The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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 PAUL ALLEN, JAMES IVIE, GREG PARKINSON,
DAREN THAYNE, and MICHAEL WOLFGRAMM

Appeal No. 2006-3122
Application No. 10/247,769

ON BRIEF

Before THOMAS, BLANKENSHIP, and MACDONALD, Administrative Patent Judges.

MACDONALD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-9 and 14-31, which constitute all the claims pending in this application.

The disclosed invention pertains to displaying statistical information on a viewable computer readable document relating to the number of times that certain links on a web site are accessed. Specifically, the document includes the web site links and the number of times that each link has been selected. Such

information provides web site administrators with information regarding how web sites are utilized so that such sites can be optimized to enhance access to various links.

Representative claim 1 is reproduced as follows:

1. A method for displaying information on a display screen of a user computer, the method comprising:
sending a computer readable document from a server computer to the user computer for display on the display screen, wherein the computer readable document includes links that are viewable on the display screen and are selectable to cause subsequent documents to be rendered on the display screen, and wherein the computer readable document further includes viewable information regarding selection of the links over a certain time.

The examiner relies on the following references:

Bates et al. (Bates)	6,088,707	Jul. 11, 2000
Kamada	6,381,637	Apr. 30, 2002
Takatori et al. (Takatori)	2002/0062323	May 23, 2002
Pettersen	6,826,594	Nov. 30, 2004 (filed Jul. 15, 2000)

The following rejections are on appeal before us:

1. Claims 1-6, 14-17, 19, 20, 23, 24, 27, 28, 30, and 31 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Takatori.

2. Claims 7-9, 18, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatori in view of Bates.

3. Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatori in view of Pettersen.

4. Claims 26 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatori in view of Kamada.

Rather than repeat the arguments of appellants or the examiner, we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the disclosure of Takatori fully meets the invention as set forth in claims 1-6, 14-17, 19, 20, 23, 24, 27, 28, 30, and 31. We also find 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 obviousness of the invention as set forth in claims 7-9, 18, 21, 22, 25, 26, and 29. Accordingly, we affirm.

We first consider the examiner's rejection of claims 1-6, 14-17, 19, 20, 23, 24, 27, 28, 30, and 31 under 35 U.S.C. § 102(a) as being unpatentable over Takatori. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every

element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). 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 briefs have not been considered and are deemed to be waived [see 37 CFR § 41.37(c)(1)(vii)(2004)].

The examiner has indicated how the claimed invention is deemed to be fully met by the disclosure of Takatori [answer, pages 3-10]. Regarding the independent claims, appellants argue that although Takatori counts and displays accesses to web sites, Takatori does not count and display the number of times that a specific link was selected to access the site [brief, pages 7 and 8; reply brief, page 4]. In short, merely displaying the number of times that a web site was visited has nothing to do with how the site was accessed -- specifically, how many times the corresponding link was selected to access the site [reply brief, page 4].

The examiner argues that appellants' arguments are not commensurate with the scope of the claims that merely call for viewable information regarding selection of the link – not the number of times that a specific link was selected [answer, page 17]. The examiner further notes that the total number of web site accesses in Fig. 4 of Takatori includes link accesses that occur both within and

outside the displayed document. Therefore, the number of accesses displayed in Fig. 4 of Takatori includes information regarding selection of the link in the displayed document [id.].

We will sustain the examiner's rejection of the independent claims. Although the counts displayed adjacent to the web site links in Fig. 4 of Takatori correspond to total web site accesses, the scope and breadth of the claim language does not preclude such a global count.

Significantly, the claims do not specify that the links were selected from the viewable document, or that the links comprise only those specific paths (i.e., IP addresses) pointed to by the hyperlinks displayed in the viewable document. As the examiner indicates, the total number of web site accesses in Fig. 4 of Takatori includes link accesses that occur both within and outside the displayed document. We find that such internal and global accesses comprise "links" to the web sites giving the term "links" its broadest reasonable interpretation. Therefore, the number of accesses displayed in Fig. 4 of Takatori includes information regarding selection of the links (i.e., the number of times that each link has been selected both locally and globally).

Furthermore, Takatori expressly teaches counting the number of times that a user clicks a link displayed in the browser as part of its update capability. For example, when a user clicks any displayed link, the browser notifies the server, and the server, in turn, increases the number of site accesses accordingly (i.e., by one). The server then ranks the sites found in the search by the number

of accesses and notifies the browser of the arrangement. The links to the ranked sites are then displayed on the initial screen when the browser is restarted [Takatori, ¶¶ 0177-0181]. By updating the access count in response to selecting the displayed links, Takatori's display therefore inherently includes the number of times that a particular link was selected from the viewable document. Moreover, Takatori's display inherently indicates the number of times that each link was selected from the displayed page since the previous update.

For the above reasons, we find that Takatori fully meets all limitations of the independent claims. Accordingly, we will sustain the examiner's anticipation rejection of those claims. Since appellants have not separately argued the patentability of dependent claims 2-6, 15-17, 23, 24, 28, 30, and 31, these claims fall with the independent claims. See In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d 1525, 1528 (Fed. Cir. 1987). See also 37 CFR § 41.37(c)(1)(vii).

We will also sustain the examiner's rejections of claims 7-9, 18, 21, 22, 25, 26, and 29 under 35 U.S.C. § 103(a). We find that the examiner has established at least a prima facie case of obviousness that appellants have not persuasively rebutted. Specifically, the examiner has (1) pointed out the teachings of Takatori, (2) pointed out the perceived differences between Takatori and the claimed invention, and (3) reasonably indicated how and why Takatori would have been modified by the other cited references to arrive at the claimed invention [answer, pages 10-16]. Once the examiner has satisfied the burden of presenting a prima facie case of obviousness, the burden then shifts to appellants to present

evidence or arguments that persuasively rebut the examiner's prima facie case. Appellants did not persuasively rebut the examiner's prima facie case of obviousness, but merely noted that the dependent claims are patentable since they depend from patentable independent claims [brief, page 10]. The rejection is therefore sustained.

In summary, we have sustained the examiner's rejection with respect to all claims on appeal. Therefore, the decision of the examiner rejecting claims 1-9 and 14-31 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	)	
HOWARD B. BLANKENSHIP Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
ALLEN R. MACDONALD Administrative Patent Judge	)	

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