

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 RAVI SHANKARNARAYAN ADAPATHYA, DAVID FREDERICK CHAMPION,  
ALAN JOSEPH HAPP, BRAD MICHAEL LAWRENCE, and KEVIN LAVERNE  
SCHULTZ

---

Appeal No. 2006-2975  
Application No. 09/794,742

---

ON BRIEF

---

Before KRASS, BARRY, and HOMERE, **Administrative Patent Judges**.  
HOMERE, **Administrative Patent Judge**.

***DECISION ON APPEAL***

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 through 31, all of which are pending in this application.

We reverse.

**Invention**

Appellants' invention relates generally to a method and a computer readable medium containing program instructions for providing an index to linked sites on a webpage. After the program parses the codes in the webpage, it associates each identified anchor tag pair and image tag pair with a corresponding attribute value. Further, the program associates each attribute value and corresponding anchor tag pair via a link text string, and subsequently stores the link text string in an index file. If, however, the program finds an attribute value that is not associated with a text link string, it links the attribute value to a page URL defined for a title tag for that page before storing the title tag in the index file. Last, the program creates a second webpage based upon the contents of the index file.

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

1. A method for providing an index to linked sites on a web page comprising the steps of:
  - (a) parsing the code of the web page to identify all anchor tag pairs and image map tag pairs in the page;
  - (b) storing at least one first attribute value defined within each of the anchor tag pairs and image map tag pairs to an index file;

- (c) determining a source of the at least one first attribute value;
- (d) determining if there is a link text string associated with the first attribute value if the source of the at least one first attribute value is an anchor tag pair;
- (e) storing the link text string in the index file with its associated link text string;
- (f) linking to a page URL defined by the at least one first attribute value and parsing the code of that page for a title page tag if it was determined in step (d) that there is no associated link text string; and
- (g) storing the value of the title tag in the index file with its associated at least one first attribute; and
- (h) creating a second web page based upon the contents of the index file.

#### **References**

The Examiner relies on the following references:

Nielsen	5,991,781	Nov. 23, 1999
Adapathy et al. (Adapathy)	6,075,537	June 13, 2000
Giangarra et al. (Giangarra)	6,101,472	Aug. 8, 2000
Roberts et al. (Roberts)	6,344,851	Feb. 5, 2002
		(Filed on Nov. 30, 1998)
Kaghazian	6,563,913	May 13, 2003
		(Filed on Aug. 21, 2000)

#### **Rejections at Issue**

A. 1, 2, 5 through 7, 9, 10, 13 through 15, 17 through 19, 22 through 24 and 26 through 31 stand rejected under 35 U.S.C. § 103

as being unpatentable over the combination of Roberts and Nielsen.

B. Claims 1, 3, 11 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Roberts, Nielsen and Kaghzian.

C. Claims 4, 12, and 21 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Roberts, Nielsen and Giangarra.

D. Claims 8, 16 and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Roberts, Nielsen and Adapathy.

Rather than reiterate the arguments of Appellants and the Examiner, the opinion refers to respective details in the Briefs<sup>1</sup> and the Examiner's Answer.<sup>2</sup> Only those arguments actually made by Appellants have been considered in this decision. Arguments that Appellants could have made but chose not to make in the Briefs

---

<sup>1</sup> Appellants filed an Appeal Brief on November 23, 2005. Appellants filed a Reply Brief on April 27, 2006.

<sup>2</sup> The Examiner mailed an Examiner's Answer on February 21, 2006. The Examiner mailed a communication on July 21 2006 indicating that the Reply Brief had been entered and considered.

Appeal No. 2006-2975  
Application No. 09/794,742

have not been taken into consideration. See 37 CFR 41.37(c)(1) (vii) (eff. Sept. 13, 2004).

#### **OPINION**

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the Examiner's rejections, the arguments in support of the rejections and the evidence of obviousness relied upon by the Examiner as support for the rejections. We have, likewise, reviewed and taken into consideration Appellants' arguments set forth in the Briefs along with the Examiner's rationale in support of the rejections and arguments in the rebuttal set forth in the Examiner's Answers. After full consideration of the record before us, we do not agree with the Examiner that claims 1, 2, 5 through 7, 9, 10, 13 through 15, 17 through 19, 22 through 24 and 26 through 31 are properly rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Roberts and Nielsen. We also do not agree with the Examiner that claims 3, 4, 8, 11, 12, 16, 20, 21 and 25 are properly rejected under 35 U.S.C. § 103 as being unpatentable over various combinations of Roberts, Nielsen, Kaghazian,

Appeal No. 2006-2975  
Application No. 09/794,742

Giangarra and Adapathy. Accordingly, we reverse the Examiner's rejections of claims 1 through 31 for the reasons set forth **infra**.

