

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* MICHAEL WAYNE BROWN, MARK JOSPEH HAMZY, and  
SCOTT THOMAS JONES

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Appeal 2007-0716  
Application 09/946,201  
Technology Center 2100

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Decided: June 11, 2007

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Before JAMES D. THOMAS, JOHN C. MARTIN, and JEAN R. HOMERE,  
*Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 1 through 4, 6, 8 through 18, 20, and 22 through 55. Claims 5, 7, 19 and 21 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b) to decide this appeal.

Appellants invented a method and system for controlling users' access to the content of a webpage. Upon receiving from a server a requested webpage along with the user's profile and access rights information (ARI) tags inserted in a HyperText Markup Language (HTML) code for the webpage, an access requestor processes all received information to determine the user's level of access. The access requestor subsequently controls the user's access to the webpage based upon the user's determined level of access (Specification 4.)

Claims 1, 2, 3, and 45 are representative of the claimed invention. They read as follows:

1. A method of controlling access to a web page, comprising:

receiving the web page, a user profile, and access rights information associated with the web page from a server by an access requestor;

processing the access rights information and the user profile by the access requestor to determine a user access level to the web page; and

controlling access to the web page by the access requestor based on the user access level, wherein the access rights information includes one or more access rights tags inserted into HyperTcxt Markup Language code for the web page.

2. The method of claim 1, wherein the access rights information is a tag in the web page,

3. The method of claim 1, wherein the web page and access rights information are received in a browser application of a computing device.

45. The method of claim 42, wherein the application is a mail server.

In rejecting the claims on appeal, the Examiner relied upon the following prior art:

Schreiber US 6,353,892 B2 Mar. 5, 2002  
(filed Dec. 5, 2000)

The Examiner rejected the claims on appeal as follows:

Claims 1 through 4, 6, 8 through 18, 20 and 22 through 55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Schreiber.

First, Appellants contend<sup>1</sup> that Schreiber does not anticipate claims 1 through 4, 6, 8 through 18, 20, and 22 through 55. Particularly, Appellants contend that Schreiber does not teach an access requestor that processes HTML ARI tags along with the user profile in order to restrict the user's access to the webpage based on the user's determined level of access to said webpage, as recited in representative claim 1. (Br. 27; Reply Br. 3.) Next, Appellants contend that Schreiber does not teach or suggest that the ARI is a tag in a web page, as recited in claim 2. (Br. 26.) Similarly, Appellants contend that Schreiber does not teach that the webpage and ARI are received in a browser application of a computing device, as recited in claim 3. (Br. 27.) Additionally, Appellants contend that Schreiber does not teach a mail server application, as recited in claim 45. (*Id.*) The Examiner, in contrast, contends that Schreiber teaches the cited limitations. (Answer 3, 6, and 7.)

<sup>1</sup> This decision considers only those arguments that Appellants submitted in the Appeal and Reply Briefs. Arguments that Appellants could have made but chose not to make in the Briefs are deemed to have been waived. See 37 C.F.R. § 41.37(c)(1)(vii)(eff. Sept. 13, 2004). See also *In re Watts*, 354 F.3d 1362, 1368, 69 USPQ2d 1453, 1458 (Fed. Cir. 2004).

The Examiner therefore concludes that Schreiber anticipates claims 1 through 4, 6, 8 through 18, 20, and 22 through 55. (*Id.*)

We affirm.

## ISSUES

The *pivotal* issue in the appeal before us is as follows:

Have Appellants shown that the Examiner failed to establish that Schreiber anticipates the claimed invention under 35 U.S.C. § 102(e), when Schreiber teaches a server that transmits an updated encryption key to client computers that have previously registered with the server to permit the clients to decode protected images transmitted by the server?

## FINDINGS OF FACT

The following findings of fact are supported by a preponderance of the evidence.

### The invention

1. Appellants invented a method and system for controlling clients' access to the content of a webpage located on a server (104). (Specification 9.)
2. The client device (112), using a resident browser application (610), requests to access the content of the webpage from the server (104). (*Id.*)
3. Upon receiving from the server (104) the requested webpage along with the user's profile and HTML ARI tags associated with the requested content, the web browser application (610) parses the content of the webpage to determine how to present it to the client device. (*Id.*)

4. The web browser (610) then processes the ARI tags in the webpage to determine the user's level of access to the content of the webpage. (*Id.*)
5. The web browser (610) subsequently restricts the client's access to the content of the webpage based upon the client's determined level of access.<sup>2</sup> (*Id.*)

