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Attorney's Docket No.: 04860.P624C

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

05-08-95  
mjc  
APR 17 1995

In Re Application of: )  
Richard Mander, et al. )  
Serial No: 08/287,108 )  
Filed: August 8, 1994 )  
For: METHOD AND APPARATUS FOR )  
ORGANIZING INFORMATION )  
IN A COMPUTER SYSTEM )

Examiner: A. Fetting  
Art Unit: 2301

Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

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AMENDMENT

Sir:

In response to the Office Action mailed November 14, 1994, applicants respectfully request the Examiner to enter this amendment.

IN THE CLAIMS:

Please amend the following claims:

- 1 *231* (Twice Amended) A method for organizing information in a computer
- 2 filing system having a display device and a first plurality of documents, said
- 3 method comprising:
- 4 displaying at some time on said display device a graphical
- 5 representation of a first document;
- 6 said computer system creating a collection of documents comprising at
- 7 least a second document and said first document, wherein said step of

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8 creating a collection comprises indicating to said computer system that a  
 9 collection of documents is to be created using said first document as a sample  
 10 document for said collection of document and wherein said computer system  
 11 searches said first plurality of documents based on said first document to find  
 12 said second document; and  
 13 displaying a graphical representation of said collection on said display  
 14 device.

Please add the following new claims:

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1 81. (New) A method for organizing and viewing information in a  
 2 computer filing system having a display device and a first plurality of  
 3 documents, said method comprising:  
 4 displaying a graphical iconic representation of a collection of said first  
 5 plurality of documents;  
 6 displaying a first indicia of a first document of said collection by  
 7 selecting a first position from said graphical iconic representation, said first  
 8 indicia of said first document being selected for display regardless of said first  
 9 position on said graphical iconic representation.

1 82. (New) A method as in claim 81 wherein during said step of displaying  
 2 a first indicia, said graphical iconic representation is concurrently displayed.

1 83. (New) A method as in claim 82 wherein said indicia is displayed  
 2 adjacent to said graphical iconic representation of said collection.

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1 84. (New) A method as in claim 81 wherein said selecting from said  
 2 graphical iconic representation comprises positioning a cursor on said  
 3 graphical iconic representation, and further comprising:

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4 displaying in series a second indicia of a second document and a third  
5 indicia of a third document by positioning said cursor first on a second  
6 position on said graphical iconic representation next on a third position on  
7 said graphical iconic representation.

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1 85. (New) A method as in claim 84 wherein said during said step of  
2 displaying in series said second indicia and said third indicia, said graphical  
3 iconic representation is concurrently displayed.

1 86. (New) A method as in claim 85 wherein said second indicia is  
2 displayed adjacent to said graphical iconic representation and said third  
3 indicia is displayed adjacent to said graphical iconic representation.

REMARKS

Consideration of this application in view of the foregoing amendments and the following remarks is hereby respectfully requested.

Claims 1-6 and 8-80 are rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-6, 11-33, 37-68, and 70-80 are rejected under 35 U.S.C. §§ 102(a) and 102(e) as anticipated by U.S. Patent No. 5,060,135, issued of Levine et al. ("Levine").

Claims 1-6 and 8-80 are rejected under 35 U.S.C. § 103 as obvious in view of the combination of Levine and U.S. Patent No. 5,247,473, issued of Vale et al. ("Vale").

Claims 1-6 and 80-86 are pending. Claim 31 has been amended. Claims 81-86 have been added. No new matter has been added; an example of the method reflected in new claims 81-86 is shown in Figures 4e and 4f and described at page 20, line 14, through page 22, line 5.

*Handwritten initials*

Section 112, Second Paragraph

Claims 1-6 and 8-80 are rejected under Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

With respect to independent claims 1, 31, 37, 66, and 73, the Examiner has stated that the phrase "internal collective representation" is vague and ambiguous. Applicants first note that claim 31 does not recite the limitation of an "internal collective representation." Applicants respectfully submit that the recited "internal collective representation" is sufficiently definite as the claim clearly indicates that the "internal collective representation" is for the collection of documents, and that the "internal collective representation" is based on the internal representations for the first and second documents.

Thus, the collection of documents and each of the first and second documents have an internal representation, wherein the internal representation for the collection of documents is termed the "internal collective representation." Applicants note that the Examiner has not rejected the use of the phrase "internal representations for the first and second documents," and applicants therefore believe that applicants' explanation of the distinction made by the claim between the "internal representations" and the "internal collective representation" indicates that the claims are sufficiently definite for the purposes of Section 112, second paragraph.

