

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. 43

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIHIRO SHIMA

Appeal No. 2004-1749
Application No. 09/047,396

ON BRIEF

Before OWENS, GROSS, and BARRY, *Administrative Patent Judges*.
OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-32, which are all of the claims in the application.

THE INVENTION

The appellant claims an image information input-output device, a method for operating the device, and a program recording medium for performing input-output processing of image information. Claim 1, which claims the device, is illustrative:

1. An image information input-output unit comprising:
a hypertext information retrieval environment;

image processing means for processing of image information based on a control information;

management means for managing an URL information, which is recordable in the hypertext information retrieval environment, and said control information in correspondence with each other, said URL information having a function of designating a plural of setting values simultaneously;

conversion means for looking up in said management means based on the entered URL information and converting the URL information into the predetermined control information; and

control means for controlling operation of said image processing means based on the control information into which the retrieval information is converted by said conversion means.

THE REFERENCES

Venkatraman et al. (Venkatraman)	5,956,487	Sep. 21, 1999 (filed Oct. 25, 1996)
Hanson	6,148,346	Nov. 14, 2000 (filed Jun. 20, 1996)

THE REJECTION

Claims 1-32 stand rejected under 35 U.S.C. § 103 as being unpatentable over Venkatraman in view of Hanson.

OPINION

We reverse the aforementioned rejection.

Venkatraman discloses (col. 2, lines 13-26):

A solution for providing widely accessible, low cost, and enhanced user interface functions for a device is disclosed. The solution involves embedding web access functionality into the device including a web server that provides a device web page. The device includes an embedded network interface that enables access to the device web page by a web browser. A user of the web browser accesses the user interface functions for the device through the device web page. The web server functionality may be implemented with existing circuitry in a device, such as an exiting [sic] processor, memory, and input/output circuitry that normally perform device-specific functions, thereby avoiding the extra cost and space required for dedicated web server hardware for the device.

Hanson seeks to create a single device driver that provides communication between any host computer system and any peripheral device (col. 4, lines 6-9). The device driver has an operating system (OS) independent device driver portion and an OS specific driver portion (col. 3, lines 28-30; col. 4, lines 23-25). The OS independent device driver portion includes information regarding peripheral device operation and peripheral specific data objects, and may include graphical user interface (GUI) objects (col. 4, lines 46-49). The OS specific device driver

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portion is the two-way translating communication layer between the OS of the host computer system and the OS independent device driver portion (col. 4, lines 36-39).

The appellant argues (brief, pages 9-10):

Hanson does not teach or suggest combining the GUI and URL [uniform resource locator] information in order to use a URL as a conversion means. Although Hanson, as well as Venkatraman, disclose using URL information for identifying an intranet/Internet location of a peripheral device, the combined references do not teach or suggest changing control setting values of the device through the URL information. That is, nowhere does Hanson or Venkatraman disclose or suggest managing URL information and control information in correspondence with each other, and/or converting the URL information into predetermined control information, as recited in independent claims 1, 3, 6 and 13.

The examiner responds (answer, page 16):

Appellant's claims do not specifically define "control information". Both Venkatraman and Hanson define devices via URLs (i.e., [] to at least define location of a device). Since a URL address must be mapped to a unique IP number at a server (in this case, mapping said URL to a device IP number), the IP number, along with said mapping, can be interpreted as control information associated with controlling a device. Converting a URL to a device's unique IP number can be interpreted as managing URL information, and control information.

During patent prosecution, claims are to be given their broadest reasonable interpretation consistent with the specification, as the claim language would have been read by one of ordinary skill in the art in view of the specification and

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prior art. See *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983). The examiner has not addressed the appellant's specification and the prior art and explained why, in view of the specification and the prior art, one of ordinary skill in the art reasonably would have considered the address information of Venkatraman and Hanson to be control information as that term is used by the appellant.¹ We are not persuaded that merely because a URL address must be mapped to a unique IP number, the IP number along with the mapping is control information.

The appellant argues that 1) "nowhere does Hanson or Venkatraman disclose or suggest managing control information and command information related to processing items that can be processed by the image processing means in correspondence with each other, and/or converting the command information into predetermined control information, as recited in independent

¹ As an example of the appellant's URL containing control information, the specification discloses that "if an URL of "http://xxx/B600.html" is input, the URL interpretation section 49 looks up in the management table 50 based on the URL, thereby converting the URL into setup values to realize a process of "reading image data at read resolution 600 dpi processed by error diffusion method" (page 25).

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claims 8, 10 and 15", and 2) "neither Venkatraman nor Hanson discloses the production and transmission of a list of processing items processed by the image processing means" (brief, page 11). The examiner does not respond to the first of these arguments. The examiner's response to the second argument is that "Venkatraman['s] Figure 3 (and column 3[,] lines 19-26) teaches a list associated with a device URL. This list of items associated with said device is processed and displayed to a user" (answer, page 17). Venkatraman's figure 3 shows a printer home page having a box containing "printer name", "administrator" and "location". We do not find in column 3, lines 19-26 a disclosure of a list associated with a device URL. The examiner has not established that the relied-upon disclosures would have fairly suggested, to one of ordinary skill in the art, processing list information generation means for relating command information pieces to processing list information pieces and returning the information pieces to a processing list information transfer requester (claims 8 and 15) or an information terminal (claim 10) if the processing list information transfer request is received.

The appellant argues, regarding claims 17-32, that Venkatraman "does not teach or suggest that that [sic] the web page provides resource request information related to processing

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items that can be processed by the device. Similarly, Hanson does not teach or suggest this feature of the claimed invention" (brief, page 13). The examiner argues that Venkatraman, at column 3, lines 27-32, discloses an HTTP retrieval environment (answer, page 13). That portion of Venkatraman discloses a web page generation means for generating a web page, but does not disclose that the web page has resource request information related to processing items that can be processed by an image processing means. In response to the appellant's argument the examiner relies upon his responses to the appellant's previous arguments (answer, page 17). The examiner does not explain, and it is not apparent, how these responses indicate that the applied references would have fairly suggested the argued claim requirement to one of ordinary skill in the art.

For the above reasons we conclude that the examiner has not carried the burden of establishing a *prima facie* case of obviousness of the appellant's claimed invention.

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DECISION

The rejection of claims 1-32 under 35 U.S.C. § 103 over Venkatraman in view of Hanson is reversed.

REVERSED

TERRY J. OWENS)	
Administrative Patent Judge)	
)	
)	
)	
ANITA PELLMAN GROSS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
LANCE LEONARD BARRY)	
Administrative Patent Judge)	

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