

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. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** ANINDA DASGUPTA

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Appeal No. 2003-0428  
Application 09/116,564

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ON BRIEF

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Before JERRY SMITH, BARRETT, and FLEMING, **Administrative Patent Judges**.

FLEMING, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the final rejection of claims 1 through 12, all the claims pending in the instant application.

**Invention**

The invention relates generally to the field of computers and communication. In particular, the invention relates to the transfer of documents and objects that contain references to

other documents and objects. See page 1 of Appellant's specification. There is a need for a method and apparatus for relocating hypertext documents that makes the adjustments required for both relative and absolute reference locators in the hypertext document. See page 3 of Appellant's specification. In general, Appellant's invention facilitates the relocation of hypertext document and objects referenced by hypertext items through the use of Modifiable Uniform Reference Locators (MURLs). Figure 1 illustrates a flow diagram of the invention. A parser 110 analyzes a document 100 to identify modifiable reference locators 115. An example modifiable reference locator 115 is shown as REF 1 in the document 100. An address determinator 130 determines a new reference locator 135, for each modifiable reference locator 115. In figure 1, REF 2 is the new reference locator 135 corresponding to the object referenced by REF 1. A reference replacer 120 replaces the modifiable reference locator REF 1 in document 100 with the new reference locator REF 2, forming a modified document 100'. If the object 150 that is referenced by REF 1 is not yet moved to REF 2, a data transferrer 140 transfers the object 150, or a copy of the object 150, to REF 2, as shown in figure 1 as object 150'. See page 5 of Appellant's specification. Each modifiable reference locator

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that is contained in the document 100 is simply identified and replaced, and each referenced object is relocated as required. See page 6 of Appellant's specification.

Independent claim 1 of the application is representative of Appellant's claimed invention and is reproduced as follows:

1. A method for relocating objects comprising the steps of:
  - parsing a document for a first reference locator that references an object in a first file system;
  - determining a second reference locator that references a target location in a second file system;
  - placing a copy of the object at the target location in the second file system; and
  - replacing the first reference locator in the document with the second reference locator.

#### **Reference**

The reference relied on by the Examiner is as follows:

Mantha et al. (Mantha)	6,163,779	Dec. 19, 2000
		(filing date Sept. 29, 1997)

#### **Rejection at Issue**

Claims 1 through 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mantha.

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Throughout our opinion, we make reference to the briefs<sup>1</sup> and the answer for the respective details thereof.

#### OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejection and the arguments of Appellant and the Examiner for the reasons stated **infra**, we reverse the Examiner's rejection of claims 1 through 12 under 35 U.S.C. § 103.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a **prima facie** case of obviousness. **In re Oetiker**, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). **See also In re Piasecki**, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. **In re Fine**, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of

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<sup>1</sup> Appellant filed an appeal brief on July 1, 2002. Appellant filed a reply brief on November 13, 2002. The Examiner mailed out an office communication on December 2, 2002 stating that the reply brief has been entered.

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coming forward with evidence or argument shift to the Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and argument." **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." **In re Lee**, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). With these principles in mind, we commence review of the pertinent evidence and arguments of Appellant and Examiner.

Appellant argues that Mantha does not disclose or suggest "parsing a document for a first reference locator that references an object in a first file system; determining a second reference locator that references a target location in a second file system; placing a copy of the object at the target location in the second file system; and replacing the first reference locator in the document with the second reference locator" as required by

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claim 1 and similarly required by claim 11. See pages 5 through 7 of the brief and the reply brief. Appellant further argues that Mantha does not teach or suggest an address determinator as required by claim 8. See pages 7 and 8 of the brief and the reply brief.

Claim 8 recites:

an address determinator that identifies a second reference; a data transferrer that receives the object and transfers it to the second reference; and, a reference replacer that replaces the first reference with the second reference.

