

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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SUPRATIK BOSE and TOMASZ M. PLUCINSKI

Appeal No. 1998-3379
Application No. 08/724,088

ON BRIEF

Before BARRETT, FLEMING, and LEVY, Administrative Patent Judges.

FLEMING, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 through 3, all the claims pending in the present application. The invention is directed to a method for operating a computer so as to graphically display the results of a cash flow analysis computation. On page 3 of the

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specification, Appellants disclose that a company's bank account is incremented or decremented at the end of each accounting period. The amount of increment or decrement is referred to as the cash flow. Appellants disclose on page 4 of the specification that in the cash flow analysis, the interest rate and the cash flow in each accounting period constitutes the independent variables. Once these variables are specified, the bank balance at the end of each accounting period, the dependent variables, may be calculated and displayed.

On page 2 of the specification, Appellants disclose that Figure 1 is an example of a graphical display generated by the method of their invention. On page 3 of the specification, Appellants disclose that each accounting period is characterized by a bank balance which is shown in the form of a bar graph, element 104. Appellants disclose that the value above each of the bar graphs shown in Figure 1 is displayed in boxes above the bar graph, element 103. Appellants disclose that the cash flow variable may be entered by pulling down the arrows per each accounting period, element 105. The value of the cash flow is displayed in the lower boxes shown in Figure

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1, element 106. Thus, the user would enter the cash flow amount for each accounting period by simply using a cursor to pull down arrows 105 which would enter a value into box, element 106. Once the cash flow value is entered, the computer will update the account balance and display a new bar code graph, element 104, and a new account balance value would be placed in digital form shown in upper boxes, element 103.

Independent claim 1 is reproduced as follows:

1. A method for operating a digital computer to provide a display for inputting values needed in a computation in a cash flow computation and for displaying the results of said computation, said method comprising the steps of:

displaying a graphical element comprising a symbol having a linear dimension representing the magnitude of one of said input values, said magnitude being changeable by using a pointing device to manipulate a specified region on said graphical element thereby changing said linear dimension, said graphical element being displayed on a display screen connected to said digital computer, said input value determining a cash flow in at least one of a plurality of time periods;

repetitively monitoring said graphical element to detect a change in said graphical element; and

displaying said results of said computation in a first graphical display on said display screen in response to said detected change in said input value represented by said graphical element, said results of said computation comprising a graph of a set of points, one of said points corresponding to each of said time periods wherein one coordinate of each of said points is determined by said computed result for that

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point, that computed result depending on that point and said input values, said coordinate representing a balance in an account.

The Examiner relies on the following reference:

Etoh et al. (Etoh)	5,553,212	Sep. 3,
1996		
		(filed May 18,
1992)		

Claims 1 through 3 stand rejected under 35 U.S.C. § 103 as being unpatentable over Etoh.

Rather than repeat the arguments of Appellants and the Examiner, we make reference to the brief and answer for the details thereof.

OPINION

After a careful review of the evidence before us, we do not agree with the Examiner that claims 1 through 3 are properly rejected under § 103.

The Examiner has failed to set forth a *prima facie* case. It is the burden of the Examiner to establish why one having ordinary skill in the art would have been led to the claimed invention by the express teachings or suggestions found in the prior art, or by implications contained in such teachings or

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suggestions. ***In re Sernaker***, 702 F.2d 989, 995, 217 USPQ 1, 6 (Fed. Cir. 1983). "Additionally, when determining obviousness, the claimed invention should be considered as a whole; there is no legally recognizable 'heart' of the invention." ***Para-Ordnance Mfg. v. SGS Importers Int'l Inc.***, 73 F.3d 1085, 1087 37 USPQ2d 1237, 1239 (Fed. Cir. 1995), ***cert. denied***, 519 U.S. 822 (1996), ***citing W. L. Gore & Assoc., Inc. v. Garlock, Inc.***, 721 F.2d 1540, 1548, 220 USPQ 303, 309 (Fed. Cir. 1983), ***cert. denied***, 469 U.S. 851 (1984).

