Apple, Inc. v. Motorola, Inc. et al Doc. 93 Att. 3

EXHIBIT 23

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IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT:	Michael A. Cleron *et al.*
APPLICATION NO.:	10/408,789
FILING DATE:	April 3, 2003
TITLE:	EXTENSIBLE, REPLACEABLE NETWORK COMPONENT SYSTEM
EXAMINER:	St. John Courtenay III
GROUP ART UNIT:	2126
ATTY. DKT. NO.:	18602-07124

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AMENDMENT A

This Amendment for the patent application identified above is in response to the Office Action dated March 9, 2004.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 7 of this paper.

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AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1. (Original) An extensible and replaceable layered component computing arrangement residing on a computer coupled to a computer network, the layered arrangement comprising:

a software component architecture layer interfacing with an operating system to control the operations of the computer, the software component architecture layer defining a plurality of computing components; and

a network component layer for developing network navigation components that provide services directed to the computer network, the network component layer includes application programming interfaces; and

a first class included in the application programming interfaces to construct a first network navigation object that represents different network resources available on the computer network, wherein the network component layer coupled to the software component architecture layer in integrating relation to facilitate communication among the computing and network navigation components.

2. (Original) The computing arrangement of claim 1 wherein the network navigation components are objects.

3. (Original) The computing arrangement of claim 1 wherein the application programming interfaces further comprise a second class for constructing a second network navigation object representing a data stream for transferring information among objects of the arrangement.

4. (Original) The computing arrangement of claim 3 wherein the first network navigation object is an Item object and the second network navigation object is a Stream object,

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and wherein the Item object spawns the Stream object to obtain information from the network resource that the Item object represents.

5. (Original) The computing arrangement of claim 3 wherein the application programming interfaces further comprise a third class for constructing a third network navigation object representing additional behaviors provided to computing components of the software component architecture layer to thereby enable communication between the computing components and the network navigation components.

6. (Original) An extensible and replaceable layered component computing arrangement for providing services directed to information available on computer networks, the computing arrangement comprising:

a processor;

an operating system;

a software component architecture layer coupled to the operating system to control the operations of the processor, the software component architecture layer defining a plurality of computing components; and

a network component layer for creating network navigation components configured to search and obtain information available on the computer networks, the network component layer includes application programming interfaces; and

means for constructing a network navigation component that represents different resources available on the computer network, wherein the network component layer is integrally coupled to the software component architecture layer to ensure communication among the computing and network navigation components.

7. (Original) The computing arrangement of claim 6 wherein the network component layer and software component architecture layer comprise means for embedding components within one another to form a compound document having mixed data types and formats.

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8. (Original) The computing arrangement of claim 6 wherein the application programming interfaces comprise means for constructing a network navigation component that implements a protocol.

9. (Original) The computing arrangement of claim 6 wherein the application programming interfaces comprise means for constructing a network navigation component that provides additional functionality to existing computing components to enable communication among the components.

10. (Original) The computing arrangement of claim 9 wherein the computing component comprises a computing part having a viewing editor and data content.

11. (Original) The computing arrangement of claim 10 wherein the computing component functions to one of transfer files over the networks, remotely log onto another computer coupled to the networks and view images on a screen of the computing arrangement.

12. (Original) The computing arrangement of claim 10 wherein the network navigation component comprises a browsing component.

13. (Original) The computing arrangement of claim 10 wherein the network navigation component comprises a component for one of displaying text and displaying movies on a screen of the computing arrangement.

14. (Cancelled).

15. (Currently Amended) The layered arrangement of claim 19 ~~14~~, wherein the network navigation object is adapted to browse the computer network.

16. (Currently Amended) The layered arrangement of claim 19 ~~14~~, wherein the network navigation object is adapted to display text on a computer display.

17. (Currently Amended) The layered arrangement of claim 19 ~~14~~, wherein the network navigation object is adapted to display images on a computer display.

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18. (Currently Amended) The layered arrangement of claim 19 ~~14~~, wherein the network navigation object includes software commands for creating a datastream for transferring information between objects in the layered component computing arrangement.

