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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DANIEL C. BATTAGIN and YARIV BEN-TOVIM

Appeal 2010-007774
Application 10/858,188
Technology Center 2100

Before JASON V. MORGAN, ERIC B. CHEN, and JOHN G. NEW, *Administrative Patent Judges*.

MORGAN, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Introduction

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 – 4, 9, 11, 12, 15, 17 – 20, and 22. Claims 5 – 8, 10, 13, 14, 16, and 21 are canceled. App. Br. 5. We have jurisdiction under 35 U.S.C. § 6(b)(1).

We affirm.

Invention

The invention relates to a method, system, and apparatus for enabling a spreadsheet to be viewed and modified within the context of a Web browser application program. *See* Abstract.

Exemplary Claim (Emphases Added)

> 1. A method for facilitating viewing and interacting with a spreadsheet from within the context of a Web browser application program on a client computer, the method comprising:
>
> receiving at a server computer a request to open a spreadsheet document in the Web browser application program;
>
> in response to the request to open the spreadsheet document, accessing a native version of the spreadsheet document and generating an interactive representation of a portion of the spreadsheet document, *the interactive representation of the portion of the spreadsheet document being a representation of less than the entire spreadsheet document*, wherein the interactive representation is capable of being rendered by the Web browser application program for display to a user and the native version of the spreadsheet document is capable of being rendered by a spreadsheet application and not capable of being rendered by the Web browser application program;

returning to the Web browser application program a displayable portion of the spreadsheet document by converting the interactive representation of the portion of the spreadsheet document to a markup language spreadsheet;

receiving at the server computer data identifying a user-requested operation received within the Web browser application program, the user-requested operation resulting from a user request to modify an aspect of the displayable portion of the spreadsheet document;

in response to receipt of the data identifying the user-requested operation, generating a recalculated native version of the spreadsheet document reflecting the user requested operation;

generating a recalculated interactive representation of a portion of the recalculated spreadsheet document capable of being rendered by the Web browser application program for display to the user, wherein the recalculated interactive representation of the portion of the recalculated spreadsheet document is a representation of less than the entire recalculated spreadsheet document;

returning to the Web browser application program a recalculated displayable portion of the recalculated spreadsheet document by converting the recalculated interactive representation of the portion of the recalculated spreadsheet document to a markup language spreadsheet, *wherein the recalculated markup language spreadsheet includes at least one script that, when executed by the Web browser application program, causes an indication to be sent to the server computer to return the recalculated native version of the spreadsheet document to the client computer*;

receiving the indication from the Web browser application program; and

in response to receiving the indication, returning to the client computer the recalculated native version of the spreadsheet document.

Rejections

The Examiner rejects claims 1 – 4, 9, 11, 12, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Jamshidi (US 2004/0181748 A1; Sept. 16, 2004; filed Mar. 10, 2003), Sorge (US 6,613,098 B1; Sept. 2, 2003), Waldau (US 2003/0226105 A1; Dec. 4, 2003), and C. Stinson and M. Dodge, *Microsoft® Office Excel 2003 Inside Out*, pp. 518 – 523 (Examiner cites to pp. 1 – 7 of a printout obtained from Safari Books Online) (Sept. 3, 2003) ("Stinson"). Ans. 4 – 16.

The Examiner rejects claims 15, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Jamshidi, Stinson, and Sorge. Ans. 16 – 20.

The Examiner rejects claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Jamshidi, Stinson, Sorge, Waldau, and Moise (US 6,626,959 B1; Sept. 30, 2003). Ans. 21.

The Examiner rejects claims 1 – 4 under 35 U.S.C. § 112(b) as being indefinite for failing to particularly point out and distinctly claim the subject matter which Appellants regard as the invention.[1] Ans. 3; Fin. Rej. 3.

