

08/287 108



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DS

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/287,108 08/08/94 MANDER

R 04860.P624C

EXAMINER
FETTING, A

24M1/0612

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
12400 WILSHIRE BLVD., SEVENTH FLOOR
LOS ANGELES, CA 90025

ART UNIT PAPER NUMBER

18

2412

DATE MAILED: 06/12/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 4-17-95 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- 1. Notice of References Cited by Examiner, PTO-892.
- 2. Notice of Draftsman's Patent Drawing Review, PTO-948.
- 3. Notice of Art Cited by Applicant, PTO-1449.
- 4. Notice of Informal Patent Application, PTO-152.
- 5. Information on How to Effect Drawing Changes, PTO-1474.
- 6. _____

Part II SUMMARY OF ACTION

- 1. Claims 1-6, 8-86 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- 2. Claims 7 have been cancelled.
- 3. Claims _____ are allowed.
- 4. Claims 1-6, 8-86 are rejected.
- 5. Claims _____ are objected to.
- 6. Claims _____ are subject to restriction or election requirement.
- 7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- 8. Formal drawings are required in response to this Office action.
- 9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- 10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).
- 11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).
- 12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.
- 13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- 14. Other

EXAMINER'S ACTION

PTOL-326 (Rev. 2/93)

Application No. 08/287,108

Art Unit 2412

1. This action is responsive to applicant's communication filed 4/17/95. Of the claims 1 to 6 and 8 to 80 then pending,

- no claims have been canceled
- claim 7 remains canceled from prior amendments
- claims 81 to 86 have been added
- claim 31 has been amended
- claims 1 to 6 and 8 to 80 are unchanged although claims 32 and 33 depend from amended claim 31
- claims 1 to 6 and 8 to 86 are now pending

Specification

2. Please review the application and correct all informalities.

Claim Rejections - 35 USC § 112

3. Claims 81 to 86 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to independent claim 81, it is unclear whether the phrase "regardless of said first position on said graphical iconic representation" means that the same display is shown regardless (i.e. no matter where positioned, the same display occurs), or that the display is able to follow the position

regardless of position (i.e. the display is predicated on position, but any position is accessible and operable).

- Dependent claims 82 to 86 are rejected for fully incorporating the deficiencies of their base claim 81.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1 to 6, 11 to 30, 37 to 68 and 70 to 80 are rejected under 35 U.S.C. § 102(a) and (e) as being anticipated by Levine et al. (U.S. Pat. No. 5060135 10/91) which teaches displaying a plurality of documents in a reduced format (stamps 34) on a display screen using an internal collective representation shown in fig. 5. This is maintained from prior action.

- With respect to independent claim 73, the most broad claim,
 - *graphical display of documents and document collections* is shown figures 2 to 4.
 - *creating a collection of documents* is shown fig. 5a.
 - *determining an internal representation of each document and of collective documents based on contents* is shown by figures 5 and 6 portraying a process flow based on the structural contents of documents including document type and name.
 - *display* is shown fig. 2 to 4.
- With respect to dependent claims 74 to 76,
 - *viewing documents and selecting documents by pointing* is shown by the process flow in fig. 7.
- With respect to dependent claim 77 and 80,
 - *basing collections on measures of similarity* is shown by the process flow of fig. 6 basing collections on application similarity as noted by internal document contents indicating relevant application.
- With respect to dependent claims 78 and 79,
 - *using measure of similarity for document addition* is shown by the process flow in fig. 6 in which similarity of document application is used for addition criteria.

- Independent claim 66, the next most broad claim, and dependent claims 67 and 68 are for an apparatus performing the methods of claims 73 to 77 and are similarly rejected.

- Independent claim 1 has substantially similar subject matter as claim 73 except as follows and is similarly rejected.
 - *viewing a document among multiple documents in a collection* is shown col. 11 lines 47 to 60.
 - *internal collective representation or user defined specification* is shown fig. 5.

- With respect to dependent claim 2, 3 and 12,
 - *cursor selection of a graphical representation including a base representation* is shown fig. 2 to 4.

- With respect to dependent claim 4,
 - *building collection by document comparison* is shown by the flow chart in fig. 6.