19. (Original) An extensible and replaceable layered component computing arrangement residing on a computer adapted to be coupled on a computer network, the layered arrangement comprising:

a software component architecture layer interfacing with an operating system to control the operations of the computer, the software component architecture layer defining a plurality of computing components;

a network component layer adapted to be coupled to at least one network navigation component that provides a service directed to the computer network, the network component layer including an application programming interface; and

a number of interconnected abstract classes included in the application programming interface, at least one abstract class for defining a network navigation object that represents a resource available on the computer network, the network component layer coupled to the software component architecture layer to facilitate communication among the network navigation component and at least one computing component.

20. (Original) The layered arrangement of claim 19, wherein the abstract class defines a network navigation object that represents a method of downloading information from a remote location on the computer network.

21. (Original) The layered arrangement of claim 19, wherein the abstract class defines a network navigation object that represents additional behaviors provided to the computing components of the software component architecture layer for integrating with the network component layer.

22. (Currently Amended) ~~A computer-readable medium having stored thereon instructions which, when executed by a processor in a computer system adapted to be coupled to a computer network, cause the processor to perform the operations of~~ A computer program

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product for providing network information services to a user of a computer system coupled to computer networks, the computer program product comprising a computer-readable medium containing computer program code for performing the operations:

constructing a network navigation object based on at least one abstract class from a set of interconnected abstract classes; and

using methods associated with the abstract class to enable interaction between the network navigation object and at least one computing component in a software component architecture layer interfacing with an operating system on the computer system to control the operations of the computer system.

23. (New) The computer program product of claim 22, wherein the network navigation object is adapted to browse the computer network.

24. (New) The computer program product of claim 22, wherein the network navigation object is adapted to display text on a computer display.

25. (New) The computer program product of claim 22, wherein the network navigation object is adapted to display images on a computer display.

26. (New) The computer program product of claim 22, wherein the network navigation object includes software commands for creating a datastream for transferring information between objects.

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REMARKS

Claims 1-22 were pending and stand rejected. In response, claim 14 has been cancelled; claims 15-18 and 22 have been amended; and new claims 23-26 have been added.

In the second paragraph of the Office Action, Examiner indicated that the reissue application was filed without the required offer to surrender the original patent or an Affidavit or Declaration as to inaccessibility of the original patent. In response, Applicants submit original U.S. Patent Serial No. 6,212,575 B1.

In the third paragraph of the Office Action, Examiner indicated that Certificate under 37 C.F.R § 3.73 (b) is not proper in that it identifies the present reissue application instead of the U.S. Patent upon which the present reissue application is based. Applicants submit the requisite Certificate under 37 C.F.R § 3.73 (b) correctly identifying the U.S. Patent Serial No. 6,212,575B1.

In paragraphs four through eight of the Office Action, Examiner indicated that the Reissue Declaration is defective because it does not adequately identify at least one error as required by 37 C.F.R § 1.175 (a)(1). In response, Applicants submit a corrected original Reissue Declaration that adequately identifies at least one error. The Declaration is signed by inventors Michael Cleron and Timo Bruck. Applicants submit that the Petition under 37 C.F.R § 1.47 (a) was filed on September 5, 2003 on behalf of the nonsigning inventor Stephen Fisher. The petition was granted by the United States Patent and Trademark Office as indicated in the Decision According Status Under 37 C.F.R § 1.47 (a), a copy of which is submitted.

In paragraph nine of the Office Action, Examiner rejected claims 14-18 and 22 under 35 U.S.C. § 251 as being improper recapture of the subject matter surrendered during the prosecution of the U.S. Patent Serial No. 6,212,575B1 upon which the present reissue application is based. In response, Applicants have cancelled claim 14 and amended claims 15-18 to depend from the independent claim 19.