The Examiner further rejects the claims depending from claim 1 based on the existence of the disjunctive "or" in the claim. The Examiner states that those dependent claims that refer back to the step of determining an "internal collective representation" recited in claim 1 lack antecedent basis for those instances where a user defined specification is instead determined.

Applicants respectfully submit that the requirement of antecedent basis merely requires that an element be introduced by an indefinite article prior to being referred to by a definite article.

Claim 1 clearly uses an indefinite article-- "an"-- to introduce the element of "internal collective representation." Regardless of whether an "internal collective representation" or a "user defined specification" is determined, the element "internal collective representation" has been introduced by an indefinite article to provide an antecedent basis for the dependent claims.

Section 102

Claims 1-6, 11-33, 37-68, and 70-80 are rejected under Sections 102(a) and 102(e) as anticipated by Levine. Applicants respectfully submit that the claims are not anticipated by Levine.

As applicants have previously stated, Levine discloses nothing more than a "dumb" stack of stamps which may be treated as a group. Levine discloses that an aligned stack of stamps 70 may be formed by using a "touch and move" operation to bring a first stamp within a predefined distance of a second stamp. (Levine, col. 12, lines 25-44; Figure 3 of the Drawings). Larger stacks are formed by a user performing multiple "touch and move" operations. (Levine, col. 12, lines 25-28). Thus, any "organization" or relationship that the stamps of an aligned stack may be said to have with one another is provided by the user who creates the stack.

The system disclosed by Levine uses a doubly linked list 92 for storing the attributes of each data structure displayed in the desk view 32. (Levine, col. 25, lines 50-52; Figure 5a of the Drawings). Each object to be displayed in the desk view thus has a corresponding entry 94 in the doubly linked list 92 of the desk database. The desk application routine determines the attributes of

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the object to be manipulated in the desk view by looking up the corresponding entry of linked list 92, and the desk application routine manipulates the object as indicated by the requested process and the attributes of the object's data structure. (Levine, cols. 25-29, Figures 5-7 of the drawings.) While the data structure attributes stored in each entry 94 of the linked list 92 may be said to "represent" the data structure indicated by the entry 94, such data structure attributes are clearly not based on the contents of the data structure indicated by the entry 94.

For these reasons, applicants submit that Levine fails to anticipate independent claim 1, which recites the following limitation:

determining for said collection at least one of (a) an internal collective representation or (b) a user defined specification, wherein said internal collective representation is based on internal representations of said first and second documents

Levine does not disclose either an "an internal collective representation" or a "user defined specification" for an aligned stack.

Applicants further submit that Levine further fails to disclose the step of displaying a base for said collection as recited by claim 2. Levine therefore fails to anticipate claim 3 which recites that the collection of documents is selected by positioning said cursor over said base. Claim 14 recites similar limitations as claim 2. As Levine does not disclose any type of internal representation of a document based on the contents of the document, Levine clearly fails to anticipate the types of internal representation claimed by claims 8, 9, 10, and 27.

Applicants respectfully disagree with the Examiner's application of Figure 6 of Levine to claim 4. Figure 6 of Levine shows the process undertaken by the supervisor task 15, which is responsible for maintaining the display of desk view 32. The supervisor task 15 is not responsible for

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organizing collection of documents, and the only disclosed method for forming a collection or stack of stamps is for the user to perform multiple "touch and move" operations. Levine therefore fails to anticipate claim 4.

As Levine only discloses the creation of aligned stacks of stamps by multiple "touch and move" operations, applicants submit that Levine does not disclose the following limitation of independent claim 31:

creating a collection of documents comprising at least a second document and said first document, wherein said step of creating a collection comprises indicating to said computer system that a collection of documents is to be created using said first document as a sample document for said collection of documents, and wherein said computer system searches said first plurality of documents based on said first document to find said second document

Applicants have amended claim 31 to better identify the manner in which said first document is a "sample document." Applicants therefore submit that amended claim 31 is not anticipated by Levine.

With respect to the Examiner's assertions that "[a]ny first document is inherently a sample for the purpose of portraying the presence of the created collection" and that "[a]ny document retrieval operation is inherently a searching operation," applicants respectfully submit that the Examiner has misapprehended the subject matter of claim 31. As stated in the preamble of claim 31, claim 31 recites a "method for organizing information." Wherein a step of "displaying a graphical representation of said collection" is recited, the step of creating the collection of documents is a separate step wherein the first document is used as a sample document to find the second document of the collection. Levine fails to explicitly or inherently disclose such a step.

