Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte TABER B. NOBLE, PATRICK J. DONOGHUE
and CHRISTOPHER J. HOUGH

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Appeal No. 2001-2688
Application No. 08/735,619

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HEARD: December 10, 2002

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Before FLEMING, DIXON, and BLANKENSHIP, ***Administrative Patent Judges.***

FLEMING, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 63, all the claims pending in the present application.

The invention relates to a system and method for providing a graphical interface for a computer database. In particular, the invention relates to a system and method for interactively accessing a database including a media selection database storing movies, videos and graphical offerings. See page 1 of the Appellants' specification.

Appellants' Figure 10 symbolically illustrates search methodology. See page 5 of Appellants' specification. Figure 10 shows a two-dimensional grid which has rows and columns. Icons 600 represent a particular movie. The database of the movies is arranged based on two categories. The categories in the horizontal direction is the alphabetical listing of the movies and the category in the vertical direction is the type of movie such as action, comedy or drama as shown in Figure 10. Each movie has a logical coordinate which corresponds to the horizontal coordinate of the alphabet and the vertical coordinate of the type of movie. See Appellants' Figure 10 and page 11 of the specification. By arranging the database of selections in this manner, a user can make selections of a particular movie in an easy and understandable fashion. If the user makes a transition to a new category, the system displays four movie icons having titles that are located in the same location of the alphabet as the previous four displayed icons. In this manner, as the user makes transitions from category to category the user is always searching the same location in the alphabet. See pages 11 and 12 of Appellants' specification. Thus, each icon is classified in the database by a point based upon the logical

coordinates of the horizontal alphabetical coordinate and the vertical movie type category.

Independent claim 1 is reproduced as follows:

1. A method of interactively accessing a database of selections, each such selection being classifiable into at least two classifications, such selections being stored in at least one computer-accessible storage, comprising the steps of:

representing at least a portion of the database with a geometric object corresponding to a virtual space having logical coordinates in at least two dimensions, wherein each dimension corresponds to one of the classifications, and wherein each selection is assigned to a location with respect to the logical coordinates in accordance with its classifications; and

displaying on a monitor pictorial icons representing at least some of the selections stored in the database in accordance with the logical coordinates of the selections.

REFERENCES

The references relied upon by the Examiner are as follows:

Strasnick et al. (Strasnick)	5,671,381	Sep. 23, 1997
Grossman et al. (Grossman)	5,682,486	Oct. 28, 1997 (filed Mar. 14, 1995)
Williams	5,689,663	Nov. 18, 1997 (filed Jun. 6, 1995)
Clanton, III et al.	5,745,710	Apr. 28, 1998 (filed Jan. 11, 1996)

REJECTION AT ISSUE

Claims 1 through 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman.

Claims 5 through 63 stand rejected under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman and Williams.

Claim 4 stands rejected under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman and Strasnick.

Rather than repeat the arguments of the Appellants or the Examiner, we make reference to the briefs[1] and answer for the respective details thereof.

OPINION

With full consideration being given to the subject matter, on appeal, the Examiner's rejections and the arguments of Appellants and the Examiner, for the reasons stated ***infra***, we reverse the Examiner's rejection of claims 1 through 23 and 38 through 55 under 35 U.S.C. § 103 and we affirm the rejection of claims 24 through 37 and 56 through 63 under 35 U.S.C. § 103.

Appellants have argued that each of the independent claims 1, 17, 24, 28, 32, 38, 49, 56 and 59, as well as all of their dependent claims, are patentable because none of the cited references disclose, teach or suggest representing a computer

[1] Appellants filed an Appeal Brief on February 29, 2000. In response, the Examiner filed an Examiner's Answer on June 6, 2000. Appellants filed a Reply Brief on August 7, 2000. The Examiner mailed an Office communication on August 24, 2000, stating that the Reply Brief has been entered and considered.

database containing selections with a geometric object where the geometric object is virtual spaced delineated by logical coordinates where the selection is classified into two categories and where each selection is assigned to a set of logical coordinates that correspond to the selections location on the geometric object representing its classification. Appellants argue that their invention is a computer database with a geometric object involving mapping selections contained in a computer database onto a geometric object for the purpose of organizing the database in a fashion that is easy for a user to visualize the database mentally. Appellants argue that Clanton does not represent a computer database with a geometric object. Appellants argue that Clanton merely visually displays certain movie selections on a computer-generated background as graphical items and Clanton does not represent the computer database as a geometric object for organizational purposes. Appellants further argue that Clanton uses a movie studio back lot metaphor solely for aesthetic purposes where the use of the geometric object metaphor in the present invention is for representing the database in an organized way so as to render searching for selections in a database much more intuitive to the user. See pages 3 and 4 of Appellants' reply brief.