With respect to claim 22, Examiner has not provided any details on how claim 22 is being an improper recapture of the subject matter surrendered during the prosecution of the original patent. Indeed, in paragraph eleven of the Office Action, Examiner stated: "[a]pplicant has broadened claim 1 of the patent with new reissue independent claim 14 that eliminates the limitation of "a first class included in the application programming interfaces..." Nowhere in the Office Action, however, did Examiner indicate how new independent claim 22 is an improper

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recapture of a surrendered subject matter. If Examiner continues to maintain his position with respect to claim 22, Examiner is respectfully invited to provide further details in support of his position.

In paragraph twelve of the Office Action, Examiner rejected claim 1-22 as being based upon a defective reissue declaration under 35 U.S.C § 251. In response, Applicants submit a corrected Reissue Declaration that adequately identifies at least one error. Therefore, Applicants respectfully request Examiner to remove the rejection to claims 1-22 under 35 U.S.C. § 251.

Response to Rejection Under 35 USC § 103(a) in View of Reinhardt and Lippman

In the 13th paragraph of the Office Action, Examiner rejected claim 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of Andy Reinhardt "The Network With Smarts", Byte, October 1994, pages 51-64 ("Reinhardt") to Lippman, Stanley B, "C++ Primer" 2nd edition, Addison-Wesley, 1991, pages 394-394 ("Lippman"). This rejection is respectfully traversed.

Amended claim 22 recites, *inter alia*, a computer program product for providing network information services to a user of a computer system..., the computer program product for performing the operations:

> constructing a network navigation object based on at least one abstract class from a set of interconnected abstract classes; and
>
> using methods associated with the abstract class to *enable interaction between the network navigation object and at least one computing component in a software component architecture layer* interfacing with an operating system on the computer system to control the operations of the computer system. (Emphasis added)

The claimed invention, as recited in claim 22, is directed to a computer program product for providing network information services to a user of a computer system. The claimed invention constructs a network navigation object based on at least one abstract class. The claimed invention also advantageously uses methods associated with the abstract class to enable interaction between the network navigation object and at least one computing component in a software component architecture layer. The claimed invention beneficially employs a "component-based" approach to browsing and retrieving network-oriented information as opposed to the monolithic application-based approach of prior browsing systems.

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Reinhardt does not disclose or suggest the claimed invention. Reinhardt is a publication that discusses intelligent networks that utilize agent-based technology. Although Reinhardt discloses networks "designed to host software agents, or proxies, that move around the network, routing or filtering messages sent to a user and seeking out information or services on the user's behalf" (Reinhardt, page 51, col. 2), there is no disclosure in Reinhardt with respect to employing a component-based software architecture layer interfacing with an operating system of the computer system to control the operations of the computer system. As a corollary to this, Reinhardt does not disclose or suggest "interaction between the network navigation object and at least one computing component in a software component architecture layer," as claimed. Although Reinhardt suggests at page 64, col. 1 and col. 3 that the network agents are an alternative to monolithic on-line services, the modular object-oriented architecture is mentioned by Reinhardt with respect to the network agents and not software component architecture layer interfacing with an operating system. Accordingly, claim 22 is patentable over Reinhardt.

Lippman similarly does not cure the deficiency of Reinhardt. Lippman is merely a C++ tutorial describing the features and programming usage of standard C++ language. Although Lippman discloses at page 395 an abstract base class "designed as a class from which other classes can be derived", Lippman does not disclose or suggest "a software component architecture layer interfacing with an operating system on the computer system to control the operations of the computer system."

Since neither Reinhardt nor Lippman disclose a component-based software architecture layer interfacing with an operating system, a combination of the references does not produce the claimed invention. Accordingly, a person of ordinary skill in the art, considering the teachings of Reinhardt and Lippman would not find the claimed invention obvious.

Claims 23-26 depend either directly or indirectly from independent claim 22 and derive their patentability from the independent claim from which they depend, in addition to reciting their patentable features.

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For these reasons, Applicants respectfully submits that all the pending claims, claims 1-13 and 15-26, are allowable over the cited art of record and request that the Examiner allow the case.

Respectfully submitted,

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Dated: July 7, 2004

By: _____

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