ISSUES

Did the Examiner err in finding that the combination of Jamshidi, Stinson, Sorge, and Waldau teaches or suggests (1) "interactive

[1] The Appeal Brief states that the Examiner's rejection of claims 1 – 4 under 35 U.S.C. § 112(b) "is not the subject of this appeal." App. Br. 19. This contradicts the Notice of Appeal (July 7, 2009), which states that Appellants appealed to the Board "from the final rejection of claims 1 – 4, 9, 11 – 12, 15, 17 – 20, and 22." We find the 35 U.S.C. § 112(b) rejection of claims 1 – 4 to be before this Board and not argued. Therefore, we affirm pro forma the Examiner's rejection thereof.

representation of the portion of the spreadsheet document being a representation of less than the entire spreadsheet document" and (2) "wherein the recalculated markup language spreadsheet includes at least one script that, when executed by the Web browser application program, causes an indication to be sent to the server computer to return the recalculated native version of the spreadsheet document to the client computer," as recited in claim 1?

ANALYSIS

Claim 1

The Examiner relies on Jamshidi, which is directed to a thin client framework for deployment of spreadsheet applications in a web browser based environment, to teach or suggest several recitations of claim 1. *See* Ans. 4 – 6. In particular, the Examiner relies on Jamshidi to teach or suggest: (1) receiving at a server computer a request to open a spreadsheet document, *see* Ans. 4 (citing Jamshidi ¶¶ [0088] – [0090] and fig. 1); (2) accessing a native version of the spreadsheet document and generating an interactive representation of a portion of the spreadsheet document capable of being rendered by a Web Browser, *see* Ans. 5 (citing Jamshidi ¶¶ [0082] – [0088] and [0090] – [0093]); (3) returning the Web browser a displayable portion of the spreadsheet document, *id.*; and (4) receiving at the server computer data identifying a user-requested operation received within the Web browser, *see* Ans. 5 – 6 (citing Jamshidi ¶¶ [0092] – [0093]). However, the Examiner relies on Sorge, which is directed to storage of application specific data in HTML (hypertext markup language), to teach or suggest the "interactive representation of the portion of the spreadsheet document being a

representation of less than the entire spreadsheet document." *See* Ans. 6 (citing, e.g., Sorge col. 24, ll. 32 – 36).

Appellants argue that Jamshidi teaches away from an "interactive representation of the portion of the spreadsheet document being a representation of less than the entire spreadsheet document" because "Jamshidi specifically teaches use of the <u>entire</u> spreadsheet and spreadsheet application program for use on the thin client, and teaches away from display and operation on only a portion of the spreadsheet in a web browser." App. Br. 22. In particular, Appellants argue that Jamshidi teaches embedding "'. . . special instructions in the HTML document which take into account **all possible** allowable interactions/commands a user can perform while viewing the document.'" *Id.* (citing Jamshidi ¶ [0091]). Appellants argue that "[i]f only a portion of a spreadsheet document were provided in a Web browser by Jamshidi, not all functionality would be available to a user with respect to interactivity with the document." Reply Br. 3.

The Examiner correctly finds that Jamshidi's disclosure of the interactions/commands a user can perform while viewing the document relates to commands such as "refresh data; update; login; logout; change password; search password; and search repository of templates." Ans. 25 (citing Jamshidi ¶ [0091]). Appellants do not persuasively show how taking into account such commands teaches away from modifying Jamshidi, using the teachings and suggestions of Sorge, to provide an interactive representation of a spreadsheet document that is less than the entire spreadsheet document.

Furthermore, Jamshidi takes into account all possible and *allowable* interactions/commands. *See* Jamshidi ¶ [0091]. That is, Jamshidi teaches or

suggests that interactions and commands may not necessarily be allowed when viewing a document. In viewing a portion less than the entire spreadsheet, user interactions with excluded portions of the spreadsheet would not be allowable and need not be taken into account. Thus, Jamshidi fails to suggest that modifying its thin client framework for deployment of spreadsheet applications with the teachings and suggestions of Sorge would be unlikely to be productive for the result of providing an interactive representation of a portion of a spreadsheet document less than the entire spreadsheet document. *See Spectralytics, Inc. v. Cordis, Corp.*, 649 F.3d 1336, 1343 (Fed. Cir. 2011). Therefore, we agree with the Examiner that the combination of Jamshidi and Sorge teaches or suggests "interactive representation of the portion of the spreadsheet document being a representation of less than the entire spreadsheet document," as recited in claim 1.