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the claim." ***In re Hiniker Co.***, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998). Claims will be given their broadest reasonable interpretation consistent with the specification, and limitation appearing in the specification are not to be read into the claims. ***In re Etter***, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985).

Appellants' claim 1 recites

> [a] method of interactively accessing a database of selections, each such selection being classifiable into at least two categories . . . comprising the steps of:
>
> representing at least a portion of the database with a geometric object corresponding to a virtual space having logical coordinates in at least two dimensions, wherein each selection is assigned to a point on the logical coordinates in accordance with its categories.

When viewing this claim in light of the specification which is directed to a database having logical coordinates in which each selection is assigned a point on the logical coordinates in accordance with its categories, we find that the phrase "having logical coordinates" modifies "the database" in the above recitation of claim 1. Thereby, Appellants' claim 1 requires a database "having logical coordinates" in at least two dimensions,

the logical coordinates are based upon two categories and each selection in the database is assigned to a point on the logical coordinates in accordance with its categories.

The Examiner's position is that Clanton does not teach logical coordinates. See page 5 of the answer. The Examiner relies on Grossman for the teaching of logical coordinates. In particular, the Examiner argues that Grossman teaches video display and control of a large number of icons and that it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Grossman teaching with Clanton to use logical coordinates in the Clanton system. See pages 5 and 6 of the answer. Later in the Examiner's answer in response to Appellants' argument, the Examiner appears to argue that Clanton inherently teaches logical coordinates. In particular, the Examiner argues that Clanton teaches a touch screen and such teaches logical coordinates. See pages 12 and 13 of the answer.

In response, Appellants argue that while it is possible, in the process of displaying movie selections in the movie studio back lot in Clanton, some form of coordinates may have been used for purpose of a conventional graphical display, such coordinates are not used for representing the content of the

database for organizational purpose. Appellants argue that there is nothing at all in Clanton that may in any way suggest assigning logical coordinates to a selection that correspond to the selection classification. See pages 4 and 5 of the reply brief.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a ***prima facie*** case of obviousness. ***In re Oetiker***, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also ***In re Piasecki***, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. ***In re Fine***, 87 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. ***Oetiker***, 977 F.2d at 1445, 24 USPQ2d at 1444. ***See also Piasecki***, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must

necessarily weigh all the evidence and arguments." ***In re Oetiker***, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." ***In re Lee***, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). With these principles in mind, we commence review of the pertinent evidence.

Turning to Clanton, we find that Clanton teaches a poster wall **80** superimposed upon a background onto an indoor sound stage **70**. See Clanton, column 8, lines 20 through 36. The poster wall **80** includes a row of posters **82**, **84**, **86**, **88**, and **90** in which each of the posters represents a movie. See Clanton, Figure 5, and column 8, lines 48 through 62. Although we appreciate the Examiner's position that each of the posters **82**, **84**, **86**, **88**, and **90** have an XY coordinate on the screen, we fail to find that Clanton teaches that each of the selections is in a database of selections in which the database is organized in two dimensions where the logical coordinates are based upon at least two categories and further, that each selection is assigned a point on the logical coordinates in accordance with its categories.

Clanton is merely a visual display of certain movie selections on a computer-generated background. Clanton does not teach or suggest a computer database organized in the way that Appellants have claimed.

Turning to Grossman, we find that Grossman also teaches arranging icons in accordance to an XY coordinate on a display. However, Grossman also fails to teach a database having logical coordinates in at least two dimensions, wherein each selection is assigned to a point on the logical coordinates in accordance with its categories. Thereby, we fail to find that Grossman provides a teaching or suggestion of the missing claim limitation. Thereby, we will not sustain the Examiner's rejection of claims 1 through 3 under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman.

For the rejection of claim 4, the Examiner has relied on Clanton and Grossman for the teaching of the above limitations. See page 6 of the Examiner's answer. Thereby, we will not sustain the rejection of claim 4 under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman and Strasnick for the same reasons as above.

