

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PING-WEN ONG

Appeal No. 2004-1128
Application No. 10/099,121

ON BRIEF

Before BARRETT, RUGGIERO, and GROSS, ***Administrative Patent Judges.***
GROSS, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 15, which are all of the claims pending in this application.

Appellant's invention relates to a method for providing an electronic document, the electronic document having multiple versions each having a time-stamp indicating a creation time thereof. The method includes steps of receiving a request for one version of the electronic document, the request including a relative time-stamp indicating a time offset from a predefined

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time and transmitting the version of the electronic document corresponding to the relative time-stamp. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for providing an electronic document, said electronic document having multiple versions, each of said versions having a time-stamp indicating a creation time of a corresponding version, said method comprising the steps of:

receiving a request for one of said versions of said electronic document, said request including a relative time-stamp indicating a time offset from a predefined time; and

transmitting said version of said electronic document corresponding to said relative time-stamp.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Eisenberg et al. (Eisenberg)	5,504,879	Apr. 02, 1996
Morris	5,634,052	May 27, 1997
Wlaschin	5,790,848	Aug. 04, 1998
Fehskens et al. (Fehskens)	5,832,224	Nov. 03, 1998
Kisor et al. (Kisor)	5,978,847	Nov. 02, 1999
		(filed Dec. 26, 1996)
Shnelvar	6,374,266	Apr. 16, 2002
		(effectively filed Jul. 28, 1998)

"Building a digital library for the future" printout (Archive97), <http://archive.org>, published 01/26/1997, pages 1-21. (Archive97)

Kahle, "Archiving the Internet," issued 11/1996, pages 1-8.

Claims 1, 3, 4, 6, 8, 10, 11, 13, and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Archive97 in view of Kahle and Fehskens.

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Claims 2 and 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Archive97 in view of Kahle, Fehskens, Shnelvar, and Wlaschin.

Claims 5 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Archive97 in view of Kahle, Fehskens, and Kisor.

Claims 7 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Archive97 in view of Kahle, Fehskens, Eisenberg, and Morris.

Reference is made to the Examiner's Answer (Paper No. 10, mailed July 11, 2003) for the examiner's complete reasoning in support of the rejections, and to the appellant's Brief (Paper No. 8, filed May 21, 2003) and Reply Brief (Paper No. 14, filed March 4, 2004) for the appellant's arguments thereagainst.

OPINION

We note that appellant indicates on page 3 of the Brief that claims 2 and 9 and claims 7 and 14 do not stand or fall with the rest of the claims. In accordance with this indication, appellant provides separate arguments regarding the additional references applied against claims 2 and 9 and claims 7 and 14. However, appellant further indicates on page 2 of the Reply Brief

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that "[a]ppellant concedes solely for purposes of limiting the issues on appeal that claims 7 and 14 stand and fall with the independent claims." No arguments have been proffered as to the combinability of Kisor with Archive97, Kahle, and Fehskens for claims 5 and 12. Thus, the only arguments we have before us as to claims 1, 3 through 8, and 10 through 15 are those directed to the rejection of independent claim 1. Therefore, in accordance with 37 C.F.R. § 1.192(c)(7), which was in effect at the time of the Brief, we will treat claims 1, 3 through 8, and 10 through 15 as a single group, with claim 1 as representative, and claims 2 and 9 as a second group, with claim 2 as representative.

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will affirm the obviousness rejections of claims 1 through 15.

The examiner asserts (Answer, pages 4-5) 1) that page 9 of Archive97 shows the January 26, 1997, version of www.archive.org, which allows people to visit archived versions of Web sites, 2) that page 11 shows the dialogue box that appears after clicking on "The Libertarian Web" at line 21 of page 9, and 3) that page 12 shows the URL for "The Libertarian Web." The examiner concludes that the URL includes a time-stamp because it

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includes in the address "pres96." Appellant argues (Brief, page 4, and Reply Brief, pages 3-4) that "'Pres96' merely indicates the subject matter of the archived document." Appellant further states that "the Examiner has acknowledged that Archive97 does not disclose that the 'time-stamp' indicates a *creation time* of said version."

We agree with appellant that "pres96" indicates the subject matter and not the creation time of the document. However, the examiner is correct that the URL for "The Libertarian Web" on page 12 of Archive97 includes a time-stamp. Specifically, the string of numbers "19971011050541" indicates that the website shown is the version that existed on October 11, 1997, at 5:05 and 41 seconds in the morning. Further, as shown on page 11, clicking on "The Libertarian Web," or rather requesting the version of the website that relates to the presidential election of '96, brings up a dialogue box which shows that the URL for that website includes a time-stamp. In other words, a request for that version of the website includes a time-stamp.

