UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte, WILLIAM LUSEN, BRUCE M. FLAMMA, and
FRANK W. RACIS

Appeal 2007-3923
Application 10/237,487
Technology Center 2100

Decided: March 28, 2008

Before JEAN R. HOMERE, ST. JOHN COURTENAY III, and
STEPHEN C. SIU, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-25. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

THE INVENTION

The disclosed invention relates generally to a computerized method and apparatus for managing data objects within a document-imaging system. More particularly, Appellants' invention is related to managing a document-imaging system using a document viewer capable of indexing and annotating documents and combining text with an image overlay (Spec. 1).

Independent claim 1 is illustrative:

> 1. A user interface system for processing documents for display, comprising:
>
> a user command interface for receiving one or more user commands;
>
> a source of a plurality of template image overlays of a plurality of corresponding different document types;
>
> a document processor for retrieving a text portion of a document and document type information for said document from storage and for adaptively selecting a template image overlay from said plurality of template image overlays of said plurality of corresponding different document types in response to said document type information; and
>
> a display processor for processing said document text portion to align with said selected image overlay in response to said document type information to produce data representing an aligned text image.

THE REFERENCES

The Examiner relies upon the following references as evidence in support of the rejection:

Graf	US 5,631,984	May 20, 1997
Engelmann	US 5,987,345	Nov. 16, 1999

THE REJECTION

Claims 1-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Graf in view of Engelmann.

PRINCIPLES OF LAW

"What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under *§ 103*." *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." *Id.* at 1740. Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)). Therefore, we look to Appellants' Brief to show error in the proffered prima facie case.

ANALYSIS

Combinability under 35 U.S.C. § 103

We consider first the combinability of the Graf and Engelmann references under 35 U.S.C. § 103, as applicable to all claims on appeal. Appellants contend that the Examiner has provided insufficient evidence of motivation to combine the Graf method and apparatus for separating static and dynamic portions of document images with the user interface of the Engelmann method and system for displaying medical images (*see* App. Br. 15, 22, 26, 30, 31, and 35).

In view of the Supreme Court's recent opinion in *KSR Int'l Co. v. Teleflex Inc.*, our analysis here does not turn upon whether the Examiner has provided an adequate teaching, suggestion, or motivation to combine the references. Instead, we view the question before us to be whether sufficient difference exists between the prior art and Appellants' claims to render the claims nonobvious. In *KSR*, the Supreme Court reaffirmed that "[w]hen a patent 'simply arranges old elements with each performing the same function it had been known to perform' and yields no more than one would expect from such an arrangement, the combination is obvious." *KSR*, 127 S. Ct. at 1740 (quoting *Sakraida v. Ag Pro, Inc.*, 425 U.S. 273, 282 (1976)).

This reasoning is applicable here. After considering the evidence before us, it is our view that the image processing and user interface teachings of Graf and Engelmann are familiar concepts that are well established in the document processing art. Although Graf discloses an exemplary embodiment directed to processing checks (financial

instruments), we nevertheless find that Graf teaches image processing techniques that are broadly directed to improvements in document storage, retrieval, and transmission, as follows:

> The present invention relates generally to improvements in document storage, retrieval and transmission. More particularly, the present invention relates to improvements in compressing electronic images of documents.

(Graf, col. 1, ll. 10-13).

Moreover, we find Graf expressly teaches that its image processing techniques are applicable to a broad spectrum of different document types, as follows:

> Many variations may be made in the arrangements shown, including the *type of document*, the number and type of static and dynamic fields within the document, and the particular techniques used for identifying and isolating various dynamic fields [emphasis added].

(Graf, col. 15, ll. 2-6).

From the above discussion, it is our view that an artisan possessing ordinary skill and creativity would have been capable of combining familiar elements such as the document image processing system taught by Graf with the user interface of Engelmann's image processing system to arrive at the claimed invention. Thus, we conclude that Appellants' claims are directed to familiar elements that would have been readily combinable by an artisan

possessing ordinary skill, creativity,[1] and common sense using known methods in a manner that would have yielded predictable results.

Our reviewing court has reaffirmed that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Leapfrog Enter., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007) (quoting *KSR*, 127 S. Ct. at 1739). Here, we note that Appellants have not rebutted the Examiner's legal conclusion of obviousness by showing that the claimed combination of familiar elements produces any new function. Moreover, Appellants have not provided any factual evidence of secondary considerations, such as unexpected or unpredictable results, commercial success, or long felt but unmet need. Accordingly, we find Appellants' arguments unpersuasive that the cited references have been improperly combined by the Examiner.

