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Notice of Allowability	Application No. 08/649,304	Applicant(s) Egger et al	
	Examiner Wayne Ambury	Group Art Unit 2771	

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to communication of 1/27/98.

The allowed claim(s) is/are 1-21 and 27-38, renumbered 1-33.

The drawings filed on _____ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 4.

including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413

Examiner's Amendment/Comment

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance

WAYNE AMSBURY
PRIMARY EXAMINER
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CLAIMS 1-98 ARE PENDING

1. As noted in the traverse of the Restriction of the previous action, there are typographical errors in the claim group outline. Group I was classified as Database and Data Structure Generation, which properly was in class 395, subclass 613, currently class 707, subclass 102. Group III was classed in Database Display, which properly was in class 395, subclass 615, currently class 707, subclass 104. The typographical switch of the subclass numbers does not affect the restriction.

It is further noted that Group I, which was elected with traverse, was listed as claims 1-38, even though Group II contains claims 22-26. It is clear that Group I should be listed as claims 1-21 and 27-38.

2. Applicant's election with traverse of Group I in Paper No. 6 is acknowledged. The traversal is on the ground(s) that A. The Proper Test for a Restriction Requirement has not been met; B. The Claims are interrelated; B. (Sic) The Claims are Misclassified; C. The Fields of Search for Groups I, II, III, and V Are Neighboring. This is not found persuasive because:

As to A: If the inventions are not independent, how could they be claimed in distinct independent claims? It appears to the examiner that the examination of 98 claims in five different class/subclasses is a serious burden. Thus BOTH of the elements are met.

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As to the first B, the apparent assertion that because claims contain a common step they can be searched simultaneously is not reasonable. In particular, perhaps hundreds of thousands of claims in issued patents contain the step of display, and the claims are not always closely related.

As to the second B, Misclassification is addressed in §1 above, where they are noted as typographical errors.

As to C, the neighboring property of subclass codes has nothing to do with restriction; distinct subclasses are deemed to be distinct and are chosen so that they can be searched separately.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-21,27-38 are therefor examined.

3. A word search of the parent, USP 5,544,352, reveals that the words link(s) and node(s) do not appear, and the term cluster appears once in passing. Therefore this group of claims is considered to have 5/17/96 as their priority date for purposes of examination in terms of prior art.

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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5. Claims {22-26,39-98} are hereby cancelled.

6. The section of the Specification titled REFERENCE TO APPENDICES is cancelled. The references from that section are inserted immediately after BACKGROUND at line 15, as follows:

A1

-- Two manuals containing background materials are hereby incorporated by reference: "V-Search Integration Tool Kit For Folio VIEWS", containing thirty-six (36) pages, and "V-Search Publisher's Tool Kit User's Manual", containing one hundred sixty (160) pages. --

7. Claims {1-21,27-38} are allowed.

8. The following is an examiner's statement of reasons for allowance:

The independent claims are addressed, in light of the disclosure, to terms such as "indirect relationship", "cluster links", and "searching links", which are interpreted to refer to an explicit use of multiple links between nodes. The prior art of record analyzes relationships, clusters, displays candidates for conformation, and so on, but does not anticipate or suggest doing so with an explicit use of multiple links.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is (703) 305-3828. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 5:00 PM Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached on (703) 305-9707. The fax phone number for this Art Unit is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.


WAYNE AMSBURY
PRIMARY PATENT EXAMINER

January 26, 1998