

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 FAISAL M. AWADA, JOE NATHAN BROWN,
HERMAN RODRIGUEZ and NEWTON JAMES SMITH JR.

Appeal No. 2006-1134
Application No. 10/002,438¹

ON BRIEF

Before THOMAS, JERRY SMITH, and SAADAT, Administrative Patent Judges.

SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1, 6, 7, 12, 13, 18, 19 and 24. Claims 2-5, 8-11, 14-17 and 20-23 have been canceled.

We affirm.

BACKGROUND

Appellants' invention is directed to a method and apparatus for bookmarking a section of a Web page such that the section of the page that was displayed when the page was bookmarked to be

¹ Application for patent filed November 1, 2001.

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displayed whenever the bookmarked Web page is re-accessed. An understanding of the invention can be derived from a reading of exemplary independent claim 1 which is reproduced as follows:

1. A method of bookmarking a section of a Web page comprising the steps of:

storing a network address of the page; and

storing the section of the page such that when the network address is used to access and display the page, the section of the page is displayed, the section storing step including the steps of storing a current size of a window within which the page is displayed, storing positions of scroll boxes in scroll bars in the window and storing font attributes of the displayed page.

The Examiner relies on the following references in rejecting the claims:

Brisebois et al. (Brisebois)	6,129,679	Apr. 17, 2001
Littlefield et al. (Littlefield)	6,564,208	May 13, 2003 (filed Feb. 24, 2000)

Claims 1, 6, 7, 12, 13, 18, 19 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brisebois and Littlefield.

Rather than reiterate the opposing arguments, reference is made to the brief and answer for the respective positions of Appellants and the Examiner. Only those arguments actually made by Appellants have been considered in this decision. Arguments which Appellants could have made but chose not to make in the brief have not been considered (37 CFR § 41.37(c)(1)(vii)).

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OPINION

In rejecting the claims, the Examiner relies on Brisebois for teaching the process of bookmarking a section of a Web page including storing a current window size and the positions of the scroll boxes (answer, page 5). The Examiner further relies on Littlefield for storing the font attribute information and concludes that displaying the text items of the Web page using its font attributes would have been obvious (answer, pages 5-6).

Appellants concede that Brisebois teaches displaying a section of a Web page using the X,Y coordinates of the portion of text that was displayed (brief, page 7). However, Appellants argue that since Brisebois displays the desired section without the use of font attributes, there is no reason for one of ordinary skill in the art to combine the teachings of Littlefield with those of Brisebois (id.). Appellants further point out that there is no reason for combining the references since Littlefield is directed to techniques for delivering search results while Brisebois relates to a method of bookmarking a Web page (brief, sentence bridging pages 7 & 8).

In response to Appellants' arguments, the Examiner asserts that Littlefield is relied on for teaching a process for navigation through Web pages by storing the font attribute

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information along with the Web page (answer, sentence bridging pages 6-7). The examiner further argues that the motivation for combining the references is taught by Littlefield as the benefit of retrieving sections of search results while the original theme of a Web site is preserved (answer, page 7).

As a general proposition, in rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) and In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). A prima facie case of obviousness is established when the teachings of the prior art itself would appear to have suggested the claimed subject matter to one of ordinary skill in the art. See In re Bell, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993); In re Fritch, 972 F.2d 1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir. 1992); Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985). In considering the question of the obviousness of the claimed invention in view of the prior art relied upon, the Examiner is expected to make the factual determination set forth in Graham v. John Deere Co., 383

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U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. See also In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998).

From our review of Brisebois and Littlefield, we find that the references are both concerned with displaying Web pages and search results that include tags to items on the corresponding Web page. Brisebois uses different ways of referring to a particular portion of the displayed page by including in the bookmark directory additional fields related to the user identified section of the Web page (col. 6, lines 13-27). Figures 3A-3F depict the bookmark records that include additional fields for identifying the desired portion such as the page coordinates, dimensions of the window to be displayed and scroll bar positions (col. 4, line 53 through col. 6, line 27). Littlefield, similarly pertains to displaying non-default items, such as graphics, in a search result page by embedding tags to such items in the Web page (col. 5, lines 49-51). Littlefield further describes the font attributes as the information stored within the search result Web page so that those non-default attributes are displayed (col. 5, lines 51-59).

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Thus, Littlefield stores the font attributes so that in displaying the non-default text items in a search result Web page, all or a portion of the appropriate search result listing may display those attributes (col. 5, lines 54-59). Expanding upon the rationale applied by the Examiner in combining the references, we note that storing the font attributes in Littlefield does suggest to one of ordinary skill in the art the information needed for displaying a retrieved searched item at an appropriate location within a Web page. Brisebois on the other hand, not only discloses storing the positions of the scroll bars (SX, SY) within the bookmark (Fig. 3D; col. 5, lines 49-53), but also suggests that the stored information may include any one or more locator element information such as the scroll bar positions and a dimension pair (WX, WY) which identifies the dimensions of the window in which the page is to be displayed (Fig. 3F; col. 6, lines 18-20). Additionally, Brisebois explains that using the dimensions information, the display window is resized to those dimensions (col. 6, lines 65-66), which requires fitting the text within that particular size display window. Since a search result Web page is still considered a Web page and may be bookmarked, we find the Examiner's reliance on the combination of Brisebois and Littlefield for storing the font attributes as well

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as the scroll bar positions for locating a portion of a displayed page to be sufficiently reasonable to support a prima facie case of obviousness.

Contrary to Appellants' assertion that since Brisebois bookmarks Web pages for accessing the portion of the page that was displayed at the time of bookmarking, there is no need for using font attributes (brief, page 7), we observe that resizing the display window to the stored dimensions (WX, WY) involves selecting and storing a particular font type and size for the text within the resized display window and constitute font attributes. As such, the fact that Littlefield stores font attributes within a Web page that displays search results does not diminish the value of its suggestion for storing font attributes in combination with the enhanced bookmarking method of Brisebois where the scroll box positions must define a particular section of the displayed text. A motivation to combine prior art references may be found in the nature of the problem to be solved. Ruiz v. A.B. Chance Co., 357 F.3d 1270, 1276, 69 USPQ2d 1686,1690 (Fed. Cir. 2004). Also, evidence of a suggestion, teaching, or motivation to modify a reference may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the

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problem to be solved. See In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999); Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996). Therefore, motivation or suggestion is not merely what the references disclose, but whether a person of ordinary skill in the art, possessed with the understandings and knowledge reflected in the prior art, and motivated by the general problem facing the inventor, would have been led to make the combination recited in the claims. See In re Kahn, 441 F.3d 977, 989, 78 USPQ2d 1329, 1337 (Fed. Cir. 2006).

Therefore, we remain unpersuaded by Appellants' arguments that any error in the Examiner's determination, based on the overall disclosures, teachings, and suggestions of the prior art, and the level of skill in the art, regarding the obviousness of the claimed subject matter has occurred. Accordingly, as the Examiner has established a prima facie case of obviousness with respect to claim 1, we sustain the 35 U.S.C. § 103(a) rejection of claim 1, as well as claims 6, 7, 12, 13, 18, 19 and 24, argued as one group to fall with claim 1, over Brisebois and Littlefield.

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CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1, 6, 7, 12, 13, 18, 19 and 24 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

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JERRY SMITH)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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