

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 EVAN S. HUANG

Appeal No. 2006-0223
Application No. 09/754,969

ON BRIEF

Before HAIRSTON, RUGGIERO, and MACDONALD, **Administrative Patent Judges**.

MACDONALD, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-3, 5-27, and 29-42.

Claims 4 and 28 have been canceled.

Invention

Appellant's invention relates to a method and machine readable medium that receives a definition file including document type definitions (DTD) and displays a metafile along with the definition file, the metafile including a number of displayable objects and respective decoration attributes about each of the displayable objects. The definition file includes

a structure for document elements, each corresponding to one of the displayable objects in the metafile. Some of the document elements include a number of identifiers, each of the identifiers being assigned to one of the document elements. In one implementation, the identifier are numerals and/or alphabets. In another implementation, the identifiers are one or more of a font name, a color name, a size, a font type, a color, a style, various effects or other symbols. The method associates at least one of the identifiers with one of the displayable objects. Appellant's specification at page 7, lines 11-26.

Claim 1 is representative of the claimed invention and is reproduced as follows:

1. A method for producing a structured document, the method comprising:

receiving a definition file including document type definitions (DTD) to generate a tree structure of hierarchical relationships of document elements;

displaying an output presentation along with the DTD and the tree structure simultaneously, the output presentation including a number of displayable objects and respective decoration attributes about each of the displayable objects, the DTD showing structures of the document elements and the tree structure showing the hierarchical relationships of the document elements based on a root element selected among the document elements;

associating at least one of the document elements in the tree structure with one of the displayable objects; and

creating the structured document from the output presentation in accordance with the at least one of the document elements being associated with the one of the displayable objects.

References

The references relied on by the Examiner are as follows:

Kuwahara	6,202,072	March 13, 2001 (Filed December 5, 1997)
Arn et al. (Arn)	WO 94/14122	June 23, 1994

Rejections At Issue

Claims 1-3, 5-27, and 29-42 stand rejected under 35 U.S.C. § 103 as being obvious over the combination of Kuwahara and Arn.

Throughout our opinion, we make references to the Appellant's briefs, and to the Examiner's Answer for the respective details thereof.¹

OPINION

With full consideration being given to the subject matter on appeal, the Examiner's rejections and the arguments of the Appellant and the Examiner, for the reasons stated **infra**, we affirm the Examiner's rejection of claims 1-3, 5-27, and 29-42 under 35 U.S.C. § 103.

¹ Appellant filed an appeal brief on November 4, 2003 (signed copy provided on November 29, 2004). The Examiner mailed an Examiner's Answer on January 28, 2004.

I. Whether the Rejection of Claims 1-3 and 5-14 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 1-3 and 5-14. Accordingly, we affirm. We treat claim 1 as exemplary of claims 2, 3, and 5-14 for purposes of our decision.

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 coming forward with evidence or argument shift to the Appellant. **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 respect to independent claim 1, Appellant points out at page 5 of the brief, the tree structure of claim 1 is generated based on a root element (the document type definition (DTD)). Appellant then argues, “it is shown in **Fig. 2 of Kuwahara that the ‘relevant’ actions are taken with the DTD file directly.**” We do not agree.

Figure 2 of Kuwahara shows an “SGML Conversion Form” that is generated based on the DTD, and it is this SGML Conversion Form that relates with the document elements just as the claimed tree structure relates with the document elements. Appellant ignores the conversion form in his argument.

Appellant also argues “Kuwahara neither teaches nor suggests the display of the three items [simultaneously].” We fail to see the relevance of this argument, as the Examiner never made such a contention for the Kuwahara patent. Rather the Examiner pointed to Arn to teach simultaneous display of the document and a related tree structure. The display of further related tree structures being obvious therefrom.

Appellant further argues that Kuwahara fails to generate a tree structure from the DTD. We disagree. As already pointed out, the “SGML Conversion Form” is generated from the DTD. As the Examiner pointed out, the information of the DTD can be represented as a tree structure (Figure 2). An artisan would recognize that the tree structure of the DTD information carries forward in the information of the Conversion Form/table (figure 7).

Therefore, we will sustain the Examiner’s rejection under 35 U.S.C. § 103.

II. Whether the Rejection of Claims 15-24 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 15-24. Accordingly, we affirm.

With respect to independent claim 15, Appellant merely repeats the argument made with respect to claim 1 that, “actions are taken directly with the DTD file.” We have already addressed this argument. Appellant has not presented any argument to show that claim 15 is separately patentable from claim 1. Therefore these claims stand or fall with claim 1, and we will sustain the Examiner’s rejection under 35 U.S.C. § 103.

III. Whether the Rejection of Claims 25-27 and 29-42 Under 35 U.S.C. § 103 is proper?

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the invention as set forth in claims 25-27 and 29-42. Accordingly, we affirm.

With respect to claims 25-27 and 29-42, Appellant merely references the arguments made with respect to claim 1. Therefore these claims stand or fall with claim 1, and we will sustain the Examiner’s rejection under 35 U.S.C. § 103.

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Conclusion

In view of the foregoing discussion, we have sustained the rejection under 35 U.S.C. § 103 of claims 1-3, 5-27, and 29-42.

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

AFFIRMED

JERRY SMITH)	
Administrative Patent Judge)	
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ALLEN R. MACDONALD)	
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