UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK S. IGRA

Appeal 2008-1048
Application 09/816,552[1]
Technology Center 2100

Decided: October 9, 2008

Before LANCE LEONARD BARRY, JAY P. LUCAS, and CAROLYN D. THOMAS, *Administrative Patent Judges*.

LUCAS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellant appeals from a final rejection of claims 1 to 33 under authority of 35 U.S.C. § 134. The Board of Patent Appeals and Interferences (BPAI) has jurisdiction under 35 U.S.C. § 6(b).

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[1] Application filed March 23, 2001. The real party in interest is BEA Systems, Inc.

Appellant's invention relates to a system, method and computer program for generating web pages efficiently. In the words of the Appellant:

> A master specification is provided to specify a common design for a number of resultant web pages to be generated. The common design includes common content placement, and at least one of a common style and a common navigation arrangement. The content of a first resultant web page is defined employing a first subordinate web page specification, including reference to the master specification for content placement, and at least one of style and navigation. The content of a second resultant web page is similarly defined. In turn, the first and second resultant web pages are generated with first and second contents being placed, styled and/or having the common navigation arrangement in accordance with the master specification.

(Spec. 4).

Claim 1 is exemplary:

1. A web page generation method comprising:

defining a master specification specifying a common style, a common navigation arrangement, and common content placement for each resultant web page to be generated;

defining a first subordinate content specification specifying first content of a first resultant web page, referencing the master specification for style, navigation and content placement;

defining a second subordinate content specification specifying second content of a second resultant web page, referencing the master specification for style, navigation, and content placement; and

generating said first and second resultant web pages with said first and

second contents being placed and styled in accordance with said common content placement and said common style specified by said master specification, and said first and second resultant web pages having said common navigation arrangement specified by said master specification.

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

Ferrel	US 5,860,073	Jan. 12, 1999
Keating	US 2002/0052895 A1	May 2, 2002 (filed Oct. 11, 2001)

Hakon Wium Lie, *Cascading Style Sheets, Level 1*, W3C Recommendation, (1999), available at http://www.w3.org/TR/CSS1.

REJECTIONS

R1: Claims 1 to 23, 26 to 29, and 32 to 33 stand rejected under 35 U.S.C. § 102(b) for being anticipated by Ferrel.

R2: Claims 25 and 31 stand rejected under 35 U.S.C. § 103(a) for being obvious over Ferrel in view of Keating.

R3: Claims 24 and 30 stand rejected under 35 U.S.C. § 103(a) for being obvious over Ferrel in view of Lie and Keating.

Groups of Claims:

Claims will be discussed in order of the rejections. Claim 1 is representative.

Appellant contends that the claimed subject matter is not anticipated by Ferrel, or rendered obvious by Ferrel in combination with Lie and Keating, for failure of the references to teach the claimed limitations. The Examiner contends that each of the claims is properly rejected.

Rather than repeat the arguments of Appellant or the Examiner, we make reference to the many Briefs and the Answers for their respective details. Only those arguments actually made by Appellant have been considered in this opinion. Arguments which Appellant could have made but chose not to make in the Briefs have not been considered and are deemed to be waived.

We affirm the rejections.

ISSUE

The issue is whether Appellant has shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 102(b) and 103(a). The issue turns on whether Ferrel teaches the three recited features of a master specification.

FINDINGS OF FACT

The record supports the following findings of fact (FF) by a preponderance of the evidence.

1. Appellant has invented a web page generation system, method and computer program (hereinafter "method") in which a master specification specifies a common style, a common navigation arrangement and a

common content placement for each resultant web page. (App. Br., 10, middle).

2. Appellant defines those common elements as follows: "As alluded earlier, content placement refers to the spatial placement of substantive content in a web page, whereas style refers to style elements such as fonts, color and so forth. Navigation refers the supported transitions between the web pages." (Spec., 7, ll. 11-14).

3. Ferrel, the primary reference, teaches a method of styling content of a document with a plurality of style sheets. As a brief overview, Ferrel discloses:

> Yet another aspect of the present invention is a method of publishing and viewing titles in an electronic publication system including a storage, comprising the steps of creating a content object, creating a style sheet object independent of the content object, linking the style sheet object to a control object, linking the content object to the control object, storing the objects in the storage, retrieving the objects from the storage, applying the linked style sheet to the content, and displaying the styled content with the control.

(Col. 3, ll. 45-53).

Further Findings of Fact will be incorporated into the Analysis section below.

PRINCIPLES OF LAW

Appellant has 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)).

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 (Fed. Cir. 2005) (citation omitted).

Our reviewing court states in *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989) that "claims must be interpreted as broadly as their terms reasonably allow."

ANALYSIS

From our review of the administrative record, we find that Examiner has presented a prima facie case for the rejections of Appellant's claims under 35 U.S.C. § 35 U.S.C. § 102(b). The prima facie case is presented on pages 4 to 37 of the Examiner's Answer. In opposition, Appellant presents a number of arguments.

