications are responsive to different selected groups of the user input devices." The "selected groups of the user input devices" can be either a group of input devices on different remote controls (e.g., one group of input devices on each remote control, such as two television remote controls) or separate groups of input devices on the same remote control (e.g., controls for a television in a television program window and controls for a checking application in a checking application window, Br7). The Examiner finds that Rickenbach teaches a plurality of applications 16, 18 that can be run corresponding to selected groups of input devices 25, 26, referring to Fig. 1 and column 4, line 61 to column 5, line 47 (EA3). The Examiner concludes EA3-4): "It would have been obvious to have modified Tanaka et al with the teaching of Rickenbach et al, so two group[s] of people could input data on a display

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without infecting [sic, affecting] each other (see figure 1, column 4, lines 67-68 and column 5, lines 1-2)."

Rickenbach relates to a software system which fuses the display outputs of a plurality of independent application programs into a single overlaid screen display (abstract; col. 1, lines 12-17). However, the Examiner relies on the description of the prior art rather than what Rickenbach discloses as the invention. Fig. 1 shows a conceptual layout of a prior art windowing system having a plurality of application programs 16, 18 generating output displays in windows 10, 12. User interfaces (software) 23, 24 for each program 16, 18 provide interfaces to the user input devices 25, 26 for each application program. Although Fig. 1 conceptually shows different application programs 16, 18 responsive to different groups of input devices 25, 26, Rickenbach discloses that the groups of input devices are, in fact, the same input devices used successively (col. 5, lines 22-26): "Windowing management system 14 further permits the user to switch into, out of and between application programs 16 and 18 so that input devices such as the keyboards and mouse controls may be operated with each application

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program successively." Consequently, the different applications are responsive to the same group of user input devices, and are not "responsive to different selected groups of user input devices" (emphasis added), as claimed.

Therefore, the combination of Tanaka and Rickenbach would not produce the claimed invention. We conclude that the Examiner has failed to establish a prima facie case of obviousness.

The rejection of claim 1 is reversed.

Claims 2-14

Claim 2 is directed to viewing video information and recites a personal computer having a processor, main memory, a bus connecting the processor to the main memory, a display adapter coupled to the bus, and a display driven by the display adapter "wherein said processor is capable of executing multiple applications and displaying multiple video programming, each of which are responsive to selected groups of the user input devices such that different applications and different video programming are responsive to different selected groups of the user input devices."

The Examiner finds that Tanaka, as modified by Rickenbach, fails to disclose a main memory, a bus connecting

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the processor to the main memory, and a display adapter (EA4). The Examiner finds that Sawdon teaches these features and concludes that "[i]t would have been obvious to have modified Tanaka et al as modified with the feature of a display adapter as taught by Sawdon, so as to configure the display to operate in a desired display mode (see column 2, lines 37-40); e.g. VGA mode or CGA mode" (EA4).

Appellants argue that, as with claim 1, neither Tanaka nor Rickenbach teaches the limitation of different applications being responsive to groups of user input devices and Sawdon does not teach this limitation (Br9).

For the reasons discussed in connection with a similar limitation in claim 1, we find that the limitation that "said processor is capable of executing multiple applications and displaying multiple video programming, each of which are responsive to selected groups of the user input devices such that different applications and different video programming are responsive to different selected groups of the user input devices" is not taught or suggested by the combination of Tanaka and Rickenbach. Sawdon is only applied to show the details of the processor and display and does not cure this

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deficiency in Tanaka and Rickenbach. We conclude that the Examiner has failed to establish a prima facie case of obviousness. The rejection of claims 2-5, 8, and 9 is reversed.

Iguchi is applied to show a trackball, touchpad, and RF transmitter and receiver in claims 6, 7, and 10-14 (EA5). Iguchi does not cure the deficiencies of Tanaka, Rickenbach, and Sawdon. The rejection of claims 6, 7, and 10-14 is reversed.

CONCLUSION

The rejection of claim 15 is sustained.

The rejections of claim 1-14 are reversed.

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

AFFIRMED-IN-PART

KENNETH W. HAIRSTON)
Administrative Patent Judge)

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LEE E. BARRETT
Administrative Patent Judge

ANITA PELLMAN GROSS
Administrative Patent Judge

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