**I. Under 35 U.S.C. § 103, is the Rejection of Claims 1, 2, 5 through 7, 9, 10, 13 through 15, 17 through 19, 22 through 24 and 26 through 31 as being unpatentable over combination of Roberts and Nielsen Proper?**

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 Appellants. **Oetiker**, 977 F.2d at 1445, 24 USPQ2d at 1444. **See also Piasecki**, 745 F.2d at 1472, 223 USPQ at 788. Thus, the examiner 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 examiner's conclusion.

Appeal No. 2006-2975  
Application No. 09/794,742

However, a suggestion, teaching, or motivation to combine the relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching, motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. **In re Kahn**, 441 F.3d 977, 987-88, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) citing **In re Kotzab**, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). See also **In re Thrift**, 298 F.3d 1357, 1363, 63 USPQ2d 2002, 2008 (Fed. Cir. 2002).

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).

Appeal No. 2006-2975  
Application No. 09/794,742

With respect to representative claim 1, Appellants argue in the Briefs that neither Roberts nor Nielsen teaches determining whether each attribute value is associated with a corresponding anchor tag pair via a link text string, which is subsequently stored in an index file. Further, Appellants argue that the cited combination of references does not teach the limitation of linking an attribute value to a title tag pertaining to a page if the attribute value is not associated with a link text string. Particularly, at pages 7 and 8 of the Appeal Brief,<sup>3</sup> Appellants state the following:

Roberts in view of Nielsen fail to teach or suggest the recited features of determining if there is a link text string associated with attribute values in a searched web page and storing those link text strings and associated attributes in an index file and creating a second web page based on the index file, and linking to a defined page URL to parse a title tag for the index file if it was determined that there is no associated link text string in the web page.

In order for us to decide the question of obviousness, “[t]he first inquiry must be into exactly what the claims define.” **In re Wilder**, 429 F.2d 447, 450, 166 USPQ 545, 548 (CCPA 1970). “Analysis begins with a key legal question-- what is the invention claimed ?”...Claim interpretation...will normally

---

<sup>3</sup> We note that Appellants reiterate these same arguments at pages 4 through 6 of the Reply Brief.

Appeal No. 2006-2975  
Application No. 09/794,742

control the remainder of the decisional process." **Panduit Corp.**

**v. Dennison Mfg.**, 810 F.2d 1561, 1567-68, 1 USPQ2d 1593, 1597  
(Fed. Cir. 1987).

We note that representative claim 1 reads in part as follows:

[D]etermining if there is a link text string associated with the first attribute value if the source of the at least one first attribute value is an anchor tag pair; storing the link text string in the index file with its associated at least one first attribute value if there is an associated link text string; linking to a page URL defined by the at least one first attribute value and parsing the code of that page for a title tag if it was determined in step (d) that there is no associated link text string.

We note at paragraph 33, Appellant's specification states the following:

Next, the source of the HREF attribute value is determined via step 106. If the source is an anchor tag pair, it is determined if there is a "plain English" link text string associated with that HREF attribute, via step 108. If there is a link text string associated with the HREF attribute, then the link text string is stored in the index file with its corresponding HREF attribute value, via step 110. If there is no link text string associated with the HREF attribute value (step 108), then a link is made to the page URL defined by the HREF attribute and the underlying code of that page is parsed for a title tag, via step 114. Thereafter, the value of the title tag

with its corresponding HREF value is stored in the index file, via step 116.

Thus, the claim does require determining whether each attribute value is associated with a corresponding anchor tag pair via a link text string, which is subsequently stored in an index file. The claim does further require linking an attribute value to a title tag pertaining to a page if the attribute value is not associated with a link text string.

Now, the question before us is what Roberts and Nielsen would have taught to one of ordinary skill in the art? To answer this question, we find the following facts:

1. At column 4, lines 26 through 57, Roberts states the following:

When parsing the retrieved HTML file, **web browser 212 identifies one or more internal links linking the HTML file to one or more other HTML files residing on remote website 120a** (step 305). Web browser 212 identifies the internal links to HTML files residing on remote website 120a by, for example, parsing the retrieved HTML file for an appropriate tag, for example an <HREF> tag. If an <HREF> tag does not include the term "http://," web browser 212 determines that the <HREF> tag identifies an internal link to an HTML file residing in remote web site 120a. Web browser 212 then determines whether there are additional internal links in the retrieved HTML file (step 310). **For each identified internal link (step 315), web browser 212 retrieves from remote website 120a the internal HTML file associated with the identified internal link (step 300) by repeating steps 300 through step 310.** When web browser 212 determines that

there are no more internal links in the retrieved HTML files (step 320), for each retrieved HTML file, **web browser 212 identifies external links that link the retrieved HTML file to one or more external HTML files residing on other websites**, for example, websites 120b and 120c (step 325). Furthermore, for each retrieved HTML file, web browser 212 also identifies any electronic mail addresses (step 330) and/or plug-ins (step 335), which may be included in the HTML file.