Elements

Claims 1, 4, 6, 7, and 8

We consider the Examiner's rejection of claims 1, 4, 6, 7, and 8 as being unpatentable over Graf in view of Engelmann. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we select independent claim 1 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2006).

[1] Courts should "take account of the inferences and creative steps that a person of ordinary skill in the art would employ." *KSR*, 127 S. Ct. at 1741.

Appellants contend that the Examiner's cited combination of Graf and Engelmann does not disclose the following limitations of representative claim 1 that, for convenience, we label here as limitations L1, L2, and L3 (*see* representative claim 1; *see also* App. Br. 8-16).

Limitation L1

L1. a source of a plurality of template image overlays of a plurality of corresponding different document types;

(*see* representative claim 1).

The Examiner, as finder of fact, has determined that Graf teaches, in column 6, lines 51-54, varieties of different generic check forms, and in column 15, lines 2-6, varying types of documents, and also in column 12, lines 38-43, processing other types of documents. The Examiner also points to the Abstract where Graf discusses providing a method and apparatus for compressing images of financial instruments and other documents (Ans. 20-21).

When we look to Appellants' Specification for *context*, we find Appellants broadly disclose that "[t]emplates are preferably specified by a document type and file format" (Spec. 7, l. 18). Appellants also disclose that "[t]emplates provide structure and meaning to a document, and they also provide the ability to format a document for multiple languages" (Spec. 7, ll. 23-24). However, we note that the limitations argued by Appellants of using a template to format a document for multiple languages are not claimed (*see*

App. Br. 9). We decline to read these limitations into the claim. *See E-Pass Techs., Inc. v. 3Com Corp*., 343 F.3d 1364, 1369 (Fed. Cir. 2003) (Limitations appearing in the specification but not recited in the claim are not read into the claim.).

We broadly but reasonably construe a "template" as corresponding to a particular document type or format. Thus, we agree with the Examiner that at least Graf's teaching of using varieties of different generic check forms (i.e., static templates) meets the language recited in limitation L1 above (*See* Graf, col. 6, ll. 51-54). We find that Graf's first database 45 (Fig. 1) is an image database containing both the static check form and the MICR text (further discussed *infra*) that is "a source of a plurality of template image overlays of a plurality of corresponding different document types," as claimed (claim 1). Therefore, we conclude that Appellants have not shown error in the Examiner's findings of fact regarding limitation L1.

Limitation L2

L2. a document processor for retrieving a text portion of a document and document type information for said document from storage and for adaptively selecting a template image overlay from said plurality of template image overlays of said plurality of corresponding different document types in response to said document type information; and

(*see* representative claim 1).

The Examiner finds that Graf teaches, in column 6, lines 22 through column 7, line 16, and in column 4**,** lines 25-49, a system for processing documents where static portions of documents (i.e., a check form or

template) are stored in database 45 and the dynamic portions of documents (added text) are stored in a second database 50 (Graf, Fig. 1). Both portions of documents are stored in their corresponding database with an associated document identifier, such as a magnetic ink character recognition line (MICR, col. 4, ll. 13-14; *see also* ll. 43-48), i.e., a string defining the *type of document* and linking it to the corresponding static check forms, or some other document identifier (*see* Graf, col. 12, lines 40-44). The Examiner further finds Graf teaches that when it is desired that the image be reconstructed, the system accesses the corresponding static portions pointed to by the MICR, and overlays the dynamic portion (handwritten text) on the static portion (see column 6, lines 41-64) (Ans. 20).

After considering the record before us, we find Appellants have not persuasively rebutted the Examiner's findings of fact regarding limitation L2. Appellants state that the "[t]he user interface system of claim 1 further includes a document processor for retrieving a text portion of the document from storage, which is separately stored along with document type information" (App. Br. 10, ¶2). This is exactly what the Examiner has pointed out in Graf where the static portions of documents (i.e., a check form or template) are stored in a first database 45 and the dynamic portions of documents (i.e., added text) are stored in a second database 50 (*see* Graf, Fig. 1). We also disagree with Appellants' contention that the static portion of Graf's check documents (i.e., the static generic check forms, col. 6, ll. 51-54) is not equivalent to the templates of the claimed invention, as discussed *supra* (*see* App. Br. 11, ¶3). In particular, we note that Graf

expressly teaches that the MICR code indicates which of a number of different check forms should be used when reconstructing an original image from a stored dynamic image, as follows:

> The MICR code, as noted above, will indicate which of a number of different check forms should be used when reconstructing an original image from a stored dynamic image. The MICR code and the dynamic portion are stored for each check, while an image of the static portion is stored only once. The present invention provides advantages in identifying and isolating dynamic portions, usually containing handwritten text, such that the total amount of image information which must be stored for each check is considerably reduced.