In rejecting claim 1, the Examiner further relies on Stinson, which is directed to using hyperlinks in Excel spreadsheet documents, to teach or suggest "wherein the recalculated markup language spreadsheet includes at least one script that, when executed by the Web browser application program, causes an indication to be sent to the server computer to return the recalculated native version of the spreadsheet document to the client computer." *See* Ans. 9 (citing Stinson pp. 1 – 4).

Appellants argue that "[i]f a spreadsheet application program were included in the client system of Jamshidi, that system would no longer be considered a thin client, therefore changing the operational principle of Jamshidi in a manner inconsistent with its intended purpose." App. Br. 21; *see also* Reply Br. 3 ("Jamshidi teaches away from the <u>step of downloading</u>

a native version of a spreadsheet to a client because in Jamshidi that step of downloading a native version of the spreadsheet would be useless.”). However, the Examiner correctly points out that the claimed invention does not require the client computer possess a spreadsheet application program. *See* Ans. 22. Moreover, Jamshidi provides examples of systems which display web pages and also are capable of providing access to native versions of spreadsheet documents. *See* Jamshidi ¶¶ [0012] – [0013]. Therefore, we agree with the Examiner that Jamshidi fails to teach away from returning a recalculated native version of a spreadsheet document to a client computer.

Appellants further argue that there is no indication that Stinson’s “hyperlink creates a script that can be included within a spreadsheet.” App. Br. 23 – 24. However, we agree with the Examiner that a broad, but reasonable interpretation of a “script” includes a hyperlink, which represents “code executed by a web browser that sends a request for a file and has the file returned and stored on the client.” Ans. 27. We also agree with the Examiner that it would have been obvious to an artisan of ordinary skill to include a hyperlink to a native version of a spreadsheet document in a markup language version of the spreadsheet. *See* Ans. 9. Appellants do not persuasively show error in the Examiner’s finding that an artisan of ordinary skill would have recognized that this modification would have provided the benefit of a simple and easy method of accessing the native version of the spreadsheet without manually typing the exact location to access the file. *Id.*

Appellants also argue that there is no “suggestion in Stinson that such hyperlink links to a recalculated native version of the spreadsheet.” App. Br. 24; *see also* Reply Br. 4. However, the Examiner correctly relies on Stinson

for the narrow teaching or suggestion of linking to a native version of the spreadsheet. *See* Ans. 9. The Examiner thus relies on the combination of Jamshidi, Sorge, and Waldau to teach or suggest that the spreadsheet is a recalculated spreadsheet. *See, e.g.*, Ans. 6 – 7 (citing Waldau ¶¶ [0400] – [0408]). Thus, Appellants' argument is not responsive to the Examiner's rejection and is not persuasive of error. Therefore, we agree with the Examiner that the combination of Jamshidi, Stinson, Sorge, and Waldau teaches or suggests "wherein the recalculated markup language spreadsheet includes at least one script that, when executed by the Web browser application program, causes an indication to be sent to the server computer to return the recalculated native version of the spreadsheet document to the client computer," as recited in claim 1.

Accordingly, we affirm the Examiner's 35 U.S.C. § 103(a) rejections of claim 1, and dependent claims 2 – 4, 19 and 22 which are not argued separately. *See* App. Br. 24 and 27. We also affirm the Examiner's 35 U.S.C. § 103(a) rejections of claims 9, 11, 12, 15, 17, 18, and 20, which are not argued with sufficient specificity to constitute separate arguments. *See* App. Br. 24 – 27.

DECISION

We affirm the Examiner's decision to reject claims 1 – 4 under 35 U.S.C. § 112(b).

We affirm the Examiner's decision to reject claims 1 – 4, 9, 11, 12, 15, 17 – 20, and 22 under 35 U.S.C. § 103(a).

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

msc