Appellants argue on pages 4 and 5 of their brief that Etoh does not teach displaying the results of said computation in a first graphical display on said graphical screen in response to said detected changes in said input represented by said graphical element, each result of said computation comprises a graph of a set of points, one of said points corresponding to each of said time periods wherein one coordinate of each of the points is determined by the computed results of that point, the computed results depending on that point and said input values, said coordinate representing a balance in an account. Appellants point out that the bar

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graph shown in Figure 19 of Etoh is a graph of data in column B of Figure 10. Appellants argue that this is not a display of the results of said computation comprising a graph of a set of points.

After carefully reviewing Etoh, we find all that the Examiner has shown is a way in which to enter data by pulling down or pushing up a graphical bar. Note that Etoh discloses that one can move for example the arrow shown in Figure 19 up or down thereby pushing the bar graph either up or down. Etoh discloses that by moving the arrow, one changes the value that is entered into the spreadsheet corresponding to that bar graph. For instance, by moving the bar graph shown as B3 in Figure 19, one changes the value of the spreadsheet which is entered in column B, row 3.

Thus, we find that Etoh discloses a graphical element for entering an independent variable, but fails to disclose displaying a graphical element which is a result of the calculation of the new inputted independent variable to produce a dependent variable. Therefore, we fail to find that Etoh discloses displaying the results of said computation in a

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first graphical display on said display screen in response to said detected change in the input value represented by the graphical element, said results of said computation comprising a graph of a set of points, said coordinate representing a balance in an account as recited in Appellants' claim 1. Therefore, we will not sustain the Examiner's rejection of claims 1 through 3 for these above reasons.

In view of the foregoing, the decision of the Examiner rejecting claims 1 through 3 under 35 U.S.C. § 103 is reversed.

37 CFR § 1.196(b)

A new ground of rejection of claims 1 through 3 under 35 U.S.C. § 112, second paragraph, is entered under 37 CFR § 1.196(b).

Analysis of 35 U.S.C. § 112, second paragraph, should begin with the determination of whether claims set out and circumscribe the particular area with a reasonable degree of precision and particularity; it is here where definiteness of the language must be analyzed, not in a vacuum, but always in light of teachings of the disclosure as it would be

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interpreted by one possessing ordinary skill in the art. **In re Johnson**, 588 F.2d 1008, 1015, 194 USPQ 187, 193 (CCPA 1977), **citing In re Moore**, 439 F.2d 1232, 1235, 169 USPQ 236, 238 (1971). "The legal standard for definiteness is whether a claim reasonably appraises those of skill in the art of its scope." **In re Warmerdam**, 33 F.3d 1354, 1361, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994).

We note that Appellants' claim 1 recites "displaying said results of said computation." We fail to find that there is an antecedent basis for said result or for said computation. Furthermore, we note that Appellants' claim 1 recites "that computer results depending on that point and said input values." We fail to determine what is meant by Appellants' continued references to the computer results. Furthermore, we fail to find how the claim can be reasonably appraised to those skilled in the art of its scope. It appears that the Appellants are attempting to claim a computation step for calculating the balance in an account based upon the input of the cash flow. However, the claims simply refer to displaying an input value and then later displaying the result of the

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computation. However, the step of computing is not claimed nor is it clear how computation is carried out.

In view of the above rationale, we find that claims 1 through 3 fail to distinctly point out and distinctly claim the subject matter which the Appellants regard as their invention as required under 35 U.S.C. § 112, second paragraph.

This decision contains a new ground of rejection pursuant to 37 CFR § 1.196(b) (amended effective Dec. 1, 1997, by final rule notice, 62 Fed. Reg. 53,131, 53,197 (Oct. 10, 1997), 1203 Off. Gaz. Pat. and Trademark Office 63, 122 (Oct. 21, 1997)). 37 CFR § 1.196(b) provides that "[a] new ground of rejection shall not be considered final for purposes of judicial review."

37 CFR § 1.196(b) also provides that the appellant, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of proceedings (37 CFR § 1.197(c)) as to the rejected claims:

- (1) Submit an appropriate amendment of the claims so rejected or a showing of facts relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the application will be remanded to the examiner. . . .

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(2) Request that the application be reheard
under
§ 1.197(b) by the Board of Patent Appeals and
Interferences upon the same record. . . .

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

REVERSED; 37 CFR § 1.196(b)

LEE E. BARRETT)
Administrative Patent Judge)
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) BOARD OF PATENT
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MICHAEL R. FLEMING) APPEALS AND
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MRF:lmb

CALVIN B. WARD

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18 CROW CANYON COURT
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