(Graf, col. 4, ll. 44-53).

Therefore, we conclude that Appellants have not shown error in the Examiner's findings of fact regarding limitation L2.

Limitation L3

L3. a display processor for processing said document text portion to align with said selected image overlay in response to said document type information to produce data representing an aligned text image.

(*see* representative claim 1).

The Examiner finds that Graf teaches, in column 2, line 41 through column 3, line 3, and column 9, lines 36-40, and in Figure 1, a display processor that uses the MICR stored with the dynamic portion (i.e., handwritten text) to find the correct static portion (i.e., check form template) to align with the dynamic portion (i.e., added text) for display of the complete composite image (Ans. 4, *see* the rejection of claim 1).

We begin our analysis by noting that Graf expressly teaches an image processor 37 at column 9, lines 39-40 (*see* also Fig. 1, image processor 37). We note again that Graf expressly teaches that "[t]he MICR code . . . will indicate which of a number of different check forms should be used when reconstructing an original image from a stored dynamic image" (col. 4, ll. 44-46). We find Graf's system of Figure 1 teaches "a display processor [image processor 37] for processing said document text portion [handwritten text on check] to align with said selected image overlay [static check form image data] in response to said document type information [i.e., MICR code that links the customer account number to the type of check form] to produce data representing an aligned text image," as claimed. We dismiss Appellants' argument that Graf merely describes one type of document – a check (*see* App. Br. 14, ¶2, ll. 7-10). To the contrary, we agree with the Examiner that the scope of "different document types" (as recited in claim 1) broadly but reasonably encompasses *different types of check forms*. Therefore, we conclude that Appellants have not shown error in the Examiner's findings of fact regarding limitation L3.

For at least the aforementioned reasons, we conclude that Appellants have not shown that the Examiner has erred in rejecting representative claim 1 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of representative claim 1 and associated claims 4, 6, 7, and 8 (which fall therewith) as being unpatentable over Graf in view of Engelmann.

Claim 2

We consider the Examiner's rejection of claim 2 as being unpatentable over Graf in view of Engelmann.

Appellants argue that Graf and Engelmann neither disclose nor suggest a system involving a display processor that "automatically processes said document text portion to align with said selected image overlay using text registration information", as claimed (App. Br. 16). In particular, Appellants distinguish the claimed alignment with what Appellants characterize as an "association" that is taught by Graf. For convenience, we reproduce Appellants' arguments below:

> However, the MICR information, as used in Graf, is not used for purposes of alignment. Instead, the MICR information is used to associate the dynamic portion of the document with the static portion of the document, as acknowledged in the Rejection. Graf discloses at Col. 4, lines 44-46 - *The MICR code, as noted above, will indicate which of a number of different check forms should be used when reconstructing an original image from a stored dynamic image.*
>
> Applicant further respectfully disagrees with the contention in the Response to Arguments section of the Rejection on page 19 that an association between the dynamic portion and the static portion necessarily indicates which sections should be aligned. Rather, the association merely indicates that those two pieces of the document belong together. There is absolutely no reason to infer that the MICR number should be used to determine alignment with one another.

(App. Br. 17, ¶¶1-2).

The Examiner disagrees. The Examiner notes that Appellants admit the MICR information "is used to associate the dynamic portion of the document with the static portion of the document" (*see* App. Br. 17, ¶1). The Examiner contends that this shows an association between two documents with respect to how they should overlap one another (i.e., alignment). The Examiner finds that Graf teaches, in column 5, lines 35-52, and column 11, lines 35-45, where the display processor uses the MICR (i.e., type information) stored with the dynamic portion to identify the correct static portion (i.e., template) to align with, and further recognizes text using optical character recognition (OCR) techniques (i.e., corresponding to the claimed "text registration information" that specifically mentions the text font and size). The Examiner further finds that Graf teaches (at column 2, lines 63 through column 3, line 3, column 9, lines 36-40, and in Figure 1) that the display processor generates and displays a composite image (without user interaction) by overlaying a dynamic portion (i.e., added handwritten text) and a corresponding static portion (i.e., a check form template) (Ans. 26-27).

