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EXAMINER
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PAPER

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

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

### *Double Patenting*

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. **Claims 1-21** are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-22 of prior U.S. Patent No. 7,487,459 B2 and claims 1-48 of prior U.S. Patent No. 7,055,104 B1. This is a double patenting rejection.

### *Specification*

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Applicant claims a "computer-readable medium" in **claim 21**, which is not defined in the specification.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-21** are rejected under 35 U.S.C. 102(e) as being anticipated by **Bernhardson** (US 2003/0001898 A1).

Claims 1, 2, 3, 11, 12, 20, and 21:

**Bernhardson** discloses *navigating options within a user interface* (abstract; fig.

3). Bernhardson discloses *providing a first set of cards, each card graphically representing a single available option from one of a plurality of option types*.

Bernhardson teaches a graphical user interface having a first and second group of scroll bar elements; each element representing an available option from a plurality of option types (figs. 3-4C).

Bernhardson discloses *providing a user interface including a focus area intersected by a first axis; displaying a set of cards representing filters along the first axis, each filter corresponding to a respective one of a plurality of option types; receiving a selection of a filter in response to scrolling the set of filter cards along the first axis to align a corresponding filter card with the focus area*. Bernhardson teaches user interface having a focus region (fig. 3, item 16); a first group of elements along a vertical axis and a second group of elements along a horizontal axis (page 1, par. 0007-

0008). Bernhardson explains that the horizontal scroll bar elements can be personalized for individual users; for example in a family, the scroll bar can be configured for use by the father, mother, son, and daughter. In the example of figure 3, the horizontal scroll bar configured for use by the father and a horizontal scroll bar element H1, concerning “News” has been horizontally scrolled into the focus region. When the horizontal scroll bar elements are scrolled into the focus region, the vertical scroll bar elements are populated with details concerning content sources associated with “News” (figs. 3-4C; page 2, par. 0024-0025).

Bernhardson discloses *filtering the first set of cards according to the selected filter to produce a second set of cards, the second set of cards only including cards representing the type of option corresponding to the selected filter; displaying a subset of the second set of cards along the second axis that is perpendicular to the first axis, one card being displayable within the focus area* (page 3, par. 0026-0027; figs. 3-4C).

Claims 4, 5, 13 and 14:

Bernhardson discloses filtering criteria having at least a search attribute and a tag compared to the filtering criteria of a selected filter (page 3, par. 0030-0031).

Claims 6 and 15:

Bernhardson discloses tags indicating scroll bar elements’ characteristics (figs. 3-4C).

Claims 7 and 16:

Bernhardson discloses a vertical axis and a horizontal axis (figs. 3-4C).

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