The Examiner agrees that Mantha does not teach determining a second reference locator that references a target location in a second file system, placing a copy of the object at the target location in the second file system, and replacing the first locator in the document with the second reference locator as required by claims 1 and 11. However the Examiner argues that it would have been obvious to one of ordinary skill in the art at the time the invention was made for the second locator to reference a target location in a second file system and to incorporate a target location in Mantha because such a modification will enhance the ability of the user to be directed to another location if the Web page content and/or file is present on the client. For claim 8, the Examiner states that

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Mantha does not teach an address determinator, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to have an address determinator and to incorporate an address determinator in Mantha because such a modification would assist Mantha in locating a new reference location to another document or file. See pages 4 and 5 of the answer.

When determining obviousness, "[t]he factual inquiry whether to combine references must be thorough and searching." **In re Lee**, 277 F.3d 1338, 1343, 61 USPQ 1430, 1433 (Fed. Cir. 2002), **citing McGinley v. Franklin Sports, Inc.**, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). "It must be based on objective evidence of record." **Id.** "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" **In re Dembiczak**, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617. "Mere denials and conclusory statements, however, we not sufficient to establish a genuine issue of material fact." **Dembiczak**, 175 F.3d at 1000, 50 USPQ2d at 1617, **citing McElmurry v. Ark. Power & Light Co.**, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993).

The Federal Circuit reviews the Board's ultimate conclusion

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of obviousness without deference, and the Board's underlying factual determinations for substantial evidence. **In re Huston**, 308 F.3d 1267, 1276, 64 USPQ2d 1801, 1806 (Fed. Cir. 2002) **citing In re Gartside**, 203 F.3d 1305, 1316, 53 USPQ2d 1769, 1776 (Fed. Cir. 2000). "The Board's findings must extend to all material facts and must be documented on the record, lest the 'haze of so-called expertise' acquire insulation from accountability." **Lee**, 277 F.3d at 1345, 61 USPQ2d at 1435.

We agree with the Examiner that Mantha does not teach the above limitations recited in Appellant's claims. Mantha is concerned with providing a user with a simple technique to take a "snap shot" of a particular Web page that could be stored on the client machine and then retrieved for subsequent viewing or use. See Mantha, column 1, lines 55 through 58. Mantha teaches that the preferred solution is to save a copy of the HTML base document and each of its embedded objects on a client hard drive. Hypertext references in the HTML base document that are associated with the embedded objects are changed to point to the hard drive. See Mantha, column 2, lines 12 through 17. In response to a user's request to save a copy of a Web page being displayed, the following steps are performed. The base HTML

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document is first copied into a new HTML page on the local hard drive. The original page is then parsed to prepare a list of hypertext references. For each reference tag in the base HTML document, a copy of the file is retrieved on the server and then saved on the local hard drive. See Mantha, column 2, lines 22 through 44. A more detailed description of the operation is provided in columns 9 and 10 of Mantha. There, Mantha teaches that the references are changed to reflect the local storage system addressing. See Mantha, column 9, line 58, through column 10, line 7. Thus, Mantha does not teach a reference locator that references a target location for an address determinator that identifies a second reference. This is because Mantha has no need to do so since the Web page is being saved as a local Cache.

Now the question before us, is there any suggestion in Mantha to make the suggested modifications proposed by the Examiner. Upon our review of the entire reference, we fail to find that Mantha provides any suggestion or even hint of making such a modification. As pointed out above, Mantha is concerned with providing a simple technique to take a snap shot of a particular Web page. Mantha proposed a simple solution by simply providing a copy of the Web page on the client local hard drive disk. With this simple technique, there is no need to determine

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a target location or to provide an address determinator for identifying a second reference because the Web page is simply saved as a local cache. Furthermore, we fail to find that the Examiner has pointed us to any objective evidence to support the Examiner's reasons for making such a modification.

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In view of the foregoing, we have not sustained the  
Examiner's rejection of claims 1 through 12 under 35 U.S.C.  
§ 103.

**REVERSED**

JERRY SMITH	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
	)	
MICHAEL R. FLEMING	)	
Administrative Patent Judge	)	

MRF:pgc

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