After considering the record before us, we find Appellants have not persuasively rebutted the Examiner's findings of fact regarding claim 2. We agree with the Examiner that an association between two documents (image and text) with respect to how (or whether) they should overlap one another reasonably teaches an "alignment" between the two documents. Regarding the claimed use of "text registration information," we further agree with the Examiner that this limitation is met by Graf's OCR technique that is used to recognize a "limited number of fonts" (i.e., font type) (Graf, col. 5, l. 42-43).

We note that the pertinent portion of claim 2 recites "text registration information comprising at least one of, (a) font type . . . ." *See* Graf's description of using OCR to read (i.e., recognize) "a limited number of fonts," as follows:

> If the account name and address cannot be conveniently determined using the account number from the MICR line, the original image may be segmented to determine this information. The account name and address can be located within the image by, for example, analyzing a portion of the image where this information is usually found, such as the upper left hand corner. Because the account name and address are typically printed in one of *a limited number of fonts*, this information *may be read using well-known OCR techniques* [emphasis added].

(Graf, col. 5, ll. 35-44).

For at least the aforementioned reasons, we conclude that Appellants have not shown that the Examiner has erred in rejecting dependent claim 2 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of claim 2 as being unpatentable over Graf in view of Engelmann.

Claim 3

We consider the Examiner's rejection of claim 3 as being unpatentable over Graf in view of Engelmann.

Appellants argue that Graf and Engelmann neither disclose nor suggest a display processor that "automatically processes said document text

portion of a document of a particular document type to align with said selected image overlay using text registration information associated with a particular document type," as claimed (App. Br. 18).

The Examiner disagrees. The Examiner essentially restates the response to claim 2 stated above (*see also* Ans. 27-28).

We have fully addressed the issues of alignment and "text registration information" with respect to claim 2, *supra*. Thus, we find Appellants' arguments unavailing regarding claim 3. We conclude that Appellants have not shown that the Examiner has erred in rejecting dependent claim 3 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of claim 3 as being unpatentable over Graf in view of Engelmann.

Claim 5

We consider the Examiner's rejection of claim 5 as being unpatentable over Graf in view of Engelmann.

Appellants argue that Graf and Engelmann neither disclose nor suggest a system involving a display processor that "aligns said document text portion with said selected image overlay in response to a user command received via said user command interface," as claimed (App. Br. 19).

The Examiner disagrees. The Examiner finds that Graf teaches a display processor that generates and displays a composite image by overlaying (i.e., aligning) a dynamic portion (i.e., added text) with a corresponding static portion (i.e., template) (Graf, col. 2, l. 63 through col. 3, l. 3; *see also* col. 9, ll. 36-40, and Fig. 1). The Examiner further finds that Engelmann teaches that images can be selectively superimposed over one

another in response to user input through a user interface (*see* Graf col. 3, ll. 24-65 and col. 7, l. 49 through col. 8, l. 3) (Ans. 28-29).

We have fully addressed the recited "display processor" and the issue of "alignment," *supra*. Moreover, we find Appellants' arguments are essentially directed to the teachings of Graf rather than to the combination of Graf and Engelmann considered as a whole. The Examiner relies upon Engelmann for teaching and/or suggesting the claimed "user command received via said user command interface" (claim 5). Our reviewing court has determined that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. *In re Merck & Co.,* 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Thus, we find Appellants' arguments unavailing regarding claim 5. We conclude that Appellants have not shown that the Examiner has erred in rejecting dependent claim 5 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of claim 5 as being unpatentable over Graf in view of Engelmann.

Claims 9 and 10

We consider the Examiner's rejection of claims 9 and 10 as being unpatentable over Graf in view of Engelmann. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we select independent claim 9 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2006).

Appellants contend that Graf and Engelmann neither disclose nor suggest a method including "retrieving a text portion of a document and document type information for said document *and associated document registration information* from storage: . . . and *automatically* processing said document text portion to align with said selected image overlay in response to said document type information to produce data representing an aligned text image *using said text registration information associated with said document type*," as claimed (App. Br. 20).

Appellants note that the Specification supports the use of a plurality of document types and what is meant by "registration information," as follows:

> The type of a document determines the template that will be used when displaying the document (if any) and the registration *of* the text. Registration defines the font used for the text, as well as the character size and position.