Similarly, for the rejection of claims 5 through 16 under 35 U.S.C. § 103 as being unpatentable over Clanton in view of

Grossman and Williams, we note that the Examiner also relies on the combination of Clanton and Grossman for the limitation recited in claim 1. Therefore, we will not sustain the rejection of claims 5 through 16 for the same reasons as above.

Turning to the rejection of claim 17, we note that claim 17 recites

> [a] method of interactively accessing a remotely located database of selections, each such selection being classifiable into at least two categories . . . comprising the steps of:
>
> . . . representing at least a portion of the database with a geometric object corresponding to a virtual space having logical coordinates in at least two dimensions, wherein each selection is assigned to a point on the logical coordinates in accordance with its categories.

As with claim 1, we find that the phrase "having logical coordinates" is properly read as modifying the "database." Thereby, we find that claim 17 requires a database having logical coordinates in at least two dimensions wherein the selection is assigned to a point on the logical coordinates in accordance with its categories. Therefore, we will not sustain the rejection of claims 17 through 23 for the same reasons as above.

Turning to the rejection of claims 38 through 55, we find that these claims also have similar language which require a database having logical coordinates in at least two dimensions

wherein the selection is assigned to a point on the logical coordinates in accordance with its classifications. Therefore, we will not sustain the Examiner's rejection of claims 38 through 55 for also the same reasons as above.

At the outset, we note that Appellants state on page 3 of the brief that the claims do not stand or fall together. However, we note that for claims 24 through 37 and 56 through 63, Appellants have only argued the independent claims 24, 28, 32, 56 and 59 in the brief and reply brief. 37 CFR § 1.192(c)(7) (July 1, 1999) ***as amended at*** 62 Fed. Reg. 53196 (October 10, 1997), which was controlling at the time of Appellants filing the brief, states:

> For each ground of rejection which [A]ppellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone unless a statement is included that the claims of the group do not stand or fall together and, in the argument under paragraph (c)(8) of this section, [A]ppellant explains why the claims of the group are believed to be separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable.

We will, thereby, consider Appellants' claims 24, 28, 32, 56 and 59 separately with the dependent claims as standing or falling together with their corresponding independent claim.

Turning to the rejection of claim 24 under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman and Williams, we fail to find that these claims require the same limitations as we have pointed out above. In particular, claim 24 recites

> [a] method of selecting a physical item from a stock of physical items, such physical item classifiable into one having at least two categories, comprising:
>
> representing the stock as a geometric object corresponding to a virtual space having logical coordinates in at least two dimensions, where each physical item is assigned to a point on the logical coordinates in accordance to its categories.

We fail to find that Appellants' above arguments as to claim 24 apply because the claim is not directed to a database in a computer system. Appellants further argue on pages 8 and 9 of the brief that the references fail to teach or suggest (1) items classifiable in two categories; (2) a geometric object corresponding to a virtual space having logical coordinates used to represent items in a database; or (3) the assignment of the items to point on the logical coordinates based on the classifications of the items and displaying them accordingly. As pointed out above, we fail to find that claim 24 requires the limitation of a database. The claim clearly recites the term "stock" which is much broader than a database. We find that

Clanton does indeed teach these limitations in that it is arranged stock which are the movie posters on a screen having logical coordinates which are nothing more than the physical XY coordinates of the icons on the screen. We find that claim 24 does not preclude this reading because claim 24 is not directed to a database in which the database is organized according to logical coordinates. Instead, it is just directed to the placement of icons on a screen in an XY fashion.

We find that Clanton teaches a method of selecting a physical item from a stock of physical items, such physical items classifiable in one having at least two categories. Clanton teaches movies which are a stock of physical items. Clanton teaches that these physical items are classifiable into movie types as well as the top 10 in each movie type so therefore they are classifiable in two categories. Furthermore, Clanton teaches that the step of representing the stock as a geometric object corresponding to a virtual space having logical coordinates in at least two dimensions, where each physical item is assigned to a point on a logical coordinates in accordance with its category. Clanton teaches that the movies are placed on a wall board which is a geometric object. The geometric object corresponds to virtual space having logical coordinates in at least two

dimensions. Clanton further teaches that each icon is assigned to a point on the logical coordinates in accordance with its category in that the movies are placed on the wall board according to an XY coordinate system based upon whether they are a particular movie type as well as where they are as far as in the top 10. Furthermore, Clanton teaches the step of displaying on a monitor pictorial icons representing at least some of the physical items in accordance with the logical coordinates of the physical items. Therefore, Clanton teaches all the limitations as recited in Appellants' claim 24.

