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**Controller of Patents & Designs : Mr. Kishor Kadbe**  
**Letter Ref. : Application No/ 1579/MUM/2011**

**IN/PCT**  
February 14, 2018

The Controller of Patents  
Patent Office Branch  
Intellectual Property Office Building,  
Antop Hill, S.M. Road  
Mumbai-400037

**Last Date to respond to the Examination Report: March 21, 2019**

Re: Indian Patent Application No. : **1579/MUM/2011**  
Date of Filing : May 26, 2011  
Title : User Interface for Managing  
Communication Sessions  
Applicant : Avaya Inc.  
**Date of First Examination Report : September 21, 2018**

Respected Sir,

We write in response to your above referenced letter dated **September 21, 2018** with regard to the above identified Indian Patent Application. Our response to the objections raised is as follows:

**PART II-DETAILED TECHNICAL REPORT**

**1. Objection 1:**

**NOVELTY:**

Claim(s) (1-10) lack(s) novelty, being anticipated in view of disclosure in the document cited above under reference D1 for the following reasons: Subject matter of claims do not constitute an invention u/s 2(1)(j) of the act. See for instance

D1: US20070094597 A1 Publication Date: 26/04/2007 D1 discloses:

A method for displaying a user interface for managing communication sessions on a communications device, the method comprises displaying on a first side portion of the user

interface, a first set of user configurable communication information, displaying on a second side portion of the user interface, a second set of user-configurable communication information and displaying on a center portion of the user interface, a communication work space comprising an active spotlight region (See the Abstract, Para [0003]-[0005], Para [0021]-[0025], Para [0029]-[0035], Para [0042], Para [0045]-[0047], Para [0052]-[0055], Para [0067], Para [0072]-[0079], Claims 1, 4).

Claims 1-10 are not novel w.r.t. D1.

### **Our Submission:**

The Applicant respectfully rebuts the present objection. Without admitting lack of novelty step in previously pending claims, the Applicant submits amended claims for the sake of reaching to an early agreement. The Applicant believes that at least the amended claims are novel over the disclosure of the document D1: US2007/0094597 as explained below.

The Applicant submits that claims have been amended to roughly match the allowed U.S. claims. Independent claim 1 contains limitations that are not disclosed by D1. For example, claim 1 recites “*a fan comprising a plurality of graphical user interface elements that are scrollable by the first user, wherein an active graphical user interface element of the plurality of graphical user interface elements displays communication information associated with a second user different from the first user, and wherein inactive graphical user interface elements of the plurality of graphical user interface elements display truncated communication information.*” The support to the amendments can be gathered from the as-filed specification on at least pages 8-9 & 14 and at least in figures 2-7. D1 does not disclose this element of claim 1. While D1 does disclose a series of fanned tabs (see Fig. 6 of D1), the fanned tabs in D1 represent different actions that a user can take. For example, the user may open a document, open a database, etc. The teachings of D1 are clearly different from this element of claim 1. In claim 1, the fan contains “communication information associated with a second user different from the first user.” D1 does not teach this. Moreover, D1 does not teach “inactive graphical user interface elements that are truncated communication information.”

In addition, claim 1 recites “*generating for display, by the processor (120), on the user interface (200), an active spotlight region that depicts, by using a visual metaphor that resembles a spotlight, an active communication session that the first user is currently participating in, the active spotlight region featuring graphical elements representing participants associated with the active communication session.*” The support to the amendments can be gathered from the as-filed specification on at least pages 14-17 & 14 and at least in figures 5-7. D1 does not disclose this element now in claim 1. Therefore, claim 1 is novel over D1. Independent amended claim 9 (now renumbered as claim 6)

contains limitations similar to claim 1 and is therefore allowable for at least the same reasons as claim 1.

In view of the above reasoning, the Applicant requests the Learned Controller to withdraw the objection and allow the amended claims.

## **2. Objection 2:**

### **INVENTIVE STEP:**

Claim(s) (1-10) lack(s) inventive step, being obvious in view of teaching (s) of cited document(s) above under reference D1 and D2 for the following reasons:

D1: US20070094597 A1 Publication Date: 26/04/2007

D2: US20090002335 A1 Publication Date: 01/01/2009

D1 discloses: A method for displaying a user interface for managing communication sessions on a communications device, the method comprises displaying on a first side portion of the user interface, a first set of user configurable communication information, displaying on a second side portion of the user interface, a second set of user-configurable communication information and displaying on a center portion of the user interface, a communication work space comprising an active spotlight region (See the Abstract, Para [0003]-[0005], Para [0021]-[0025], Para [0029]-[0035], Para [0042], Para [0045]-[0047], Para [0052]-[0055], Para [0067], Para [0072]-[0079], Claims 1, 4).