(Spec. 8).

Appellants contend that Graf does not teach a plurality of document types; therefore, Appellants conclude that Graf neither discloses nor suggests text registration information associated with a plurality of different document types, as claimed (App. Br. 21).

The Examiner disagrees. The Examiner restates that Graf teaches various types of documents (Ans. 31). The Examiner further contends that Graf's system is not one dimensional, only working with one type of document. The Examiner points to Graf at column 6, lines 45-54 and column 12, lines 37-44. The Examiner notes that Graf expressly teaches that "other documents could include a different type of document identifier" (*see*

col. 12, ll. 40-44) (Ans. 31). The Examiner again points to Appellants' admission that MICR information "is used to associate the dynamic portion of the document with the static portion of the document" (*see* App. Br. 17, ¶1). The Examiner contends that this shows an association between two documents with respect to how they should overlap one another (i.e., alignment), as previously argued by the Examiner (Ans. 32).

We have fully addressed the issues of alignment and "text registration information" with respect to claim 2, *supra*. Thus, we find Appellants' arguments unavailing regarding representative claim 9. We conclude that Appellants have not shown that the Examiner has erred in rejecting dependent claim 9 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of claim 9 and associated dependent claim 10 (which falls therewith) as being unpatentable over Graf in view of Engelmann.

Claims 11-13

We consider the Examiner's rejection of claims 11-13 as being unpatentable over Graf in view of Engelmann. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we select independent claim 11 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2006).

Appellants restate their argument that Graf does not disclose or suggest "a source of a *plurality of* template image overlays *of a plurality of corresponding different documents types*," as claimed [emphasis in original] (App. Br. 24).

In response, we have found *supra* that Graf teaches and/or suggests "a source of a plurality of template image overlays of a plurality of corresponding different document types," as claimed (see discussion of claim 1).

Appellants further contend that neither Graf nor Engelmann teaches or suggests "a source of annotations separate from document text and image overlays," as claimed (App. Br. 27).

Regarding the claimed "source of annotations," the Examiner contends that Graf teaches separation of storage for base documents and overlays/annotations, at column 6, lines 22 through column 7, line 16 (Ans. 34).

We agree with the Examiner that the claimed "source of annotations separate from document text and image overlays" broadly but reasonably encompasses Graf's alternative embodiment where the name and address field (i.e., an annotation to the check form) is segmented from the rest of the original image (check form), as follows:

> Alternatively, the name and address field may be segmented from the rest of the original image, converted to ASCII code using standard printed-character recognition techniques, stored in database 45 by a document identifier such as the issuing bank MICR code, and subsequently printed over each of the forms on statement 55.

(Graf, col. 6, ll. 30-35).

Lastly, Appellants contend that neither Graf nor Engelmann teaches or suggests the document and display processors, as claimed (App. Br. 27).

In response, we have fully addressed *supra* the issues of the document and display processors (see discussion of claim 1). Thus, we find Appellants' arguments unavailing regarding representative claim 11. We conclude that Appellants have not shown that the Examiner has erred in rejecting claim 11 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of representative claim 11 and associated dependent claims 12 and 13 (which fall therewith) as being unpatentable over Graf in view of Engelmann.

Claims 14-17 and 19

We consider the Examiner's rejection of claims 14-17 and 19 as being unpatentable over Graf in view of Engelmann. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we select independent claim 14 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2006).

Appellants restate their argument that Graf does not teach "a source of a plurality of template images overlays of a plurality of corresponding different document types," as claimed (App. Br. 28).

In response, we have found *supra* that Graf teaches and/or suggests "a source of a plurality of template image overlays of a plurality of corresponding different document types," as claimed (see discussion of claim 1).

Appellants acknowledge that "MICR information, as taught in Graf, is utilized for purposes of alignment . . ." (i.e., to associated the dynamic portion of the document with the static portion of the document), albeit in a different context (App. Br. 29, ¶). Nevertheless, Appellants contend that "alignment," in the context of the instant invention, and as recited in independent claim 14, refers to a physical process of alignment, i.e., adjusting the registration so that text aligns correctly with the underlying template (App. Br. 30).

We have fully addressed the issue of "alignment" with respect to claim 2, *supra*. Moreover, we find Appellants' allegation of Examiner error (regarding the issue of "alignment") is vitiated by Appellants' own admission that "MICR information, as taught in Graf, is utilized for purposes of alignment . . ." (*see* App. Br. 29, ¶2).