Finally, **web browser 212 creates a visual representation of the webpages associated with the retrieved HTML files, identified external links, identified electronic mail addresses, and/or the identified plug-ins** (step 340). In the embodiment shown in FIG. 4a, **web browser 212 may display on display device 250 a hierarchical representation of the webpages. (Emphasis added)**.

2. Further, at column 5, lines 2 through 6, Roberts states the following:

Web browser 212 **identifies the title from the retrieved HTML file associated with the webpage** by, for example, parsing the HTML file for an appropriate tag, for example a <TITLE> tag, and displaying the text that follows that tag. (Emphasis Added)

With the above discussion in mind, we find that Roberts teaches a method and apparatus for presenting an overview of a website by displaying a hierarchical layout of the links thereon.

Particularly, Roberts teaches parsing an HTML file to thereby identify all links, including links to documents that are located on the website (title, plug-ins e-mail addresses) as well as those links to documents that stored externally. Further, Roberts

Appeal No. 2006-2975  
Application No. 09/794,742

discloses displaying a hierarchical representation of the identified links to thereby provide a quick overview of the website. Next, we find that Nielsen teaches a method for presenting an image map attributes in HTML based documents (see abstract).

It is our view that one of ordinary skill in the art would have duly recognized that the combined teaching of Roberts and Nielsen does not amount to invention as set forth in representative claim 1. Particularly, the ordinarily skilled artisan would have readily been apprised of the fact that the teachings of the combined references amount to, at best, a method that parses an HTML file into anchor and image tags associated therewith to thereby create an index file of said tags and corresponding links, which are subsequently displayed hierarchically in a second webpage. The ordinarily skilled artisan would have readily recognized that the combined references merely disclose a mechanism for associating links with identified tags in an HTML document including the title tag. In other words, the Roberts-Nielsen combination generates a link for the title only if a corresponding tag was found in the HTML document. However, the cited combination is silent about generating a link for the title to be displayed in the index file

Appeal No. 2006-2975  
Application No. 09/794,742

in the event that a title tag was not found in the parsed HTML document.

In consequence, we find error in the examiner's stated position, which concludes that the combination of Roberts and Nielsen teaches the claimed limitation of linking an attribute value to a title tag pertaining to a corresponding page if the attribute value is not associated with a link text string.

It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to the ordinarily skilled artisan the invention as set forth in claims 1, 2, 5 through 7, 9, 10, 13 through 15, 17 through 19, 22 through 24 and 26 through 31. Accordingly, we will not sustain the Examiner's obviousness rejection of claims 1, 2, 5 through 7, 9, 10, 13 through 15, 17 through 19, 22 through 24 and 26 through 31.

**II. Under 35 U.S.C. § 103, Is the Rejection of Claims 3, 4, 8, 11, 12, 16, 20, 21 and 25 as being unpatentable over various combinations of Roberts, Nielsen, Kaghazian, Giangarra and Adapathyia the combination Proper?**

With respect to dependent claims 3, 4, 8, 11, 12, 16, 20, 21 and 25, Appellants argue in the Briefs that the combination of Roberts and Nielsen does not teach or suggest the limitation of linking an attribute value to a title tag pertaining to a

Appeal No. 2006-2975  
Application No. 09/794,742

corresponding page if the attribute value is not associated with a link text string. We have already addressed this argument in the discussion of claim 1 above, and we agree with Appellants. Further, Appellants argues that neither Kaghazian nor Giangarra nor Adapathyia cures the deficiencies of the Roberts-Nielsen combination. We also agree with Appellants that the cited tertiary references fail to cure the deficiencies of the Roberts-Nielsen combination.

It is therefore our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to the ordinarily skilled artisan the invention as set forth in claims 3, 4, 8, 11, 12, 16, 20, 21 and 25. Accordingly, we will not sustain the Examiner's obviousness rejection of claims 3, 4, 8, 11, 12, 16, 20, 21 and 25.

#### **CONCLUSION**

In view of the foregoing discussion, we have not sustained the Examiner's decision rejecting claims 1 through 31 under 35 U.S.C. § 103. Therefore, we reverse.

Appeal No. 2006-2975  
Application No. 09/794,742

**REVERSED**

ERROL A. KRASS )  
Administrative Patent Judge )  
 )  
 )  
 ) BOARD OF PATENT  
LANCE LEONARD BARRY )  
Administrative Patent Judge ) APPEALS AND  
 )  
 ) INTERFERENCES  
 )  
JEAN R. HOMERE )  
Administrative Patent Judge )

JH/gw

Appeal No. 2006-2975  
Application No. 09/794,742

THE DIRECTV GROUP INC.  
PATENT DOCKET ADMINISTRATION RE/R11/A109  
P.O. BOX 956  
EL SUGUNDO, CA 90245-0956