Exhibit B

05-20-02   AF/2700 $

Attorney's Docket No. 5577-130   PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Cox et al.
Serial No.: 09/211,528   Group Art Unit: 2158
Filed: December 14, 1998   Examiner: Wiley, D.
For: METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS
       FOR CENTRALIZED MANAGEMENT OF APPLICATION PROGRAMS ON A
       NETWORK

May 16, 2002

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TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION--37 C.F.R. § 1.192)

Technology Center 2100

1.   Transmitted herewith, in triplicate, is the APPEAL BRIEF in this application, with
     respect to the Notice of Appeal filed on April 10, 2002.

2.   This application is filed on behalf of
     ☐   a small entity
     A verified statement ☐ is attached; ☐ was already filed.

3.   Pursuant to 37 C.F.R. § 1.17(c), the fee for filing the Appeal Brief is:
     ☐   small entity $155.00
     ☒   other than small entity $310.00

     ☒   The Commissioner is hereby authorized to charge payment of the
         Appeal Brief fee associated with this communication to IBM Deposit
         Account No. 09-0461.

Respectfully submitted,
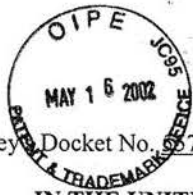
Robert W. Glatz
Registration No. 36,811

Customer Number:

20792

PATENT TRADEMARK OFFICE

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APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §1.192

Sir:

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent
Appeals and Interferences" mailed 10 April 2002.

Real Party In Interest

The real party in interest is assignee International Business Machines Corporation,
Armonk, New York.

Related Appeals

Appellants are aware of no appeals or interferences which would be affected by the
present appeal.

Status of Claims

Appellants appeal the final rejection of Claims 1-14, 21 and 23-49, which, as of the
filing date of this brief, remain under consideration. These claims were finally rejected in the
Final Official Action of February 22, 2002 ("Final Action") and the Advisory Action of April
4, 2002 ("Advisory Action"). A copy of the claims as they stand on appeal is attached hereto
as Appendix A.

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Status of Amendments

The attached Appendix A presents Claims 1-14, 21 and 23-49 as they currently stand. No amendments were submitted which were not entered.

Summary of the Invention

The claimed invention, as recited in Claims 1-14, 21 and 23-49, provides methods, systems and computer program products for management of **application programs** on a network including a server supporting client stations. The server provides applications on-demand to a user logging in to a client supported by the server. Mobility and hardware portability are provided by establishing a user desktop interface responsive to a login request that presents to the user a desktop screen through a web browser interface. The desktop accesses and downloads selected application programs from the server responsive to a request from the user. For example, an icon associated with the application program, which is displayed on the user desktop screen at the client, may be selected. An "instance of the selected" application program is then provided from the server for execution at the client. Thus, the application programs may be maintained at the server and provided to clients when needed for execution.

As defined in the specification of the present application:

> the term **"application program" generally refers to the code associated with the underlying program functions, for example, Lotus Notes or a terminal emulator program**. However, it is to be understood that the application program will preferably be included as part of the application launcher which will further include the code associated with managing usage of the application program on a network according to the teachings of the present invention. Further it is to be understood that, as used herein, the term "application launcher program" may refer to the entire program provided by a software vendor or to merely a portion thereof distributed to a client to perform particular operations. **For example, the application launcher program distributed to initially populate the user desktop preferably does not include the code associated with the underlying application program** and obtaining preferences which may only be distributed to the client later when execution of the application program is requested. The application launcher program distributed to populate the user desktop may only include a URL and an associated ICON and, possibly, code to allow obtaining of user identification and password information. Memory usage on the client stations may thereby be limited.

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(Specification, pp. 22-23)(emphasis added). In other words, the "application program" is an application level software program, such as Lotus Notes, while the "application launcher program" is provided to "initially populate the user desktop" and need not include the application program code. The application launcher program interacts with the desktop, such as a user browser interface, while an instance of the application program is requested through the desktop but executes locally at the client as a separate application from the browser interface. For example, Lotus Notes would not execute within the browser window.

The present invention may, therefore, be used so that a variety of application programs can be maintained at the server, and an instance of a selected one of the application programs may be provided as needed to a user logged onto a client device. The provided instance of the application may then be executed at the client device to process the request of the user. Thus, individual application programs are provided to the user as needed (on-demand) where they are executed at a client device rather than having the application program executed at the server responsive to a request from a user. Furthermore, a customized user interface desktop is provided at the client device, which displays the applications the user is authorized to access.

Issues

1.   Are Claims 1-14, 21 and 23-49 properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Rose (U.S. Patent No. 5,708,709) in view of Win et al. (U.S. Patent No. 6,182,142)?

Grouping of Claims

For appeal, the claims may be grouped together as follows:

Group I: Claims 1-14, 21 and 23-49

Claims of Group I do not all stand or fall together as Appellants submit that dependent Claims 3, 10-11, 25, 32-33, 38 and 45-46, which stand or fall together, are separately patentable and dependent Claims 4-5, 26-27 and 39-40, which stand or fall together, are separately patentable.

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