Therefore, we conclude that Appellants have not shown that the Examiner has erred in rejecting claim 14 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of representative claim 14 and associated dependent claims 15-17 and 19 (which fall therewith) as being unpatentable over Graf in view of Engelmann.

Claim 18

We consider the Examiner's rejection of claim 18 as being unpatentable over Graf in view of Engelmann.

Appellants aver that column 6, lines 39-45 of Graf merely describes including reconstructed images of a plurality of cancelled or processed

checks on customer statements (App. Br. 32). Thus, Appellants conclude that Graf and Engelmann neither disclose nor suggest a system in which an "object processor is further programmed for one or more functions selected from the group consisting of zooming of a document, rotating of a document, reading text files that have been compressed using the GZIP algorithm, progressive loading of text documents; searching said portion of text of a particular document, copying said portion of text of a particular document, printing said portion of text of a particular document, and printing said information for text of a particular document," as claimed (App. Br. 32).

To the contrary, we find Graf's express teaching of printing portions of text and information associated with a particular check document squarely meets the language of dependent claim 18, as follows:

> The cancelled checks are reconstructed by *printing*, utilizing a printer 38, an appropriate static image, or check form, retrieved from database 45, on the statement 55. The check forms in database 45 are identified by a stored MICR line, and therefore each *printed form* will include the MICR line and check number for one of the checks processed during the statement period. The *printed form* may also include, as noted above, the account name and address. Alternatively, the name and address field may be segmented from the rest of the original image, converted to ASCII code using standard printed-character recognition techniques, stored in database 45 by a document identifier such as the issuing bank MICR code, and subsequently printed over each of the forms on statement 55. The MICR code, or more particularly the check numbers, may be used to identify which checks have been processed for a given account during the period, and the dynamic images therefore may be stored in database 50 by check and account number. *The handwritten portion of each of the processed checks is then printed by the printer 38 over the*

> *appropriate check form on the statement 55, as identified by check number.* The customer statement 55 may thus include reconstructed images 57 of a plurality of cancelled or otherwise processed checks [emphasis added].

(Graf, col. 6, ll. 22-44).

Therefore, we conclude that Appellants have not shown that the Examiner has erred in rejecting dependent claim 18 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of claim 18 as being unpatentable over Graf in view of Engelmann.

Claims 20-25

We consider the Examiner's rejection of claims 20-25 as being unpatentable over Graf in view of Engelmann. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we select independent claim 20 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2006).

Appellants restate their previous argument that neither Graf nor Engelmann teaches or suggests "storing a plurality of template image overlays of a plurality of corresponding different document types."

In response, we have found *supra* that Graf teaches and/or suggests "a source of a plurality of template image overlays of a plurality of corresponding different document types," as claimed (see discussion of claim 1).

Appellants further contend that neither Graf nor Engelmann teaches or suggests "retrieving at least a portion of text of a particular document [from] said document imaging system; rendering said portion of text for viewing on a user interface by processing said document text portion to align with an image overlay selected from said plurality of template image overlays in response to document type information of said particular document; and receiving and storing said document text portion aligned with said image overlay in response to user command," as claimed (App. Br. 32-33). Appellants further essentially restate arguments made previously regarding independent claims 1 and 11 that we have addressed above (*see* App. Br. 33-36). Moreover, we find Graf clearly teaches retrieving at least a portion of text of a particular document from said document imaging system, as shown in Figure 1.

We have fully addressed the issue of "alignment," *supra*. Regarding the limitations that the Examiner has found taught by Engelmann (i.e., a user interface and associated user commands), we find Appellants' arguments are essentially directed to the teachings of Graf rather than to the combination of Graf and Engelmann considered as a whole. *See In re Merck & Co.,* 800 F.2d at 1097.

For at least the aforementioned reasons, we conclude that Appellants have not shown that the Examiner has erred in rejecting claim 20 as being unpatentable over Graf in view of Engelmann. Accordingly, we sustain the Examiner's rejection of representative claim 20 and associated dependent claims 21-25 (which fall therewith) as being unpatentable over Graf in view of Engelmann.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that Appellants have not shown the Examiner erred in rejecting claims 1-25 under 35 U.S.C. § 103(a) for obviousness.

DECISION

We affirm the Examiner's decision rejecting claims 1-25.

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

pgc

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin NJ 08830