

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RADHIKA AGGARWAL, WILLIAM H. KREBS JR.,
ELIZABETH A. SCHRIEIBER, and DAVID B. STYLES

Appeal 2008-1860
Application 10/041,183¹
Technology Center 2100

Decided: December 8, 2008

Before: LANCE LEONARD BARRY, HOWARD B. BLANKENSHIP, and
JAY P. LUCAS, *Administrative Patent Judges.*

LUCAS, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF CASE

¹ Application filed January 3, 2002. The real party in interest is International Business Machines Corporation.

Appellants appeal from a final rejection of claims 1 to 14 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).

Appellants' invention relates to a method and system for efficiently generating icons on a web-page. In the words of the Appellants:

The present invention relates to the dynamic creation and rendering of a button in a hypermedia content browser such as a Web browser. In particular, button rendering parameters such as color, text and position information can be encoded in a network address such as a uniform resource locator (URL). The network address, in turn can be included as part of a markup tag which can be embedded in a hypermedia document such as a Web page. Upon activation of the network address, the button rendering parameters can be forwarded to a server at the network address. The server can pass the button rendering parameters to an image generator in which the button rendering parameters can be processed to dynamically form an image of a button. Finally, the dynamically formed image of the button can be returned to the hypermedia content browser which can render the image of the button in a display.

The use of the present invention can overcome the deficiencies of the prior art by eliminating both the need to create static images of a button "by hand" using a separate graphics program, and also the need to incorporate the hand-created images in a hypermedia document. Rather, in accordance with the inventive arrangements, only the characteristics of the button and a network address for the server need be included in the hypermedia document in order to suitably render the button. Once included, the activation of the network address can cause the dynamic rendering of the button. The dynamic rendering of the button in the hypermedia document browser, in turn, can give users a user interface experience similar to that of conventional computer programs.

(Spec., p. 4)

Claim 1 is exemplary:

1. A method of rendering a button in a hypermedia content browser, comprising the steps of:

encoding in a network address parameters which specify display parameters which define display characteristics for an icon;

embedding said network address in a markup tag in a hypermedia document which can be accessed through the hypermedia content browser, said markup tag, when activated, causing said browser to forward said encoded display parameters to a server at said network address which has been configured to process said display parameters; and

receiving from said server a dynamically generated image of an icon which has display characteristics which are consonant with said defined display characteristics; and

rendering said dynamically generated image of said icon in the hypermedia content browser.

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

Alexander US 5,986,654 Nov. 16, 1999

REJECTIONS

Claims 1 to 14 stand rejected under 35 U.S.C. § 102(b) for being anticipated by Alexander.

Groups of Claims:

Claims 2 to 4 stand or fall with independent claim 1.

Claims 6 to 8 stand or fall with independent claim 5.

Claims 10 to 14 stand or fall with independent claim 9. (Br., p. 4, middle).

Appellants contend that the claimed subject matter is not anticipated by Alexander, for failure of Alexander to disclose claimed limitations. The Examiner contends that each of the claims is properly rejected.

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

We reverse the rejection.

ISSUE

The issue is whether Appellants have shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 102(b). The issue turns on whether the Alexander reference teaches the rendering of a button icon in a web browser in the manner claimed.

FINDINGS OF FACT

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

1. Appellants have invented a method (system and computer program) for rendering the image of a button (iconic button) on a web page being rendered by a web browser. (Spec., p. 4, l. 1-2). When the designer of a web page at a client computer wishes to place a button on a web page, instead of laboriously programming the button into the page, he fills out an electronic “form” with the address of a special web server and the

characteristics (including the text label) of the button he wishes to be placed in the web page at a certain point. (Spec., p. 10, bottom). When the page is executed for display, the form calls a routine in a servlet in the special web server, which generates a button as specified and sends it back to the client to be inserted in the page. (Spec., p. 11, top). The generated button will have the size, location, foreground and background colors, label, alignment attributes and other characteristics specified in the request sent by the client. (Spec., p. 14, bottom).

2. The Alexander reference teaches a system and method for placing an iconic button #200 on a web page. (See Abstract, Fig. 2, Fig. 9). The button is generated by executing code on the client machine #112 (See Fig. 2) that specifies the end caps (#210, #220), size, location, color and other attributes of the button being rendered. (See Fig. 3, Col. 12, l. 17 to 39). The client machine can be connected through the Internet to a server, #130, which is a source of information for the user. (Col. 6, l. 13). The interior of the button #200 contains a field, #260, that contains a label, comprising textual information. The button is “live”, in that clicking it sends the user to a particular website, or causes a particular web page to be displayed within the same website being viewed. (Col. 7, l. 8). The text displayed as the label in the button can be “dynamic”, generated by the programming or “based on the present set of some data within the server 130”. (Col. 13, l. 34-35).

PRINCIPLES OF LAW

“In reviewing the [E]xaminer’s decision on appeal, the Board must necessarily weigh all of the evidence and argument.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

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).

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. See *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984).

ANALYSIS

From our review of the administrative record, we find that the Examiner has presented a prima facie case for the rejection of Appellants’ claims under 35 U.S.C. § 102. The prima facie case is presented on pages 3 to 6 of the Examiner’s Answer. In opposition, Appellants present a number of arguments.

Arguments with respect to the rejection of claims 1 to 6 under 35 U.S.C. § 102

Appellants’ first argument contends that Alexander does not teach specifying display parameters which define display characteristics for an icon encoded in a network address as claimed. (Br., p. 8, top). Claim 1

requires that parameters which specify display parameters for an icon be encoded in a network address. The claim further requires that the network address be embedded in a markup tag which, when activated, causes a browser to forward the parameters to a server at the network address, which server then sends a dynamically generated image of an icon back to the browser.

The Alexander reference cited by the Examiner fails to teach the sending of a dynamically generated image of an icon as claimed. (Please see FF #2 above.) At most, the reference teaches that text which can be used as a label in a button is sent to a browser at the client, and then placed by the client into the image of the button, which is otherwise formed by code running in the client computer. (Col. 13, l. 35). All of the characteristics of the button are based on code executed at the client, save for that label text. The image of the button is generated at the client, not sent from the server.

As this key limitation in all of the claims is not taught by the cited reference, we conclude that the Appellants are correct and the rejection of the claims under 35 U.S.C. § 102 (b) is in error.

CONCLUSION OF LAW

Based on the findings of facts and analysis above, we conclude that the Examiner erred in rejecting claims 1 to 14.

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DECISION

The Examiner's rejection of claims 1 to 14 is Reversed.

REVERSED

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