

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 PHILIPPE DEBATY
and DEBORAH LYNN CASWELL

Appeal No. 2006-0927
Application No. 09/949,488

ON BRIEF

Before KRASS, BARRETT, and BLANKENSHIP, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-26.

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The invention pertains to accessing information and obtaining services from the Internet. In particular, the invention is a method and system for a context manager proxy that facilitates the customization of information presented from different Web sites. User context information, which can include information such as a user's identity and location, is stored as a user context in a proxy server.

Representative independent claim 1 is reproduced as follows:

1. A method for providing user context information to customize responses from a Web server, comprising:

receiving user context information from a user;

receiving an HTTP request from the user for information from a Web server;

adding the user context information to the HTTP request; and

transmitting the HTTP request with the user context information to the Web server to obtain a customized response from the Web server for the user.

The examiner relies on the following reference:

Gabber et al. (Gabber)	5,961,593	Oct. 05, 1999
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Claims 1-26 stand rejected under 35 U.S.C. § 102(b) as anticipated by Gabber.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

_____A rejection for anticipation under Section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

The examiner explains, at page 3 of the answer, how Gabber is applied against independent claim 1, citing column 9, lines 55-61, for a method of providing user context information; column 8, lines 17-34, for receiving user context information from a user; and column 6, lines 5-11, for transmitting a HTTP request with user context information.

The examiner does not mention in the statement of the rejection exactly what portion of Gabber he is relying on for the claim limitations "receiving an HTTP request from the user for information from a Web server;" and "adding the user context information to the HTTP request," and it is the "adding the user context information to the HTTP request" which is argued by appellants as distinguishing over Gabber.

Thus, the issue before us is whether Gabber does, indeed, disclose "adding the user context information to the HTTP request," as claimed.

The examiner contends that Gabber does disclose this limitation because Gabber is interested in receiving customized web page responses while allowing the user to remain anonymous to that web site (taught in the Abstract of Gabber). In achieving this function, Gabber is said by the examiner to receive requests for web information from a browser and include/add substitute identifiers to the HTTP headers of the request received from the browser, identifying column 6, lines 5-11, of Gabber.

The examiner reasons that although the substitute identifier in Gabber replaces information in the HTTP header, this substitute

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information is "context information," as claimed, and it is added to the HTTP header after other information is removed. Thus, it is the examiner's position that "adding substitute information identifiers reads on the claimed feature of adding user context information to the request" (answer-page 8).

The examiner also points out that Gabber discloses a HTTP get-request at column 11, line 4.

For their part, appellants argue that Gabber's substituted identifier is not user context information, as claimed, because the instant claims require that the context information is not substituted for other information but, rather, is "added" to the HTTP request (principal brief-page 3; reply brief-page 2).

Moreover, argue appellants, "Gabber's substitution is enacted on a browser command but not on an HTTP request" (principal brief-page 3).

While we understand the difference between the instant invention and that disclosed by Gabber, we must look to the specific instant claim language to determine if the subject matter recited therein is anticipated by Gabber. "The name of the game

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is the claim"- quote from Judge Giles Rich. In re Hiniker, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998).

The claim language at issue is "adding the user context information to the HTTP request." If the substitute identifier in Gabber is "user context information," and it is "added," it appears to make no difference at all whether other information, for which Gabber's identifier has been substituted, has been deleted.

Clearly, the substitute identifier in Gabber is "user context information" because appellants themselves define this term to include "information such as a user's identity and location" (principal brief-page 1), and the substitute identifier in Gabber is information about a user's identity or location. That is, the substitute identifier in Gabber "identifies" the user while keeping specific information about the user confidential, or anonymous. This substitute identifier in Gabber is "added," as claimed, because while it is not in addition to the information which has been deleted, it is still added in the sense that the substitute identifier was not there before.

The only issue now is whether this substitute identifier in Gabber is added to the HTTP request. Clearly, Gabber does, indeed,

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show a HTTP request, and this is admitted by appellants (reply brief-page 2), but appellants are arguing that Gabber does not show or suggest adding or appending information (user context information) to an HTTP request. It is appellants' position that Gabber only removes, or filters, information from HTTP headers and "removing" or "filtering" does not constitute "adding."

We agree with the examiner's rationale, at pages 7-8 of the answer, citing column 6, lines 5-11 of Gabber. From column 5, line 58, through column 6, line 11, of Gabber, it is described that the substitute identifiers are indirectly provided by a central proxy system 110a to a server site 110g and that site-specific substitute identifiers are provided. Some of the executable routines provided by the central proxy system are a transmission of the substitute identifiers to server site 110g and a removal (and/or substitution) of portions of the browsing commands that would identify user site 105a to server site 110g. Thus, it would appear that, at least indirectly, the substitute identifiers are added to the HTTP request. Note again that we interpret "adding" to mean that the substitute identifiers were not in the HTTP request before and now they are. That, in our estimation, constitutes an "addition" even though other information, for which these identifiers are substituted, may be removed.

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With regard to other claims, e.g., claim 7, which recite "appending" user context information, we view such language similar to the "adding" language with which we dealt supra. Thus, we are unconvinced by appellants' arguments in this regard.

Accordingly, we will sustain the rejection of claims 1-26 under 35 U.S.C. § 102(b).

The examiner's decision is affirmed.

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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

ERROL A. KRASS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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