- Dependent claims 5, 6, 11, 13 and 14 are substantially similar in scope to claims 2, 3 and 12 and are similarly rejected.

- With respect to dependent claims 15, 16 and 28
 - *adding and removing third documents using display zones* is shown by the flow charts of figures 6 and 7 using the zones defined by the stamps shown in figures 2 to 4.

- With respect to dependent claim 17,
 - *pointing for a predetermined time to display an indicia* is shown col. 10 lines 20 to 35.
- With respect to dependent claims 18 to 27, depending from claim 17,
 - *viewing and pointing to collections of mail showing words and uniqueness* is shown by the figures 2 to 4 and col. 13 lines 30 to 50.
- With respect to dependent claim 29, 30 and 70 to 72,
 - *visual representations of contents and attributes by portraying number of documents or color of display* is shown fig. 3 (number of documents) and inherent operation of display devices (color).
- Independent claim 37 has substantially similar subject matter as claim 1 except as follows and is similarly rejected.
 - *adding a third document* is shown inherently by operation of flow charts in figures 6 and 7.
- With respect to dependent claim 38,
 - *filing system* is shown inherently in disk operations for documents in a computer system.
- With respect to dependent claims 39 to 42,

- *using a sample and collection of words and executing a process using relevancy* is shown in the process flows of fig. 6 and 7. Relevancy is shown by the decision blocks, collections of words is shown by the document types and menus, process execution is shown by the process flow.
- Dependent claims 43 to 53 contains substantially similar subject matter as claims 2 to 6 and 13 to 16 and are similarly rejected.
- With respect to dependent claims 54 to 58,
 - *viewing documents by movement and flipping* is shown col. 11 lines 28 to 60.
- With respect to dependent claim 59 to 65,
 - *adding documents to multiple types of collections which indicate what is contained and querying where addition is questionable* is shown by the portrayal of multiple collections in fig 2 to 4 and the query decision blocks in the process flows of fig. 6 and 7.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that

the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

7. Claims 1 to 6, 8 to 30 and 34 to 80 are rejected under 35 U.S.C. § 103 as being unpatentable over Levine et al. as applied above in view of Vale et al. (U.S. Pat. No. 5247437 9/93). This is maintained from prior action.

Alternatively, with respect to claims 1 to 6, 11 to 30, 37 to 68 and 70 to 80, interpreting the claim element "collective internal representation" to mean word tables, Levine shows displaying a plurality of documents in a reduced format (stamps 34) on a display screen using an internal collective representation (fig. 5) as applied above, but does not show using word tables for the collective internal representation. Vale shows using word tables for the collective internal representation in an analogous art for the purpose of aggregating documents based on word content. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Vale's word table to Levine because of the taught advantages of using content as the criteria for document aggregation.

With respect to dependent claims 69, 8 to 10 and 34 to 36, Levine shows displaying a plurality of documents in a reduced format (stamps 34) on a display screen using an internal collective representation (fig. 5) as applied above, but does not show the word table of claims 69 and 8. Vale shows using word tables for the collective internal representation in an analogous art for the purpose of aggregating documents based on word content. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply Vale's word table to

Levine because of the taught advantages of using content as the criteria for document aggregation.

- With respect to dependent claims 9, 10 and 34 to 36, depending from claim 8, *vectors and measures of similarity* are shown by Vale's word indexes, and *color indication* is shown inherently as a well known embodiment by operation of a display controller in a color environment.

8. Claims 81 to 86 are rejected under 35 U.S.C. § 103 as being unpatentable over Nicol et al. (U.S. Pat. No. 5287448 2/94) in view of Levine et al. as applied above.

- With respect to independent claim 81 and dependent claim 82 and 83, Nicol shows
 - *graphical iconic collection representation* is shown fig. 2.
 - *displaying indicia of document by selecting position from representation* is shown fig. 2.
 - *regardless of position on representation* is shown fig. 2 in which help is provided regardless of position.
 - *concurrent adjacent display of representation and indicia* is shown fig. 2.

but does not show document collection. Levine shows a graphical document collection in an analogous art for the

purpose of presenting documents. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Levine's document collection to Nicol's help system because of the generic use of a help system such as Nicol's to any graphic interface such as Levine's.