D2 discloses: A communications device having a touch-based user interface, the user interface comprises a processor, a touch sensitive display and a display module configured to output on a first side portion of the touch sensitive display, a first set of user-configurable communication information to output on a second side portion of the touch sensitive display a second set of user configurable communication information to output on a center portion of the touch sensitive display a communication work space and a user input module configured to receive user input via the touch sensitive display and an interaction module configured to update the touch sensitive display based on the user input (See the Abstract, Para [0005], Para [0007]-[0010], Para [0015], Para [0023]-[0037], Para [0052]-[0067], Para [0072]-[0078], Para [0086], Para [0091]-[0095], Para [0113], Para [0118], Claim 21). Claims 1-10 are not inventive w.r.t. D1 and D2.

### **Our Submission:**

The Applicant traverses the present objection and submits that at least the amended claims involve an inventive step over the cited document D1 (US2007/0094597) and D2 (20009/0002335).

The Applicant submits that claims 1 and 9 (now renumbered as claim 6) as currently amended are not disclosed by D1 or D2. As discussed above D1 does **not** disclose “*a fan comprising a plurality of graphical user interface elements that are scrollable by the first user, wherein an active graphical user interface element of the plurality of graphical user interface elements displays communication information associated with a second user different from the first user, and wherein inactive graphical user interface elements of the plurality of graphical user interface elements display truncated communication information.*” The support to the amendments can be gathered from the as-filed specification on at least pages 8-9 & 14 and at least in figures 2-7. Likewise, D2 does not disclose this element of claim 1. Instead, D2 teaches a system that can browse through a series of media files.

As discussed above, D1 does **not** disclose “*generating for display, by the processor (120), on the user interface (200), an active spotlight region that depicts, by using a visual metaphor that resembles a spotlight, an active communication session that the first user is currently participating in, the active spotlight region featuring graphical elements representing participants associated with the active communication session.*” The support to the amendments can be gathered from the as-filed specification on at least pages 14-17 & 14 and at least in figures 5-7. Likewise, D2 does not disclose this element of claim 1. Therefore, claim 1 contains an inventive step. Claim 9 (now renumbered as claim 6) has amendments similar to claim 1 and therefore also has an inventive step.

In view of above submission, the Applicant requests the Learned Controller to withdraw the present objection and allow the claims.

### 3. **Objection 3:**

#### **NON PATENTABILITY:**

Claim(s) (1-10) are statutorily non-patentable under the provision of clause (k, m, n) of Section 3 for the following reasons:

- (1) The subject matter of claims 1-10 does not define any structural features of the apparatus rather they define computer software. These are nothing but computer program per se. Hence, claims 1-10 fall within the scope of clause (k) of section (3) of the Patents Act, 1970 (as amended).
- (2) Claims 1-8 recite various method steps without disclosing what apparatus/structural component carried out said steps. In absence any structural limitations, subject matter of these claims is mere scheme and mental act and hence falls within scope of clause

(m) of section (3) of the Patents Act, 1970 (as amended). Therefore invention claimed in said claims is not patentable.

(3) Claims 1-8 are not patentable under section 3(n) of the Patents Act.

### **Our Submission:**

The Applicant respectfully traverses this objection and submits that the amended claims are out of the purview of section 3(k), 3 (m) and 3(n).

1. The Applicant disagree that the claims do not recite hardware features. In particular, the “*user interface (200)*”, “*a display (170)*” and “*processor (120)*” are clearly hardware components which are a part of the claim language. Further, the figure 1 clearly demonstrates that the claimed subject-matter is not just a computer program but rather it amply contains hardware limitations.

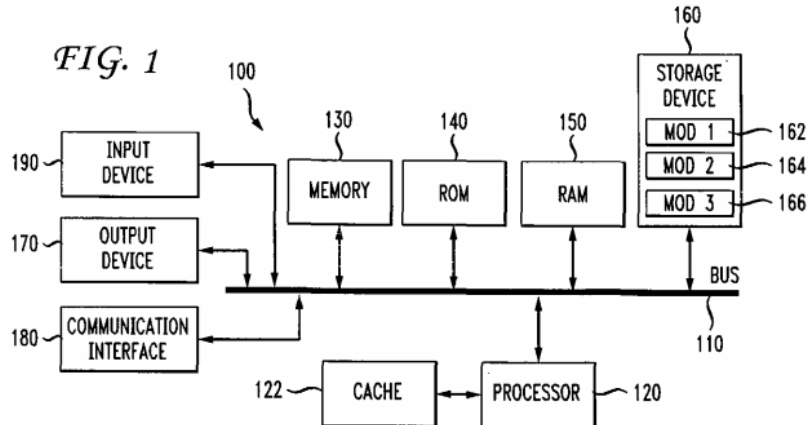
Further, the Applicant would also like to bring to the notice of the Learned Controller that, the claimed invention has a technical advancement over the convention method for displaying a user interface for managing communication sessions on a communications device. The technical problem is discussed in the background section of the as-filed specification on at least pages 2-3. The technical solution is discussed in the summary and detailed description of the as-filed specification an at least pages 2-4 & 9-17 and figures 1-9. The technical advancement of the claimed invention is achieved by providing a mobile communication device interfaces that can be far more intuitive for their specific use cases than the traditional keyboard and mouse driven window and desktop based metaphor.