The examiner (Answer, page 5) applies Kahle for a teaching to include a time-stamp indicating a creation time of the requested webpage. Appellant argues (Reply Brief, page 4) that Kahle fails to suggest that "a *request* for a version of an

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electronic document should include a *time-stamp indicating a creation time* of a corresponding version." Further, appellant argues (Brief, pages 4-5) that Kahle fails to teach a "relative time-stamp indicating a time offset from a predefined time."

As explained *supra*, Archive97 not only includes URLs with time-stamps indicating a creation time of a webpage, but also includes requests for websites wherein the requests include the time-stamps. Accordingly, Kahle is merely cumulative regarding a time-stamp indicating a creation time of a webpage and a request for the webpage including the time-stamp. Regarding relative time-stamps, the examiner applied Fehskens, not Kahle.

Appellant argues (Brief, page 5) that "the requests in Fehskens are *not for electronic documents having multiple versions*, where each of the versions have a 'time-stamp indicating a *creation time* of said corresponding version.'" Appellant continues, "Fehskens interprets a request for information 'at or before' a given time, as a 'request for *any* information with a time stamp at or before the given time,'" rather than just the one version that corresponds to a relative

time-stamp. Appellant adds (Reply Brief, page 3) that the relative time-stamps in Fehskens of "at or before," "at," "every," and "yesterday" return all information with a time-stamp satisfying the constraint, not one version with a time-stamp that represents a time offset from a predefined time, as required by the claims.

As indicated by the examiner (Answer, page 12), Fehskens discloses (column 30, lines 44-48) that for "historical data stored in historical data file, the timestamp indicates the instant of time at which a given data item had a particular value. . . . [A] timestamp can be considered as a key or index." Fehskens continues (column 30, lines 48-50) that "[a] scope of interest time specification **123** may be used to request the retrieval of a particular piece of stored information with a given key or index." Fehskens explains (column 30, lines 62-65) that such "[t]ime scopes of interest can be indicated by either an absolute instant, a sequence of absolute instants, an interval (start time 'START' and duration 'DUR'), a repetition of instants, or a repetition of an interval." Further, "[i]ntervals whose begin and end points are equal resolve into instants (e.g. (TODAY, TODAY))" and " [i]ntervals in the past may have begin

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points denoted by the keyword YESTERDAY, or an absolute time in the past" (see column 31, lines 18-19).

Thus, Fehskens teaches that a time-stamp indicating a creation time can be used to index a particular piece of information stored in an archive, that a scope of interest time may be used to request the piece of information from the archive, and that a scope of interest time may be either an interval or a particular instant. Fehskens suggests that a particular instant can be represented either by an absolute time or by an interval that begins and ends with the a relative term such as "yesterday." In other words, Fehskens suggests that a relative time-stamp representing an absolute time may be used to request from an archive a document corresponding to the time-stamp. Accordingly, we will sustain the rejection of claim 1 and the claims grouped therewith, claims 3 through 8 and 10 through 15.

Claims 2 and 9 require a pointer to a previous version of the electronic document when the previous version is "substantially identical." The examiner adds Shnelvar and Wlaschin to the base combination for the additional limitation. Appellant provides no arguments regarding Shnelvar in the Brief. In the Reply Brief (page 5) appellant states that "[t]he Examiner acknowledges that Snelvar does not explicitly disclose

'substantially identical' files." Appellant asserts (Brief, page 7 with similar statements at page 5 of the Reply Brief) that Wlaschin teaches a pointer to a previous version of the document "if said electronic document is **updated** from the previous version. . . . Thus, Wlaschin teaches away from the present invention" (emphasis ours). Appellant thus concludes that neither Shnelvar nor Wlaschin teaches the limitation of claims 2 and 9.

First, we note that the examiner states (Answer, page 7) that Shnelvar teaches using a pointer to a previous version when there is a duplicate document so as to reduce the amount of material stored. Appellant does not contest the combination of Shnelvar with the main references to teach a pointer in place of a duplicate copy of a document.

Second, we note that the examiner explains (Answer, pages 7-8) that Wlaschin is required for the rejection because "substantially identical" means that there has been an update such that the two documents are different (i.e., not duplicates). Since appellant's argument that Wlaschin teaches away from using a pointer for documents that are "substantially identical," appellant apparently interprets the phrase "substantially identical" to mean duplicates (and/or near duplicates).

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Therefore, Shnelvar satisfies the limitation of claims 2 and 9, with Wlaschin being merely cumulative. Therefore, we will sustain the rejection of claims 2 and 9 over Archive97, Kahle, Fehskens, Shnelvar, and Wlaschin.

CONCLUSION

The decision of the examiner rejecting claims 1 through 15 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

LEE E. BARRETT)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
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