- Dependent claims 84 to 86 are substantially similar to claims 81 to 83 except for applying to multiple instances inherent in the applied reference and are similarly rejected.

9. Claims 31 to 33 are rejected under 35 U.S.C. § 103 as being unpatentable over Reed et al. (U.S. Pat. No. 5241671 8/93).

- With respect to independent claim 31 and dependent claims 32 and 33,
 - *graphical display of documents and document collections* is shown fig. 23 and abstract.
 - *creating a document collection using a first document as a sample for said collection and searching for next document based on first document* is shown fig. 5 in which articles are selected and displayed based on contents. It is noted that fig. 5 originates from fig. 4 which begins with a term entered on a screen. The

data entry field for such term may be characterized as a document.

- *viewing and representing documents* is shown fig. 5 ref. 240.

but does not show using a predefined document for the search. However, automatically using a word from a predefined document, i.e. contents, for searching other documents is shown fig. 8 in use of Glossary, Bookmark and Dictionary. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the automated use of a word from a predefined document to the fig. 5 search engine because of the teachings for such practice within the same reference as motivated by the same reason for doing so with a dictionary, to immediately search without the need for retyping.

Response to Amendment

10. Applicant's arguments with respect to claims 1 to 6, 8 to 30 and 34 to 80 have been fully considered but they are not deemed to be persuasive.

Argument - Levine does not show an internal collective representation or a user defined specification for an aligned stack.

Response

Levine's internal collective representation based on internal representations of ... documents is shown fig. 5a and 5b. In particular, the portrayed data structure is internal by virtue of being internal to the system of fig. 1a. The structure is a collective representation by virtue of fig. 5a showing a linked list collecting representations of each document. Each document structure in fig. 4b portrays, i.e. is based on the document's type, i.e. its internal representation.

Although there is one total list shown in fig. 5a for the desktop, the list is doubly linked as shown in fig. 5a. Therefore each internal sequence of documents in the list forms a sublist so there are inherently multiple such sublists or representations. Further, the individual documents are grouped by use of staple or paper clip icons (col. 4 lines 41 to 62), so stapling documents creates a collection. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to have multiple such lists, one for each type of document since sorting by document type was notoriously well known in the art (operators needed to see all worksheets together, for example).

To the extent the document type field is external to the actual document, it nevertheless serves as an internal representation, internal to the system, and further, it would have been obvious to one of ordinary skill in the art at the time of the invention to base such a field on the actual internal contents of documents since it was notoriously well known at the time that document type was encoded in documents, e.g. worksheet, word processing and database files used the first words in the file to identify the document type and so an alternate well known means of identifying such type was to examine the leading words in such contents.

Argument - Levine does not show a base for documents or comparison of individual with collective representations

Response

Levine shows a base in fig. 2 to 4 where the desktop forms a base. Since the linked list in fig. 5a contains all contents in the desktop, the desktop forms a base for collection. Vale shows building document collections using indexes, which is inherently a comparison of an individual (document) with collective (index) representation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Vale's building document collections using indexes to Levine

because of the advantages taught by Vale of meta indexes for document collections.

Argument - There is no reason to combine Levine and Vale

Response

Both Vale and Levine teach methods of document aggregation using a graphical user interface. One of ordinary skill in the art at the time of the invention, upon referring to Levine would look to related art for similarly aggregating documents to determine what features in such an application would be important. Vale would be among such art found since Vale aggregates documents by means of index entries. In particular, Vale teaches the benefits of a metaindex for tracking multiple documents. This is directly analogous to Levine's linked list for tracking multiple documents. Vale teaches the virtues of incorporating verbal keys in such a tracking mechanism.

11. Applicant's arguments with respect to claim 31 to 33 and 81 to 86 has been considered but are deemed to be moot in view of the new grounds of rejection necessitated by amendment further limiting the nature of the cited sample.

Conclusion

Application No. 08/287,108

Art Unit 2412

12. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton Fetting whose telephone number is (703) 305-8449. The examiner can normally be reached on Monday through Thursday from 6:45 AM to 5:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 305-9701. The fax number for this Group is (703) 305-9564. The fax number for informal communications to this Art Unit is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

AWF *AWF*
6/7/95

-16-

Heather R. Herndon
HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
GROUP 2400