

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte ANGELICA QUINTANA  
AND TED ZIEMKOWSKI

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Appeal No. 2006-2750  
Application No. 10/104,498

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ON BRIEF

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Before HAIRSTON, RUGGIERO, and SAADAT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 50. In the answer, the examiner indicated that claims 3, 4, 15, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claims 1, 2, 5 through 14, 16 through 24 and 27 through 50 remain before us on appeal.

The disclosed invention relates to a method and system for recording a history of uses made of an image file in an electronic event log.

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

1. A method of recording a history of an image file, said method comprising writing a description of each of a series of uses made of said image file to an electronic event log associated with said image file.

The references relied on by the examiner are:

Arai	6,642,959	Nov. 4, 2003 (filed June 14, 1998)
Niikawa	6,668,134	Dec. 23, 2003 (filed Feb. 17, 1999)

Claims 1, 2, 6 through 8, 10 through 14, 16 through 19, 21 through 24, 28 through 30, 32 through 34, 44 through 48 and 50 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Niikawa.

Claims 5, 9, 20, 27, 31, 35 through 43 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niikawa in view of Arai.

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

#### OPINION

For all of the reasons expressed by the examiner (answer, pages 4 through 34), and for the additional reasons set forth infra, we will sustain the anticipation rejection of claims 1, 2, 6 through 8, 10 through 14, 16 through 19, 21 through 24, 28 through 30, 32 through 34, 44 through 48 and 50, and sustain the obviousness rejection of claims 5, 9, 20, 27, 31, 35 through 43 and 49.

We agree with the examiner's findings (answer, pages 4 and 5) that Niikawa describes all of the limitations set forth in claim 1. Appellants' arguments (brief, pages 8 and 9) that Niikawa does not describe "each or every use made of the image file" and does not store "any previous times the image was edited, printed or transferred" are without merit since such arguments are not commensurate in scope with the invention set forth in claim 1. Appellants' argument (brief, page 9) that "merely counting various types of uses is not the same as '*writing a description of each of a series of uses made of said image file*'" is equally without merit since the history table data kept by Niikawa in Figures 16 and 17 (e.g., column 9 (writing the dates of image data transfers), column 13 (number of times the image data has been printed), column 14 (date that the image data was printed), column 16 (number of image data that is edited), column 17 (type of edit operation) and column 18 (latest date of image data editing)) is "writing a description of each of a series of uses made of said image file."

Turning to claim 23, we agree with the examiner's finding (answer, page 4) that Niikawa describes "means for associating said event log with said image file" in Figure 11 and Tables 1 and 2 (column 11). As indicated supra, the whole purpose of Figures 16 and 17 is to associate the history of use data with the image data.

Turning next to claim 13, appellants' argument (brief, page 11) that the applications in Niikawa are not capable of "recording an entry in an event log when an image file is used by that application to describe what use that application made of the image file" is without merit since entries are made in columns 16 through 18 when the image file is edited each time by an edit application as indicated supra.

Appellants' argument (brief, page 12) that Niikawa does not disclose storage of an electronic event log in non-volatile memory as in claim 44 is without merit since the memory card 8 in Niikawa is non-volatile memory.

With respect to appellants' argument (brief, page 13) that Niikawa does not teach "downloading an image file with an intent instruction" as required by claims 2 and 24, we agree with the examiner's position (answer, pages 10 and 11) that an "intent instruction" is broad enough to cover an "intent" by Niikawa to permanently store the image file.

Appellants' argument (brief, page 15) that Niikawa does not disclose an "event log within said image file" as required by claims 6, 28, 39 and 50 because the image data and the history data are in "SEPARATE FILES" is without merit because Figures 6 and 11 in Niikawa show the history data as part of the image file. Stated differently, the separate files (i.e., history data and frame data) constitute a complete image file that is submitted for storage as a single file.

Turning to claim 14, we agree with the examiner's finding (answer, pages 12 and 13) that Niikawa has to have "an intent instruction" to transfer the image file from the digital camera to the computer.

In summary, the anticipation rejection of claims 1, 2, 6, 13, 14, 23, 24, 28, 39, 44 and 50 is sustained. The anticipation rejection of claims 7, 8, 10 through 12, 16 through 19, 21, 22, 29, 30, 32 through 34 and 45 through 48 is likewise sustained because appellants have not presented any patentability arguments for these claims.

Turning to the obviousness rejection of claims 5, 9, 20, 27, 31, 35 and 37, we agree with the examiner's findings (answer, pages 17 and 18) that Niikawa discloses storage in non-volatile

memory card 8, and that Niikawa describes printing, transferring and editing of the image file.

We additionally agree with the examiner's finding (answer, pages 18 and 19) that "Aria discloses, as shown in figures 2, 3, 5, 7, and 14, a system for recording a history (see figures 3, 7, and step T49 of figure 14) of an image including a digital personal assistant (digital camera 1 and personal computer 2) as a means for e-mailing said image file to a designated recipient, via an intent instruction, and recording said e-mailing of said image file in an event log (flag indicating image has been emailed; see step T49 of figure 14 and column 17, lines 17-42)."

Based upon the teachings of Aria, we agree with the examiner's position (answer, page 19) that it would have been obvious to the skilled artisan to add e-mailing to the list of uses already made of an image file by Niikawa. Appellants' argument (brief, pages 16 and 17) concerning a non-volatile memory in Niikawa has been answered supra.

With respect to claim 36, we agree with examiner's finding (answer, pages 19 and 20) that Niikawa describes an intent instruction to print an image file, and to record the printing of the image file in an event log (column 15, lines 43 through 52; Figures 12 through 14, 16 and 17).

Turning next to claim 38, it is noted supra that the examiner is relying on the digital camera 1 and personal computer 2 of Aria for a teaching of a personal digital assistant. According to the examiner's finding (answer, pages 20, 21 and 33), the digital camera 1 in Niikawa also functions as a personal digital assistant. In view of the number of different functions performed by the digital cameras (e.g., e-mailing), we agree with the examiner's

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findings that the digital cameras disclosed by the applied references do indeed function as personal digital assistants.

Turning lastly to claim 43, we find that the edit/delete functions performed by Niikawa are file management applications that are reviewed with display properties functions as broadly set forth in this claim. For example, column 11 and Table 1 in Niikawa describe a file management unit 51 for managing each of the image files.

In summary, the obviousness rejection of claims 5, 9, 20, 27, 31, 35 through 38 and 43 is sustained. The obviousness rejection of claims 39 through 42 and 49 is sustained because appellant have not presented any patentability arguments for these claims.

#### DECISION

The decision of the examiner rejecting claims 1, 2, 6 through 8, 10 through 14, 16 through 19, 21 through 24, 28 through 30, 32 through 34, 44 through 48 and 50 under 35 U.S.C. § 102(e) is affirmed, and the decision of the examiner rejecting claims 5, 9, 20, 27, 31, 35 through 43 and 49 under 35 U.S.C. § 103(a) is affirmed.

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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

KENNETH W. HAIRSTON  
Administrative Patent Judge

JOSEPH F. RUGGIERO  
Administrative Patent Judge

MAHSHID D. SAADAT  
Administrative Patent Judge

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