

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAJAT MUKHERJEE, DANIEL MANUEL
DIAS and HIDAYATULLAH HABEEBULLAH SHAIKH

Appeal No. 2002-1922
Application No. 09/163,724

ON BRIEF

Before THOMAS, HAIRSTON, and RUGGIERO, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 8, 10, 11 and 14 through 24.

The disclosed invention relates to a method and system for determining which of a web server computer or a client computer accessing the web server computer will process web site data to produce a formatted data product.

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Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A computer system including at least one client computer having a processing capability and communicating one or more data requests to at least one web server of a web site, the web server having access to server data, comprising:

logic means for selectively causing server data to be processed at the client computer or at the web site, based at least in part on the processing capability of the client computer, the processing of the server data rendering a formatted data structure; and

logic means for causing the server data to be processed at the web site when a data request from the client computer indicates that the web server is to process server data to render a formatted data structure, regardless of the processing capability of the client computer.

The references relied on by the examiner are:

Tso et al. (Tso)	6,185,625	Feb. 6, 2001 (filed Dec. 20, 1996)
Purcell	6,233,584	May 15, 2001 (filed Sept. 9, 1997)

Claims 1 through 8, 10, 11 and 14 through 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tso in view of Purcell.

Reference is made to the supplemental brief (paper number 12), the answer (paper number 13) and the reply brief (paper number 14) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 8, 10, 11 and 14 through 24.

Appellants argue (supplemental brief, pages 5 and 6) that:

Tso et al. does not teach selectively causing **processing** to be undertaken at a client or a web server depending on the client's capability, much less does Tso et al. teach causing the server data to be processed at the web site when a data request from the client computer indicates that the web server is to process server data to render a formatted data structure, regardless of the processing capability of the client computer. Rather, Tso et al. teaches scaling, at an intermediate scaling server, the **compression** of data from a web server to match the capability of a client. ***The compression in Tso et al. (the only thing that evidently depends on the client's capabilities) is always done at the intermediate scaling server, and the compressed data, having been scaled appropriately, is then always sent to the client.*** That is, instead of being directed to . . . determining whether a client or a web server will process web data and also allowing the client to demand that the web server do the processing, Tso et al. is directed to something completely different, namely, determining how much to compress data, which is always undertaken at the scaling server of Tso et al. and then always sent to the client. Determining who does the processing is clearly a much different thing than determining how much to compress data.

We agree with appellants' arguments. Even if we assume for the sake of argument that it would have been obvious to one of ordinary skill in the art to provide Tso with the JDBC server and port teachings of Purcell, the modified teachings of Tso would

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still lack a system and method whereby a decision is made whether the web server site or the client computer will process a data request from the client computer. Tso is not concerned with the process of determining which one of two sites will process a request from the client computer 3 (Figure 2). Instead, Tso provides a remote scaling server 1 between the client computer 3 and the Internet 2 to scale any content from the Internet before forwarding it to the requesting client computer. According to Tso, the scaling is performed by the remote scaling server to make the download time of the content compatible with the operating speed of the client computer (Abstract; column 4, lines 36 through 50). In summary, the obviousness rejection of claims 1 through 8, 10, 11 and 14 through 24 is reversed.

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DECISION

The decision of the examiner rejecting claims 1 through 8, 10, 11 and 14 through 24 under 35 U.S.C. § 103(a) is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
KENNETH W. HAIRSTON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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JOSEPH F. RUGGIERO)	
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