

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YASUHARU AOKI
and TETSUYA SAN0

Appeal No. 2005-2722
Application No. 09/588,344

HEARD: DECEMBER 15, 2005

Before HAIRSTON, DIXON, and MACDONALD, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 3, 5 through 8, 10 through 24, 28 and 33. Claims 34 and 35 have been allowed.

The disclosed invention relates to a method and system wherein a server in a client server system constantly monitors prescribed folders in the server, and when a command file which instructs the execution of a designated process is recognized as existing in the prescribed folders, the process instructed by the command file is performed.

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

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not disclose all of the limitations of each of the independent claims on appeal. A claim is anticipated under 35 U.S.C. § 102 "if each and every limitation is found either expressly or inherently in a single prior art reference." Bristol-Myers Squibb Co. v. Ben Venue Labs, Inc., 246 F.3d 1368, 1374, 58 USPQ2d 1508, 1512 (Fed. Cir. 2001).

In response to the examiner's contention (answer, page 10) that "the digital image file/document in Figures 10A-10B must also include a command file which direct, instruct, or command the hot-folding software system," appellants argued (reply brief, page 4) that "the digital image file does not inherently teach the claimed command file" as set forth in the claims on appeal. In an earlier argument (substitute brief, page 7), appellants specifically argued that "the image data does not instruct execution of a designated process in the prescribed folder . . . as described in the claimed invention."

We agree with the examiner that the image data file in Jebens can either be accompanied by a command from the client (column 10, lines 3 through 33 and 64 through 66) or it can be mated with a command previously sent to the host system 10 for use by the server 34 upon arrival of the image data file at the host system (column 10, lines 33 through 37 and 60 through 63).

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On the other hand, we agree with the appellants that Jebens does not disclose a teaching of placing the noted command in the folders discussed in connection with the hot-folder system used by the host (column 19, lines 14 through 35). If the command is not in the folders, then the existence of the command can not be "recognized in the prescribed folders" as required by the claims on appeal.

In summary, the anticipation rejection of claims 1 through 3, 5 through 8, 10 through 22, 24, 28 and 33 is reversed because Jebens fails to disclose each and every limitation set forth in the claims on appeal.

The obviousness rejection of claim 23 is reversed because Aldus OPI fails to cure the noted shortcoming in the teachings of Jebens.

DECISION

The decision of the examiner rejecting claims 1 through 3, 5 through 8, 10 through 22, 24, 28 and 33 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claim 23 under 35 U.S.C. § 103(a) is reversed.

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REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH L. DIXON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
ALLEN R. MACDONALD)	
Administrative Patent Judge)	

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, P.L.L.C.
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3202