

Randall Declaration

Exhibit 10

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document to the existing collection in Levine based on the internal representations of the third document and the collection has been discussed above, also see for example, column 13, lines 6 to 65, column 15, lines 4 to 20 and column 25, line 58 to column 26, line 28. Regarding claim 69, the claimed limitation is akin to Vale's technique of determining the number of times a keyword, i.e., a word or a group of words is used at least once in each of the documents in the computer data base. Thus, we will also sustain the obviousness rejection of claims 8 to 10, 34 to 36 and 69 over Levine and Vale.

Rejection of claims 81 to 86 under 35 U.S.C. § 103

These claims are rejected as being obvious over Nicol and Levine. We take up independent claim 81 first. We have reviewed the arguments of Appellants [brief, pages 31 to 34 and reply brief, page 2] and the Examiner [answer, pages 10, 11, 25 and 26, and supplemental answer, page 2] and we conclude that Levine shows the displaying of the top page of a document, which we have considered as an icon in our discussion here, alongside of the collection as the pointer is pointed to a document in the collection. We have discussed this at length above. Nicol on the other hand discloses the concept of icons representing various documents and/or software routines in a computer. No individual

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arguments have been presented for claims 82 and 83. Therefore, we sustain the obviousness rejection of claims 81 to 83 over Nicol and Levine. With respect to claim 84, it calls for "displaying in series a second indicia ... and a third indicia ... representation" (claim 84, lines 4 to 7). We have reviewed the Examiner's position [answer, page 11] and find that the Examiner has not established a prima facie case to reject this claim. Claims 85 and 86 depend on claim 84 and the Examiner has not presented any additional evidence for their rejection. Therefore, we do not sustain the obviousness rejection of claims 84 to 86 over Nicol and Levine.

Rejection of claims 31 to 33 under 35 U.S.C. § 103

These claims are rejected over Reed. We do not deal here with any procedural issues raised by Appellants in the utilization of this reference in the final rejection [brief, page 34 and 35]. We only review the merits of the final rejection based on Reed. We take up claim 31 first. We have reviewed the positions of Appellants [brief, pages 35 to 38] and the Examiner [answer, pages 12 to 13] and we conclude that whereas Reed shows the textual search as well as the pictorial search, see columns 17 and 18, it does not meet the limitation "displaying a graphical representation of said collection on said display