



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/113,889	03/29/2002	James A. Billmaier	50588/117	5969

32641 7590 12/13/2007
DIGEO, INC C/O STOEL RIVES LLP
201 SOUTH MAIN STREET, SUITE 1100
ONE UTAH CENTER
SALT LAKE CITY, UT 84111

EXAMINER

PENG, FRED H

ART UNIT PAPER NUMBER

2623

MAIL DATE DELIVERY MODE

12/13/2007

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.

Office Action Summary

Application No. 10/113,889	Applicant(s) BILLMAIER ET AL.	
Examiner Fred Peng	Art Unit 2623	

-- 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) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, 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 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 15 October 2007.
- 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) 1-43 and 45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-43 and 45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ 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: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

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

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/15/2007.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2007 has been entered.

DETAILED ACTION

Response to Arguments

2. Applicant's arguments with respect to claims 1-43 and 45 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. 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.

4. Claims 1-11, 16, 21-31, 36, 42-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl et al (US 6,690,391 B1) in view of Reichardt et al (US 2005/0172319).

Regarding Claims 1, 42 and 43, Proehl discloses a system with corresponding method and computer program product for navigating a plurality of options within a user interface (FIG.3, - 62; Col 1 lines 60-62), the system comprising:

means for displaying at least a portion of a first sequence of cards along a first axis of the user interface (FIG.10, -104), each card graphically representing a single respective option from a first set of options (FIG.10, 210-222 are first set of options);

means for obtaining supplemental information related to a first card in the first sequence (Col 5 lines 21-24);

means for scrolling only the first sequence of cards along the first axis through a horizontally and vertically fixed focus area of the user interface in response to a single user action without scrolling any cards not in the first sequence (FIG.10, -216 is a horizontally and vertically fixed focus area, 104 is first set of cards scrolling vertically along a first axis of the user interface; Col 9 lines 24-32);

means for displaying the related supplemental information when the first card is displayed (FIG.8, Watch TV);

means for displaying, in response to the first card being scrolled into the focus area without being otherwise selected by a user, displaying at least a portion of a second sequence of cards along a second axis of the user interface, each card of the second sequence graphically representing a single respective option from a second set of options, the second axis being perpendicular to the first axis (FIG.10; when TV icon is scrolled down to the spatially fixed focus area 216, the related TV program information is displayed horizontally across the focus area; Col 9 lines 42-54).

Proehl is silent about scrolling only the second sequence of cards along the second axis through the same focus area without scrolling any cards not in the second sequence, wherein a representation of only one option at a time is scrolled through the focus area, and wherein no card in the first sequence displayed along the first axis is subsequently scrollable along the second axis.

In an analogous art, Reichardt discloses scrolling only the second sequence of cards along the second axis (FIG.7B, element 890; horizontal time axis for different programs) through the same focus area (830; for both horizontal time and vertical channel axis) without scrolling any

cards not in the second sequence (only programs with different times from HBO channel are scrolled), wherein a representation of only one option at a time is scrolled through the focus area (only one program at a time), and wherein no card in the first sequence displayed along the first axis (880) is subsequently scrollable along the second axis (no channel in the vertical axis is scrollable other than HBO channel 75; Para 81 lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Proehl's system to include scrolling only the second sequence of cards along the second axis through the same focus area without scrolling any cards not in the second sequence, wherein a representation of only one option at a time is scrolled through the focus area, as taught by Reichardt to assist the user with fewer key strokes and reveal more program information by scrolling through different time schedule.

Regarding Claims 2, 4, 5, 22, 24 and 25, Proehl further discloses the first card comprises a graphical image (FIG.10, -216), the display interface is further adapted to overlay the supplemental information on the graphical image and comprising textual information, wherein the textual information is a description (FIG.18, 410).

Regarding Claims 3 and 23, Proehl further discloses the display interface is further adapted to display the supplemental information in close proximity to the first card within the user interface (FIG.8, Watch TV).

Regarding Claims 6 and 26, Proehl further discloses the supplemental information comprising a program completion indicator (FIG.10, program duration indicating a program completion).

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.