In view of the foregoing, we will sustain the Examiner's rejection of claims 24 through 27 under 35 U.S.C. § 103 as being unpatentable over Grossman in view of Clanton and Williams.

In regards to the rejection of claim 28, we note that the claim recites

> [a] method of providing access to a database of video data, representing identifiable video segments stored at least one computer-accessible storage, the video segments having at least two classifications comprising:
>
> representing the video data as a geometric object having at least two dimensions wherein in the first dimension the video segments arranged in accordance with the first classification and in the second dimension the video segments are arranged in accordance with the second classification.

Appellants argue in the brief and reply brief that the art fails to disclose teaching or suggesting the step because it has no suggestion of video segments having at least two classifications nor any suggestion of a geometric object having at least two dimensions where in the first dimension, video segments are arranged in accordance with the classification and in the second dimension, video segments are arranged according to second classification. See page 9 of the brief and page 5 of the reply brief.

Just as we have found for claim 24, we fail to find that the claims are directed to a database having a particular logical coordinate but instead, are simply directed to representing video data as a geometric object having a first dimension and a second dimension in accordance to a classification. As we have pointed out above, Clanton does teach displaying video data of the particular icons on the wall board in a classical two-dimensional setting first based upon the category type of movies and their top 10 in that category. Therefore, we will sustain the Examiner's rejection of claims 28 through 31 under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman and Williams.

> We note that Appellants' claim 32 recites
>
> [a] method of interfacing to a database of data items representing physical objects, such data items being stored in at least one computer-accessible storage, wherein the data items are represented by pictorial icons, comprising:
>
> assigning to each pictorial icon a position in a multidimensional structure; and
>
> displaying the pictorial icons corresponding to at least a portion of the multidimensional structure.

Appellants argue that the cited art does not disclose, teach or suggest either of these steps because there is no disclosure of a multidimensional structure used for displaying icons representing items stored in a database. See page 9 of the brief and page 7 of the reply brief.

As we have pointed out above, Clanton does teach a two dimensional geometric object. Clanton teaches a wall board having displayed icons representing posters of movies to be selected. Furthermore, the wall board represents movies of a particular classification and that the icons are arranged according to the top 10 in that classification. Therefore, we find that Clanton teaches all the limitations as recited in claim 32. Thereby, we will sustain the Examiner's rejection of claims 32 through 37 under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman and Williams.

Turning to the rejection of claims 56 and 59, Appellants argue that the art fails to teach or suggest assigning an icon to a point on a geometric structure having at least two dimensions. See page 10 of the brief and page 8 of the reply brief.

Appellants' claim 56 recites

> a computer memory for storing pictorial icons representing each video segments, each icon being assigned to a point of the geometric structure having at least two dimensions; and
>
> a monitor for displaying the pictorial icons corresponding to at least a portion of the structure.

Similarly, claim 59 recites

> a computer memory for storing pictorial icons representing the data items, each icon being assigned to a point of the geometric structure; and
>
> a monitor for displaying the pictorial icons corresponding to at least a portion of the geometric structure.

As pointed out above, we have found that Clanton teaches storing pictorial icons, each icon being assigned to a point of the geometric structure having at least two dimensions. Clanton teaches pictorial icons representing movies being placed on a wall board, the wall board being a geometric structure and having two dimensions. The icons are placed on the wall board and assigned a particular point having two dimensions. Therefore, we find that Clanton teaches all limitations as recited in claims 56

and 59. We will thereby sustain the Examiner's rejection of claims 56 through 63 under 35 U.S.C. § 103 as being unpatentable over Clanton in view of Grossman and Williams.

In conclusion, we sustain the rejection of claims 24 through 37 and 56 through 63. We cannot sustain the rejection of claims 1 through 23 and 38 through 55.

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

MICHAEL R. FLEMING Administrative Patent Judge	)	
JOSEPH L. DIXON Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
HOWARD B. BLANKENSHIP Administrative Patent Judge	)	

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