In addition to reciting the above-cited step of independent claim 1, claim 73 further recites the following limitation:

determining an internal representation of each document of a plurality of documents, each said internal representation being based on the content of the corresponding document

Applicants respectfully submit that Levine fails to disclose this step.

Assuming arguendo that the Examiner has correctly characterized the doctype field 98 and the document base name field 102 disclosed by Levine as indicative of the "structural contents" of the document, applicants submit that these fields are clearly not based on the contents of the document. For example, the doctype field 98 will be the same for all documents of the same type, regardless of the contents of the document.

The remaining claims either depend from or recite similar limitations as described above. Applicants therefore submit that claims 1-6 and 8-80 are not anticipated by Levine. Applicants respectfully submit that dependent claims that have not been separately distinguished over Levine similarly include novel features not disclosed by Levine.

#### Section 103

Claims 1-6 and 8-80 are rejected as obvious in view of the combination of Levine and Vale. Applicants submit that the claims are not obvious in view of the Examiner's combination of the cited references.

Vale discloses a method for managing index entries during the creation, revision, and assembly of a document. (Vale, the Abstract). The type of "index" referred to by Vale includes keywords and the page numbers of the document wherein each keyword may be found. (Vale, col. 1). Vale discloses "master" indices, each of which may contain index entries from multiple documents. (Vale, col. 4; Figure 7 of the Drawings). Figure 7 of Vale clearly shows that each index is itself a separate document.



In making the combination of Vale and Levine, the Examiner first interpreted the claim element "internal collective representation" to mean "word tables." The Examiner stated that Levine discloses the use of an internal collective representation, and that Vale discloses the use of "word tables" as an internal collective representation.

As stated above, applicants submit that Levine does not disclose the use of an internal collective representation. Vale does not disclose creating a collection of documents, and the indices taught by Vale-- including the master indices-- are themselves documents that merely indicate to a user where entries and sub-entries may be found in a document or documents. Therefore, Vale fails to disclose the use of "word tables for the collective internal representation in an analogous art for aggregating documents based on word content," as asserted by the Examiner. Because the combination of Vale and Levine fails to disclose, teach, or suggest each of the recited limitation of claims 1-6 and 8-80, claims 1-6 and 8-80 are not obvious in view of the combination of Vale and Levine.

Applicants further submit that the Examiner's combination of Levine and Vale is a result of impermissible hindsight. It is well settled in patent law that there must be something in the prior art as a whole to provide the motivation for, or suggest the desirability of, making the combination arrived at by the Examiner. See, for example, Fromson v. Advanced Offset Plate, Inc., 225 U.S.P.Q. 26, 31 (Fed.Cir. 1985). Of course, it has been held that a judgment on obviousness may necessarily be a reconstruction based on hindsight reasoning. In re McLaughlin, 170 U.S.P.Q. 209 (C.C.P.A. 1971). However it is also well settled that:

It is impermissible within the framework of §103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full

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appreciation of what such a reference fairly suggests to one of ordinary skill in the art.

In re Wasselau, 147 U.S.P.Q. 391, 393 (C.C.P.A. 1965).

As previously discussed, any "organization" of the stamps taught by Levine is provided by the user based on a series of "touch and move" steps. Furthermore, Vale teaches an index having contents that merely reflect the location of selected key words in one or more documents, and any documents that form the basis of the index are not themselves formed into a collection of documents by the index. As neither reference discloses methods for automatically creating collections of documents, neither reference suggests the use of internal representations or user defined specifications to reflect and/or to organize a collection of documents.

Finally, applicants respectfully submit that new claims 81-86 are patentable over the cited prior art. Levine teaches that only the document associated with the top stamp of a stack of stamps may be viewed. New claim 81 recites that a document may be selected and an indicia of that document may be displayed regardless of its position in the iconic representation of the collection of documents.

For the foregoing reasons, applicants respectfully submit that the applicable objections and rejections have been overcome and that the claims are in condition for allowance.

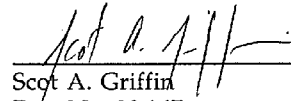
A Petition for Two Months Extension of Time accompanies this Amendment.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Scot Griffin at (408) 720-8598.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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