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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
)
   Richard Mander, et al.   )   Examiner: A. Fetting
)
Serial No.: 08/287,108   )   Art Unit: 2301
)
Filed: August 8, 1994   )
)
For: METHOD AND APPARATUS FOR   )
      ORGANIZING INFORMATION IN A COMPUTER   )
      SYSTEM   )

Appellant's Reply Brief

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

Sir:

       Pursuant to 37 CFR §1.193. Appellant is filing this reply brief which
addresses certain of the Examiner's new points of argument which were raised
in the Examiner's Answer.

       This reply brief is being submitted in triplicate. Please charge deposit
account No. 02-2666 for any fees required in filing this reply brief. Appellant is
separately requesting an Oral Hearing for this appeal.

ARGUMENT
Claims 81 to 86 are sufficiently definite

       The Examiner's Answer newly argues that the "verb "regardless"
modifies is indefinite (i.e. displaying or selecting) and the claim interpretation is
significantly different and therefore indefinite ..."

       It is respectfully submitted that this rejection is improper in view of the
claim language. This is particularly true when such language is read in view of
the specification and the drawings. In one embodiment of the present invention,
as explained in the specification at page 16, lines 1-18 and at page 20, line 14
to page 28, line 18, the first indicia of the first document may be selected
regardless of the position of the first document in the graphic iconic

1

representation and this selection causes the display of the first indicia. This is radically unlike the system described in Levine where there is no selection for display of an indicia and where there is no ability to display an indicia upon a selection regardless of the position of the "stamp" in the stack of stamps.

The claim language, properly parsed, reveals that the indicia may be displayed by selecting a first position regardless of the first position on the graphic iconic representation, which is usually the pile. The "regardless" clause clearly modifies the step of selecting, which step results in displaying a first indicia. That is, the phrase "selected for display" is modified by the "regardless" clause to indicate that the selection may occur whether the first position is in the middle or near the top or near the bottom of the "pile". This is a natural reading of the claim, and therefore the claim is definite.

Claim 81 (Claim Group 22) and Claims 84-86 (Group 25) Not obvious in view of Levine and Nicol

The Examiner's Answer newly argues that the combination of Levine and Nicol shows the selection of a document based on which portion of a graphical object is selected. See the paragraph which bridges pages 26 and 27.

The Nicol reference teaches a help system which displays a help message when an icon is selected. There is simply no teaching in Nicol that a different help message is displayed when a different position for the same icon is selected. In fact, this would confuse a user and thus is not even conceivable from the teachings of Nicol. Similarly, Levine fails to teach this feature. Thus the combination cannot teach this feature.

Claims 84-86 further amplify the glaring insufficiency of the prior art. These claims require the display of a series of indicia, including a second indicia and a third indicia by positioning the cursor on a second and third position (respectively) on the same icon of the collection. Again, this is taught by neither Levine or Nicol.

At least for the foregoing reasons, the rejection of claim groups 22, 23, 24 and 25 should be reversed.

Levine does not render claim 31 (Group 3) obvious

2

The Examiner's Answer, at page 15 thereof, newly argues that "the generation of a linked list of documents in Figure 5 creates a collection wherein the head of the linked list acts as a sample while the computer searches for additional members to add to the list." This commentary on the Levine reference completely ignores what Levine discloses. Levine does not show any such searching by using a first document to search for the next. The Examiner's Answer seems to concede this lack of teaching in Levine. Levine's system is user driven, and the Levine computer system does not disclose the computer searching for the "next document" using the first document.

Claim 61 (Claim Group 8) is not obvious in view of Levine

The Examiner's Answer, at page 18 thereof, newly argues that "under the 35 USC 103 rejection performing bounds or validity checking on data entry and querying on misfits is a notoriously well know practice..." Applicant believes this is an admission that the Levine reference does not in fact show the limitations of Claim 61. There is simply no disclosure to be found anywhere in Levine that a user will be prevented from stacking a stamp for any reason or that a user will be prompted to verify the addition of a stamp to a stack of stamps. It is noted that a computer system which prompts a user in the fashion described in claim 61 may be in certain instances undesirable, such as a system where the user dictates the actions of the computer as described in Levine. Thus it is believed that even if the Examiner is correct in that it is "notoriously well known", it does not render the present invention obvious.

Levine does not show adding documents based on similarity

The Examiner's Answer at pages 18 and 19 newly argues that "Levine shows using similarity of mail for grouping in proper tray". The cited portion of the Levine reference does not in fact teach any use of a measure of similarity between a first internal collective representation and an internal representation of the further document. In fact what it suggests, is that certain desk trays may have been selected to be active in order to receive documents. This is unlike the system described in Claim 78 (Claim Group 9).

3

It is respectfully submitted that the Examiner is ignoring the description of the present invention and is ignoring the claim limitation that the computer system adds new documents. There is no such teaching in Levine, and it respectfully submitted that the user adding documents is very different than the circumstance where the computer adds the new documents to the collection.

Levine fails to disclose the step of displaying a means for indicating the location of a selected document within the graphical representation of the collection

The Examiner's Answer at pages 23 and 24 thereof, newly argues that the "location is indicated at least as being on top for the selected document." First of all, Levine never indicates the idea of having a position indicator for the stack of stamps, and there is no need to relate the image to the position of the stack because the image in Levine is always on top of the stack. Thus there is nothing which indicates the location and no need to do so in the Levine reference.

Conclusion

For the reasons indicated in this reply brief as well as the reasons indicated in Appellant's Appeal Brief which has been previously submitted, all claims are patentable, and the pending rejections should be reversed.

Respectfully Submitted

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4