

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARTIN DUURSMA,
LEE LABORCZFALVI, ANATOLIY PANASYUK,
and DAVID ROBINSON

Appeal 2007-3632
Application 10/098,157
Technology Center 2100

Decided: November 27, 2007

Before KENNETH W. HAIRSTON, LANCE LEONARD BARRY,
and ST. JOHN COURTENAY, III, *Administrative Patent Judges*.
HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b) and 134 from the final rejection of claims 1 to 34.

Claims 1 and 11 are representative of the claimed invention, and they read as follows:

1. A method for generating a graphical display for a remote terminal session, the method comprising:

monitoring output produced by an application program executing on a server;

identifying a textual element and a non-textual element of the output;

retrieving a compressed data format associated with the non-textual element; and

transmitting to the remote terminal session the textual element and the compressed data format in place of the non-textual element.

11. A method for generating a graphical display for a remote terminal session, the method comprising:

monitoring output produced by an application program executing on a server;

identifying a bitmap representation within the output produced by the application program;

determining a check value for the bitmap representation;

retrieving a compressed data format of the bitmap representation based at least in part on the check value; and

transmitting to the remote terminal session the compressed data format in place of the bitmap representation.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Wolff	US 2003/0120714 A1	Jun. 26, 2003 (filed Dec. 26, 2001)
Tucker	US 2004/0049598 A1	Mar. 11, 2004 (filed Feb. 23, 2001)

The Examiner rejected claims 1 to 9 and 21 to 33 under 35 U.S.C. § 102(e) based upon the teachings of Wolff.

The Examiner rejected claims 10 to 20 and 34 under 35 U.S.C. § 103(a) based upon the teachings of Wolff and Tucker.

Turning first to the anticipation rejection, Appellants contend that Wolff is concerned with reformatting and compression of an original image captured by a machine vision system (MVS) for display on a personal digital assistant (PDA), and is not concerned with the claimed steps of monitoring the output produced by an application program, and identifying a textual element and a non-textual element of that output (Br. 5 to 7). According to the Examiner, an application program is executing on the Figure 2 apparatus in Wolff, and the output therefrom includes a textual element as well as a non-textual element (Answer 3).

We agree with the Examiner that an application program is running in the MVS in Figure 2 of Wolff, and that the output of the MVS 200 to the PDA 230 includes textual elements as well as non-textual elements (Wolff, paragraph 0043). On the other hand, we agree with the Appellants that the output from the image sensor 220, as opposed to the application program output, is monitored for the textual element as well as the non-textual element (Br. 7). Thus, the anticipation rejection of claims 1 to 9 and 21 to

33 is reversed because each and every limitation in the claims is not found either expressly or inherently in the cited reference to Wolff. *In re Crish*, 393 F.3d 1253, 1256 (Fed. Cir. 2004).

Turning lastly to the obviousness rejection of claims 10 to 20 and 34, Appellants contend *inter alia* that Tucker, like Wolff, fails to monitor the output of an application program to thereby identify a bitmap representation in the output from the application program (Br. 10). We agree.

Tucker is concerned with a content delivery system that subjects content from a network (e.g., the Internet) to editing, caching, and compressing to speed delivery of content from the network and to thereby conserve bandwidth (Abstract). The initially requested content is delivered to a requestor unedited and uncompressed. A version of the content delivered to the requestor is thereafter compressed and cached for subsequent requests for the same content. Entries in the cache are hashed using a Cyclic Redundancy Check (CRC) algorithm (e.g., by calculating a checksum of the characters in the URL of a requested web page) (paragraphs 0032 and 0039). When the compressed and cached version of the content is delivered to the next requestor, bandwidth is conserved (Figures 4 and 5; paragraphs 0030, 0033, 0034, 0038, and 0043).

As indicated *supra*, Tucker uses a first check value, but is silent as to a second check value (claim 10). Tucker is equally silent as to monitoring the output of an application program to identify a bitmap representation in the output from the application program (claims 11 to 20 and 34). In summary, the obviousness rejection of claims 10 to 20 and 34 is reversed because the Examiner's articulated reasoning in the rejection does not

Appeal 2007-3632
Application 10/098,157

support a legal conclusion of obviousness. *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007).

The decision of the Examiner is reversed.

REVERSED

KIS

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