As the claimed invention provides a technical solution to a technical problem and has a technical effect, the same cannot be considered to fall under the category of *computer program per se* under Section 3(k).

2. Regarding Section 3(m), it is amply clear from the features of independent method claim 1 that reads (“*generating for display, by a processor (120), in a side portion of the user interface (200) for a first user, wherein an active graphical user interface element of the plurality of graphical user interface elements displays communication information associated with a second user different from the first user, and wherein inactive graphical user interface elements of the plurality of graphical user interface elements display truncated communication information;*”) that the method needs intervention of a machine and not only human intervention. Furthermore, the step of “*displaying the fan in the user interface (200);*” makes it furthermore clear that a machine is involved in performing the steps narrated thereafter. Similarly,

independent claim 6 is directed towards communications device comprising a processor, a display, etc. also involves hardware components.

Further, Figure 1 is shown below for the reference of the Learned Controller that makes it clear that the claimed invention is **not** a mere scheme or mental act, rather requires a machine implementation.



Without prejudice to the above, the Applicant has amended the claims and it can be observed that the amended claims furthermore clearly indicate that the method is performed by a machine. Thus, it is humbly submitted that the method claims do not fall within the category of section 3(m) of the Act and in light of the above.

3. The Applicant traverses the Learned Controller's assertion that the claimed invention is directed towards presentation of information. The claimed subject-matter is disclosing a method and a communication device for displaying a user interface for managing communication sessions on a communications device. Herein the processor generates for display, in a side portion of the user interface for a first user, a fan comprising a plurality of graphical user interface elements that are scrollable by the first user, wherein an active graphical user interface element of the plurality of graphical user interface elements displays communication information associated with a second user different from the first user, and wherein inactive graphical user interface elements of the plurality of graphical user interface elements display truncated communication information. Therefore, the claimed invention cannot be labelled as presentation of information, as it is directed towards solving a technical problem as illustrated before. In view of above, claimed invention is out of purview of Section 3(n).

Accordingly, the Applicant requests the Learned Controller to reconsider and waive the present objection.

#### 4. **Objection 4:**

##### **SUFFICIENCY OF DISCLOSURE:**

- I. The complete specification does not fully and particularly describe the invention and its operation and the method by which it is to be performed in respect of:  
Complete specification is not properly drafted and does not disclose the best method of performing the invention (section 10(4)(b)) i.e. No background art/prior art are provided in the description due to which inventive nature of the invention is not clear. Hence specification should be redrafted including the reference in the “background art”. Distinguishing features w.r.t prior art should be furnished in the description to ascertain the inventive nature of the invention.
- II. Abstract: Abstract does not sufficiently provide technical information of the invention. It does not have reference diagram and reference numerals. The abstract should be prepared as the instructions given in rule 13(7)(b), 13(7)(c) and 13(7)(d) of the Patents Rules, 2003 (as amended).

##### **Our Submission:**

1. The Applicant herewith submits a revised complete specification indicating proper sub heading to indicate the background section and further, it is submitted that the complete specification is properly drafted and thereby discloses the best method of performing the claimed subject-matter. Furthermore, the distinguishing features of the claimed subject-matter are novel and inventive over the prior arts has been clearly presented in the reply to submission 1 & 2 of the present response.
2. The Applicant herewith submits revised abstract as per rule 13(7)(b), 13(7)(c) and 13(7)(d) of the Patents Rules, 2003.

In view of the aforesaid, the Learned Controller is requested to withdraw the present objection.

#### 5. **Objection 5:**

##### **CLARITY AND CONCISENESS:**

Claim(s) 1-10 are not clearly worded in respect of:

Drafting of claims is not proper because of which the nature & scope of the alleged invention cannot be clearly ascertained. The statement of claims should therefore be revised & all essential features of the invention should be brought in claim 1 while subsidiary features of the invention may be claimed in dependent claims i.e.

1. The technical features of the claims should be referenced with numerals in parenthesis to enhance the intelligibility of the claims.

2. The dependent claims should be re-worded to “as claimed in claim ...” and the dependency should be defined in unambiguous manner.
3. Words like ‘at least’ should be removed from the claims so as to maintain the definiteness of the claims.
4. All dependent claims should be dependent on Principal Independent Claim which contains all technical features. Amend the claims to include all technical features on Principle Independent Claim. Multiple dependent claims (any of claims) are not allowed.
5. Claim 8 is not clear since this claim is dependent upon claim 12 which is not mentioned in the claims.
6. Further comprising should be deleted from the claims.