#### The Prior Art Relied upon

6. Schreiber teaches a method and system for controlling client's access to digital images referenced in a webpage located on a server. (Abstract and col. 6, ll. 24-30.)
7. Schreiber teaches a dialog box (Figure 12) for allowing an administrator to enter authentication data (such as password, webpage) to access a designated webpage and to set or update the protection status of the images residing on the webpage. (Col. 21, ll. 53-59 and col. 22, ll. 37-44.)
8. The administrator uses HTML tags to designate selected images referenced within the webpage as "protected" or "not protected." (Col. 23, l. 58-col. 24, l. 2.)
9. The client computer (106) through its resident browser (112) issues a request to the server (100) to access a webpage (902) on a first server (900) referencing a protected (encrypted) image and residing on a second server (906). (Col. 20, ll. 27-36.)
10. Upon receiving the request, the server (900) (1) parses the webpage to locate the encrypted image, (2) downloads the encrypted image to create an alias (908), which the server (900) subsequently converts to generate a

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<sup>2</sup> Based on the ARI tags associated in the requested content of the webpage, various functions (e.g. print, save, copy) may be enabled or disabled in the browser. ARI tags include identifiers pertaining to costs, payee, user info, time, printing, copy, save, path and degrade. Specification 9 and 15.

modified webpage (912) with substitute data (910), and (3) subsequently forwards it to the requesting client (106) to be displayed by the web browser (112). (Col. 20, ll. 46-63.)

11. Alternatively, the web browser contains a substitute processor (126) that generates the substitute data (910). (Col. 20, ll. 61-63.)

12. If the client (106) is equipped with a substitute data processor, in order to decode encrypted images received from the server (900), the substitute data processor on the client must know the encryption algorithm as well as the encryption key used by the server. (Col. 28, ll. 53-65.)

13. Schreiber also teaches that alternatively, an unauthorized user can access a protected image upon purchasing the image. (Col. 33, ll. 11-24.)

## PRINCIPLES OF LAW

### 1. ANTICIPATION

It is axiomatic that anticipation of a claim under § 102 can be found if the prior art reference discloses every element of the claim. *See In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457, 221 USPQ 481, 485 (Fed. Cir. 1984).

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375-76, 77 USPQ2d 1321, 1325-26 (Fed. Cir. 2005) (citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992)).

Anticipation of a patent claim requires a finding that the claim at issue

“reads on” a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed. Cir. 1999) (“In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.”) (internal citations omitted).

## ANALYSIS

### 35 U.S.C. § 102(e) REJECTION

As set forth above, representative claim 1 requires, *inter alia*, an access requestor that processes ARI tags and a user profile to determine the user access level to a webpage. The claim further requires restricting the user’s access to the webpage based on the user’s determined access level. As detailed in the findings of fact section above, we have found that Schreiber teaches a mechanism for allowing authenticated administrators to designate images as “protected” or “not protected” by attaching HTML tags to the corresponding images in the webpage code. (Findings of Fact 7 and 8.) We have also found that Schreiber teaches another mechanism for allowing authorized clients (with an encryption key) to decrypt encrypted images received from the server. (Finding of Fact 12.) Similarly, we have found that Schreiber teaches a mechanism for allowing unauthorized clients to purchase protected images. (Findings of Fact 13.) Additionally, we have found that Schreiber teaches that the web browser can process the encrypted data received from the server to yield substitute data. (Finding of Fact 11.) We consequently find that Schreiber teaches the claimed user’s access level as a client being either “authorized” or “unauthorized” to access a protected image referenced in a webpage. Similarly, we find that Schreiber teaches

the access rights as an image being protected or unprotected. Schreiber thus teaches determining the access level of a client to a protected image based on whether or not the client profile indicates that the client holds an encryption key to decrypt the protected image. In light of these findings, it is our reasoned opinion that Schreiber's teachings amount to a processor that discerns between HTML tags pertaining to protected data and unprotected data, and that restricts the client's access to protected data based on whether the client profile indicates that the client has an encryption key. It follows that the Examiner did not err in rejecting representative claim 1 as being anticipated by Schreiber.

As to representative claim 2, we have found that Schreiber teaches HTML tags in a webpage to designate whether images corresponding thereto are protected (accessible only by authorized users) or unprotected (accessible by all). (Finding of Fact 8.)

As to representative claim 3, we have found that Schreiber teaches a browser application for receiving HTML tags pertaining to protected images. (Findings of Fact 10 and 11.)

As to representative claim 45, we find that Schreiber teaches a browser application in a server that has e-mail capabilities. (*See* col. 25, ll. 61-63 and figure 15.)

Appellants did not offer separate arguments against the rejection of claims 4, 6, 8 through 18, 20, 22 through 44, and 46 through 55. Therefore, they fall together with representative claims 1 through 3, and 45. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2004.)

Appeal 2007-0716  
Application 09/946,201

## CONCLUSION OF LAW

On the record before us, Appellants have not shown that the Examiner failed to establish that Schreiber anticipates the claimed invention under 35 U.S.C. § 102 (e).

## DECISION

We affirm the Examiner's decision to reject claims 1 through 4, 6, 8 through 18, 20, and 22 through 55 under 35 U.S.C. § 102(e) as being anticipated by Schreiber.

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

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