Arguments with respect to the rejection under 35 U.S.C. § 102(b)[R1]

The first argument addresses the common placement of content among pages, as recited in claim 1. (App. Br., 11, top). Appellant argues "As Figure 8 of Ferrel shows, the layout for each page must be independently created, requiring the size of each control to be separately selected and edited by the designer (See e.g., Ferrel Col. 19, Lines 24-25)."

The analysis begins with an interpretation of the claims: "Both anticipation under § 102 and obviousness under § 103 are two-step inquiries. The first step in both analyses is a proper construction of the claims . . . . The second step in the analyses requires a comparison of the properly construed claim to the prior art." *Medichem S.A. v. Rolabo S.L.*, 353 F.3d 928, 933 (Fed. Cir. 2003) (internal citations omitted). Claim 1 requires a "defining a master specification specifying a common style, a common navigation arrangement, and common content placement for each resultant web page to be generated…." Though the Appellant has pictured the master specification as a single document in his Figure 2, there is no requirement in the limitations of the claims that imposes that requirement. The Examiner has read the master specification as Ferrel's multimedia publishing system including templates comprising control and style sheets as pictured in Figures 8, 9, and 14 of the patent. Considering Figure 8, picture object 460 and content objects (e.g., 462, 464, and 466) are placed by the story controls (e.g., 438, 452, and 454) in defined places on the pages of the document.

> As the story objects are rendered, they reference the style sheet that is linked to the appropriate control to retrieve formatting information. This formatting information includes properties of the paragraphs, fonts and embedded objects in the story that format the content as it was originally designed. (Ferrel, col. 19, l. 39 – 44).

Multiple pages are produced, as needed to contain all of the information in the story objects. "…the last page used is repeated until all stories are rendered." (Ferrel, col. 20, l. 30).

Navigation is supplied by the user moving from page to page to continue following a story. (Ferrel, col. 20, l. 34).

We find that this is sufficient teaching for the master specification as claimed in claim 1, containing the elements of common content placement, common navigation between pages and the common styles, all recited as part of the master specification.

Appellant argues that in Ferrel the layout for each page must be independently created, requiring the size of each control to be separately selected and edited by the designer. (App. Br., 11, top). This is certainly not true for repeated pages added to finish a story, as mention above. However, we find there is sufficient teaching in Ferrel to anticipate having common content placement among multiple documents that use the same page layouts.

Appellant next argues that Ferrel fails to show any method of navigation between the pages, and thus does not teach or anticipate a method for applying common navigation between pages. (App. Br., 11, middle).

This argument weaves back and forth between the Examiner and the Appellant in the seven briefs submitted to develop the issue. We are persuaded that the evidentiary citations in Ferrel presented by the Examiner, and best expressed in the "Argument Section B" response (Acknowledgement of Reply Brief, mailed 1/18/07, pages 6 to 8) offer sufficient backing to establish anticipation by Ferrel of the claim limitation. The various pages of the template have a common page-by-page navigation method. The template of the last page (page 2, #446, Fig. 8) is reproduced exactly when additional space is needed, again offering common navigation by pages. Finally, in Fig. 6, one notes a "Next" button. We find that common navigation is defined in the Specification very broadly, simply as navigation between pages. (FF#2 above). We thus find that Ferrel teaches sufficient elements of common navigation to anticipate the claim in this respect.

Appellant's third argument (App. Br., 12, middle) is that "Ferrel does not teach or anticipate **common** design by way of a **master specification** for all content, but rather Ferrel shows variable design, requiring multiple steps for each content object." As evidence, Appellant mentions the three separate web pages each with a unique layout. We believe the Appellant has misconstrued the nature of the rejection and the teaching in Ferrel. The Page Layout in Ferrel will produce a common design because various stories of diverse natures can be written and placed as the story objects (e.g. 464) and then flowed into the story controls (e.g. 438) producing documents of

varying content but with common content placement. This is an objective satisfied by the system of Ferrel. (Col. 2, l. 60). We thus fail to find error in the Examiner's rejection in regard to the Appellant's objection.

Arguments with respect to the rejections under 35 U.S.C. § 103(a) [R2] [R3]

Appellant's arguments concerning the rejection of claims 25 and 31 for being obvious over Ferrel in view of Keating, [R2] and the arguments concerning the rejection of claims 24 and 30 for being obvious over those references plus Lie, [R3] are based on the arguments concerning [R1]. See App. Br., 14, top and bottom. Appellant contends that Keating and Lie do not remedy the deficiencies of the Ferrel reference. Since we did not find those deficiencies, we do not support Appellant's contention.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner did not err in rejecting claims 1 to 23, 26 to 29, and 32 to 33 under 35 U.S.C. § 102 [R1]. We likewise conclude that the Examiner did not err in rejecting claims 24, 25, 30, and 31 under 35 U.S.C. § 103.

DECISION

The Examiner's rejections of claims 1 to 33 are Affirmed.

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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