

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/211,528 12/14/98 COX

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EXAMINER

020792 TM02/0328
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BACKER, F
ART UNIT PAPER NUMBER

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DATE MAILED: 03/28/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 December 1998.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 and 22 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14, 21 and 23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) Interview Summary (PTO-413) Paper No(s). _____
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other:

DETAILED ACTION

This is in response to a letter for patent filed on December 14th, 1998 in which claims 1-23 are presented for examination. Claims 1-23 are pending in the letter.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-14, 21, 23, drawn to application management, classified in class 710, subclass 33.
 - II. Claims 15-20, 22, drawn to distribution of application, classified in class 709, subclass 223.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because they are patentably distinct. The subcombination has separate utility such as management of application program and application distribution. Management of application could be application distribution. However, in this particular case, the inventive concept is management of application program which is patentably distinct from application distribution

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Robert W. Glatz on December 6th a provisional election was made with traverse to prosecute the invention of group 1, claims 1-14, 21, and 23. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-20, 22 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh et al. (U.S. Patent 6,189,051) in view of Bladow et al. (U.S. Patent No. 6,115,040)

5. As per claim 1, Oh et al. teach a method for management of application programs on a network including a server (server, 500) and a client (client (550) comprising the steps of: installing a plurality of application programs at the server, receiving at the server a login request from a user at the client (see abstract, fig. 1, 5, 8, 9, column 3 line 46-4 line 51, 5 lines 24-40),

receiving at the server a selection of one of the plurality of application programs from the user desktop interface, and providing an instance of the selected one of the plurality of application programs to the client for execution responsive to the selection (see abstract, fig 7, column 4 line 29-5 line 40). Oh et al fail to teach the inventive concept of establishing a user desktop interface at the client associated with the user responsive to the login request from the user, the desktop interface including a plurality of display regions associated with a set of the plurality of application programs installed at the server for which the user is authorize. However, Bladow et al teach an inventive concept of establishing a user desktop interface at the client associated with the user responsive to the login request from the user, the desktop interface including a plurality of display regions associated with a set of the plurality of application programs installed at the server for which the user is authorize (see fig. 3, 4, column 6 line 40-7 line 31, 16 lines 1-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Oh et al.'s inventive concept to include establishing a user desktop interface at the client associated with the user responsive to the login request from the user, the desktop interface including a plurality of display regions associated with a set of the plurality of application programs installed at the server for which the user is authorize because this would have provide a flexible and modular approach to implementing each of the client applications as need arises and yet at the same time provide tightly controlled routine environment for the disparate client applications.

6. As per claim 2, Oh et al. teach a method further comprising maintaining application management information for the plurality of applications at the server, and a plurality of display

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