

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* EILEEN C. SHAPIRO and STEVEN J. MINTZ

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Appeal 2007-3511  
Application 10/112,570  
Technology Center 2100

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Decided: April 8, 2008

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Before ANITA PELLMAN GROSS, JEAN R. HOMERE, and  
JOHN A. JEFFERY, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

STATEMENT OF THE CASE

In a paper filed February 4, 2008, Appellants request reconsideration  
under 37 C.F.R. § 41.52 from an Opinion of the Board of Patent Appeals

and Interferences (hereinafter Board) dated December 4, 2007. In the Opinion, we affirmed the Examiner's rejection of claims 1 through 22.

We have carefully reviewed the opinion in light of Appellants' request, and we find no error in the analysis or logic set forth therein. We have given full consideration to Appellants' remarks.<sup>1</sup> We have, however, found no basis upon which to grant Appellants' request for rehearing. We, therefore, decline to make any changes to our prior Opinion with respect to the claims noted above for the reasons that follow.

Appellants contend that the Board overlooked or misapprehended Appellants' arguments by focusing heavily on whether the combination of Derose and Barrett teaches that the content of the news release is specified and stored separately as distinct sections. However, Appellants emphasize that the claimed invention structures data in such a way so as to enable the user to experience the entire news release. Particularly, Appellants state the following:

The Board's decision states that "Derose's electronic (sic) published book, similar (sic) to the claimed news release, provides at a glance an overview of the published document to the user." However, the claimed invention does not just provide an overview of a published document as suggested by the Board, but instead provides the entire news release to the user, where the news release is structured from content that was "specified and stored separately...."

(Req. Reh'g 1.)

Appellants, therefore, submit that the combination of Derose and Barrett does not teach retrieving data from the digital storage medium and

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<sup>1</sup> Request for Rehearing at pages 1-2.

structuring the data so that the user experiences an entire news release.

(*Id.* 1-2.)

We note that Appellants raised this particular argument for the first time in the Reply Brief, filed December 21, 2006, wherein Appellants alleged that Derose lacks content specified and stored separately that is assembled or structured into a whole document. (Reply Br. 1-2.) As set forth in the Opinion, representative claim 1 merely recites "structuring the data provided to the user over the network *so that the user experiences a news release having a plurality of distinct sections*" (emphasis added). (Opinion 2.) Further, as acknowledged by Appellants in the Reply Brief, the claim requires constructing the news release to include the separately specified and stored sections thereof such that the user experiences the news release along with the different sections. (Reply Br. 1.) In other words, the claim requires that the different sections of the news release be assembled in such a way that the user can separately access a desired section of the news release. Nowhere in the cited claim does the term *entire* or *whole* appear. Therefore, Appellants' argument that Derose provides access to only a portion of the document (Req. Reh'<sup>g</sup> 2) as opposed to an entire document is unavailing. As set forth in the Opinion, we are satisfied that the combination of Derose and Barrett teaches separately specifying and storing the different sections of the document in such a way to enable the user to separately access a desired section of the document. (Opinion 6, Findings 5-6.)

Therefore, we maintain our position that Appellants have not shown that the Examiner erred in concluding that the combined disclosures of DeRose and Barrett render claims 1 through 22 unpatentable under 35 U.S.C. § 103(a).

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## CONCLUSION

In view of the foregoing discussion, we grant Appellants' request for rehearing to the extent of reconsidering our decision. However, we deny Appellants' request with respect to making any change thereto.

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).

DENIED

clj

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