

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 DAVID K. CLARK and MARVIN L. WILLIAMS

Appeal No. 1996-3048
Application No. 07/998,316

ON BRIEF

Before HAIRSTON, KRASS, and FLEMING, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-12, all of the pending claims.

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The invention is directed to an electronic mail notification system and method whereby the originator of the electronic message is given isochronous confirmation of receipt of that message. More particularly, isochronous data, as employed in the instant disclosure, is video or digital audio data that is time-dependent. Therefore, the originator of the electronic message is notified of receipt of that message when the recipient has accessed the isochronous data for a predefined duration of time.

Representative independent claim 1 is reproduced as follows:

1. A computer implemented method of notifying an originator of a distribution having a plurality of isochronous objects therein when a predefined duration of time has elapsed during which said isochronous objects are accessed by a recipient in a data processing system, comprising:

creating the distribution having the plurality of isochronous objects by the originator in said data processing system;

specifying an access relationship between each of said plurality of isochronous objects by said originator and transmitting said distribution containing said access relationship to said recipient in said data processing system; and

monitoring access of said plurality of isochronous objects by said recipient based on said access relationship

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and transmitting a confirmation notice to said originator when said predefined duration of time is satisfied.

The examiner relies on the following references:

Okumura et al. (Okumura)	5,293,250	Mar. 08, 1994
Johnson et al. (Johnson)	5,325,310	Jun. 28, 1994

Claims 1-12 stand rejected under 35 U.S.C. 103 as unpatentable over Okumura in view of Johnson.

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

OPINION

We reverse.

An important feature of the instant invention, recited in each of the independent claims, is the notification to an originator "when a predefined duration of time has elapsed during which said isochronous objects are accessed by a recipient" [claim 1] or "when a recipient has maintained access to the message for a predefined period of time duration of access for the message" [claim 8]. The distribution

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containing the message is monitored when the distribution is accessed by the recipient and the time duration of access is tracked. This is brought out in claim 1 and, in more detail, in claim 8.

The examiner relies on Okumura for teaching the claimed subject matter but for "details about specifying an access relationship between a plurality of objects within the message and monitoring the time duration of access based upon the access relationship" [answer-page 4]. The examiner then relies on Johnson for an electronic mail system which specifies the access relationship between a plurality of objects within a message, concluding that it would have been obvious to combine these teachings to arrive at the claimed subject matter.

We disagree. Okumura is concerned with giving the recipient a signal, based on instructions from the originator of the message, as to the urgency of the message. The "time" references within the disclosure of Okumura refer to possibly increasing the frequency of a flashing signal or varying a notice pattern until the receiver notices the mail-receive.

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The reference makes no mention or suggestion of monitoring a time duration related to how long a time period has elapsed during which a recipient has accessed the message. While it may be said that Okumura is concerned with the time period between the origination of the message and its opening by a recipient, the reference is not concerned with the period of time after the recipient has opened the message.

Johnson is of no help in providing for this deficiency of Okumura. Johnson is concerned only with requiring a specific response from a recipient when an electronic mail object is opened and prohibiting a further selected action by the recipient until such specific response is forthcoming. Johnson is not concerned with monitoring the recipient's access to the object and transmitting a confirmation to the originator when a predefined duration of time has been satisfied.

Accordingly, we hold that the examiner has failed to establish a prima facie case of obviousness with regard to the instant claimed subject matter.

The examiner's decision rejecting claims 1-12 under

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35 U.S.C. 103 is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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ERROL A. KRASS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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