

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte CHARLES E. HILL*

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Appeal 2008-0574  
Application 10/007,731  
Technology Center 2100

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Decided: May 21, 2008

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Before JAMES D. THOMAS, JEAN R. HOMERE, and STEPHEN C. SIU,  
*Administrative Patent Judges.*

SIU, *Administrative Patent Judge.*

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 21-31 and 36-59. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

#### A. INVENTION

The invention at issue relates to generating a presentation of data. (Spec. 5). In particular, images that are used in the presentation are stored in a database in different formats. An image is selected for inclusion in the presentation and an optimum format of the selected image is selected from the different stored formats for use in the presentation. (*Id.*).

#### B. ILLUSTRATIVE CLAIM

Claim 21, which further illustrates the invention, follows.

21. A method for generating an electronic presentation, the method comprising the steps of:

storing a plurality of images in a database, each image being stored in a plurality of different formats, each format having the same image content,

selecting an image from the plurality of images in the database for use in a presentation,

selecting an optimum format of the selected image for use in the presentation based on a presentation type,

linking the selected image used in the presentation with the corresponding image stored in the database, and

storing the presentation.

#### C. REJECTION

Claims 21-31 and 36-59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,960,448 (“Reichek”) and U.S.

Patent No. 6,430,624 (“Jamtgaard”). Claims 1-20 and 32-35 have been cancelled.

## II. ANALYSIS

The Examiner finds that Reichek discloses “storing a plurality of images in a database . . . each image being stored in a plurality of different formats . . . [and] . . . selecting an optimum format of the selected image for use in the presentation” (Ans. 4).

Appellant asserts that “Reichek, alone or in combination with Jamtgaard, does not disclose . . . ‘storing a plurality of images in a database, each image being stored in a plurality of different formats, each format having the same image content’” (App. Br. 7). We agree with Appellant that the Examiner erred in finding that the combination of Reichek and Jamtgaard discloses storing a plurality of images in different formats in a database, each format having the same image content for reasons set forth below.

Reichek discloses “visual enhancements” or “treatments” that “tell the system how the document image should be displayed” (col. 8, ll. 6-8). The Examiner finds that Reichek discloses that “the user then has the system automatically treat the set of found images and regions with high resolution visual graphics to enhance the display of those images . . . [t]he treatments are stored in the storage area . . .” (Ans. 12) (emphasis omitted) and equates the “visual enhancements” or “treatments” of Reichek with the “different

Appeal 2008-0574  
Application 10/007,731

formats” recited in claim 21. However, Reichek discloses that the visual enhancements or treatments “includes a reference to a document image and a description of the visual enhancements to that document image” (col. 8, ll. 9-10) but “does not have to include the actual enhanced image” (col. 8, ll. 11-12). Rather, Reichek discloses that the “computer system 100 accesses the image file 205 and the treatment and applies the visual enhancements during the presentation” (col. 8, ll. 43-45). Although the “treatments are applied to the display of the original image,” the treatments “are not stored as a permanent change to the image file 205” (col. 8, ll. 40-43).

Although we agree with the Examiner that Reichek discloses storing document images and also storing references to the document images and descriptions of visual enhancements (i.e., storing the “treatments” or “visual enhancements”), we disagree with the Examiner that Reichek also discloses that each image is stored in a plurality of different formats and selecting an optimum format of the selected image. Even assuming that the treatments or visual enhancements of Reichek are associated with the “different formats” recited in claim 21 as the Examiner states, Reichek discloses that “[t]he treatments are stored in a storage area, such as a bin” (col. 3, ll. 36-37), but that no changes in the image files are stored (col. 8, ll. 41-42, “treatments are applied to the display of the original image and are not stored”). Hence, we find that in Reichek, the original image is stored as well as “a description of the visual enhancements to that document image [i.e., treatments]” (col. 8, ll. 9-10) but we do not find a disclosure in Reichek that the original image is

also stored in different formats. Indeed, Reichek appears to explicitly disclose that, as “an important aspect,” “the treatments are applied to the display of the original image and are not stored as a permanent change” (col. 8, l. 40-42).

The Examiner relies on Jamtgaard for disclosing “each format having the same image content” (Ans. 4) and states that “Jamtgaard does teach «To organize the content for display on the devices, the received content information may be mapped into a hierarchy of groups so that the content information can be optimally formatted for display on the device according to the input/output format, such as the display screen size [parameters] of the devices» - col. 2, lines 54-59” (Ans. 14) and that “Jamtgaard teaches «the system permits content to be output in a variety of different output formats . . . » - col. 4, lines 12-13” (*id.*). However, the Examiner does not demonstrate that Jamtgaard also discloses storing a plurality of images in a database, each image being stored in a plurality of different formats, and each format having the same image content as recited in claim 21. It follows that Appellant has shown that the Examiner erred in concluding that the combination of Reichek and Jamtgaard renders independent claim 21 unpatentable. Therefore, we reverse the rejection of claim 21 and of claims 22-31 and 36, which depend therefrom.

Claim 48 also recites storing an image file in a plurality of different formats, selecting one of the image files and selecting an optimum format of the selected file. Claim 37 recites storing audio files in a plurality of

Appeal 2008-0574  
Application 10/007,731

different formats, selecting an audio file and selecting an optimum format of the audio file. For reasons set forth above for claim 21, we also find that Appellant has shown that the Examiner erred in concluding that the combination of Reichek and Jamtgaard discloses or renders obvious each feature of claim 37 and claim 48.

Therefore, we reverse the rejection of claims 37 and 48 and of claims 38-47 and 49-59, which depend therefrom.

### III. ORDER

In summary, the rejection of claims 21-31 and 36-59 under § 103(a) is reversed.

REVERSED

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