### **Our Submission:**

1. The Applicant has suitably amended the claims by adding reference numerals in parenthesis to address the objection.  
*[Note: The Applicant would like to put it on record that the reference numerals inserted in the claims are for the ease of understanding only and should not be construed as a limitation to the scope of claims.]*
2. The Applicant has suitably amended the claims by incorporating the phrase “as claimed in claim”.
3. The Applicant respectfully submits that the currently presented claims are dependent to only principal claim.
4. The Applicant submits that claims have been amended to remove the phrase “at least.”
5. The Applicant has deleted the dependent claims 4, 6, and 8. Therefore, this objection renders moot.
6. The Applicant submits that the phrase “further comprising” has been deleted to meet this objection.

In view of the aforesaid, the Applicant requests the Learned Controller to withdraw the objection.

### **6. Objection 6:**

#### **OTHER RQUIREMENTS**

1. Power of authority is not legible. Please submit fresh power of authority.
2. Certified copy of priority document along with verified English translation should be filed
3. If any amendment is necessitated in the complete specification then it is required to clearly identify (submission of marked copy) the amendments carried out and to indicate the portion (page no and line no) of the complete specification as filed on



which these amendments are based on. Further the pages wherever amendments are carried out need to be freshly typed on white pages and to be filed in duplicate.

**Our Submission:**

1. The Applicant submits that a fresh GPA has already been filed on *December 27, 2018*. A copy of the same is enclosed herewith for the ready reference of the Learned Controller.
2. The Applicant submits that the certified copy of the priority document which is already in English language has already been filed on *December 05, 2018*.
3. The Applicant herewith submits a marked-up copy of claims highlighting the current amendments along with clean copy of the amended claims. Further, the Applicant submits that amendments are carried out within the scope of the as filed specification. *Support of such amendments can be found at least at pages 8-17 in the as-filed specification.*

In view of the aforesaid, the Applicant requests the Learned Controller to take the documents on record and withdraw the objection.

**PART III: FORMAL REQUIREMENTS**

**7. Objection 7:**

**Power of Attorney (Whether GPA, SPA, Stamped, requisite fee etc.):**

A true copy of power of attorney should be filed regarding the present application in accordance with the patent act 1970 and Indian Stamp Act, 1899 (as amended).

**Our Submission:**

The Applicant submits that the GPA in accordance with the patent act 1970 and Indian Stamp Act, 189 has already been filed on December 27, 2018.

Therefore, the Applicant requests the Learned Controller to reconsider and withdraw the objection.

**8. Objection 8:**

**Statement & Under Taking (Form 3 Details)**

1. Foreign filing particulars of all applications made in foreign countries should be filed within prescribed time period under Section 8(1) of the Act. Details regarding application for Patents which may be filed outside India from time to time for the same

or substantially the same invention should be furnished within Six months from the date of filing of the said application under section 8(1)(b) and rule 12(1) of the Act.

2. Details regarding the search and/or examination report including claims of the application allowed, as referred to in Rule 12(3) of the Patent Rules in respect of same or substantially the same invention filed in all countries outside India, along with appropriate translation where applicable, should be submitted within a period of Six months from the date of receipt of this communication as provided under section 8(2) of the Patents Act.

**Our Submission:**

1. The Applicant submits herewith updated Form 3 with the corresponding foreign application details.
2. The Applicant submits herewith the following documents pertaining to Section 8(2):
  - Office actions, notice of allowance and granted patent in respect of US patent application no. 12/978,884
  - Granted patent and its English translation, Allowed claims and its English translation and certificate of patent in respect of Argentina patent application no. P110101785
  - Office action in respect of Brazilian patent application no. 1102619-7

In case the Learned Controller requires any additional documents, he is invited to call upon the Applicant to do so as set out in section 8(2) of the Indian Patents Act.

In view thereof, the applicant requests the Learned Controller to re-consider and withdraw the objections.

In view of the above submissions, we request you to kindly accept this application and proceed to grant a patent. Also, please let us know if we are required to comply with any further requirements. However, before taking any adverse action, we humbly request the Controller of Patents to give the applicant an opportunity of being heard u/s 14 of the Indian Patents Act, 1970.

We thank you in advance for your cooperation in this regard.

Very Truly Yours,

MANISHA SINGH

Agent for the Applicant [IN/PA –740]

LEXORBIS

/Digitally Signed/

*Enclosures:-*

- 1. Marked up copy of current amended claims;*
- 2. Clean copy of current amended claims;*
- 3. Revised specification;*
- 4. Updated Form-3;*
- 5. Revised Abstract;*
- 6. Documents pertaining to Section 8(2);*
- 7. Copy of letter dated December 05, 2018;*
- 8. As filed copy of GPA.*