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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JONATHAN J. HULL, DAR-SHYANG LEE,
and KURT W. PIERSOL

Appeal 2010-008947
Application 11/461,164
Technology Center 2100

Before ALLEN R. MacDONALD, KRISTEN L. DROESCH, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*

DECISION ON APPEAL

This is an appeal¹ under 35 U.S.C. § 134(a) from the Final Rejection of claims 1-30.² We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' Invention

Appellants' invention relates to providing mixed media documents, which include media of at least two types (printed paper, digital content, web links). (Spec. [0008]; Abstract.) The mixed media reality (MMR) system includes a content-based retrieval database configured with an index table to represent two-dimensional geometric relationships between objects extracted from a printed document in a way that allows look-up using a text-based index. (Abstract.)

Exemplary Claim

Claims 1, 15, and 24 are independent. Independent claim 1 is representative of the invention, and is reproduced below with disputed limitations in italics:

1. A database system for providing mixed media documents, comprising:

an index table that stores electronic descriptions of features extracted from paper documents, feature location information for the features, and association information for each of the

¹ The Real Party in Interest is Ricoh Co., Ltd.

² Although claims 1, 15, and 24 are the only claims addressed by Appellants on appeal, all pending claims are within the jurisdiction of the Board and are the subject of this Decision.

paper documents and locations with a mixed media reality document that combines printed and digital media; and

an accumulator module that receives *a query term comprising words and a two-dimensional geometric relationship between the words in a target document*, and that computes at least one mixed media reality document and location hypothesis as a potential match to the query term, based on the extracted features and feature location information from the index table.

Examiner's Rejection

1. Claims 1-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Page (US Patent Publication No. 2004/0122811 A1) and in view of the teachings, suggestions and motivation of one of ordinary skill in the art of computer programming. (Ans. 7.)

ISSUE 1

Improper Issuance of a Final Office Action

Appellants argue that the issuance of the Final Office Action was premature because (i) the claims were grouped together by the Examiner for analysis (App. Br. 5), and (ii) the Examiner did not provide a response to most of Appellants' argument presented in an amendment (App. Br. 5-6).

Issue 1: Does the PTAB have jurisdiction over whether the issuance of a Final Office Action was premature and improper?

ANALYSIS

Appellants present arguments and seek our review of the Examiner's issuance of a Final Office Action (App. Br. 5-6). The propriety of the issuance of a Final Office Action is, however, a petitionable matter

reviewable by petition to the Technology Center Director. *See* 37 C.F.R. § 1.444; MPEP §§ 818.03(c), 1002.02(c)(2), and 1201. Petitionable issues are not subject to review by the Board. *See In re Berger*, 279 F.3d 975, 984-85 (Fed. Cir. 2002). Accordingly, we have no opinion concerning the propriety of the issuance of the Final Office Action.

ISSUE 2

35 U.S.C. § 103(a) Rejection of claims: 1-30

Appellants contend that the claim limitation “an accumulator module that receives a query term comprising words and a two-dimensional geometric relationship between the words in a target document” is not taught or suggested in Page. (App. Br. 8.)

Issue 2: Has the Examiner erred in determining that Page, in view of the knowledge and motivation of one of ordinary skill in the art of computer programming, teaches or suggests “an accumulator module that receives a query term comprising words and a two-dimensional geometric relationship between the words in a target document” as recited in independent claim 1?

ANALYSIS

We are unpersuaded by Appellants’ argument (App. Br. 8) that Page, in view of the knowledge and motivation of one of ordinary skill in the art of computer programming, fails to teach or suggest “an accumulator module that receives a query term comprising words and a two-dimensional

geometric relationship between the words in a target document” as recited in independent claim 1.

Appellants contend there is no disclosure in Page describing a method of searching an electronic database according to an Internet based search query. (App. Br. 8; Page, Abstract, ¶ [0009].) “Page’s search queries are simply traditional keyword-based searches. . . . Page’s keyword-based searches do not comprise the two elements recited in the claim: words **and** the two-dimensional geometric relationship between the words.” (App. Br. 8, emphasis in original.) Further, Appellants contend that the Examiner’s interpretation of the claim language is incorrect, because “[t]he Examiner relies upon an isolated sentence of the Specification *read out of context.*” (App. Br. 9, emphasis in original; Spec. paragraph [0248] and Figure 36.) Appellants note that the Specification at paragraph [0250] further describes such two-dimensional geometric relationships, stating that the relationships are between horizontally and vertically adjacent wordpairs, with the wordpairs that are joined by a “-” if they are horizontally *adjacent* (e.g., the-cat, in-the) and a “+” if they are vertically adjacent (e.g., in + is, and the + back). Thus, Appellants contend that Examiner’s position is inconsistent with the Specification. (App. Br. 9.)

However, the Examiner finds that Page meets the disputed claim limitation because, given the broadest reasonable interpretation consistent with Appellants’ Specification, the term “two dimensional geometric relationship” allows for a text based look up/query. (Ans. 22; Spec. ¶ [0248].) Specifically, the Examiner notes that Appellants’ Specification at paragraph [0248] discloses “[t]he system 3400 is configured for content-based retrieval, where two-dimensional geometric relationships between

objects are represented in a way that *enables look-up in a text-based index (or any other searchable indexes) (i.e., a Search Engine).*” (Ans. 22, emphasis in original.) The Appellants’ Specification at paragraph [0250] does not limit the disclosure of paragraph [0248] or prohibit the use of a text based look up or query system. The Examiner further finds that “Appellant’s arguments that ‘the relationships are between horizontally and vertically adjacent wordpairs, with the word-pairs that are joined by a “-” if they are horizontally adjacent (e.g., the-cat, in-the) and a “+” if they are vertically adjacent (e.g., in + is, and the + back)’ improperly imports limitations not found in the claims.” (Ans. 23.) We agree with the Examiner’s findings and conclusions.

Moreover, the Examiner finds that Page teaches a search engine on top of a relational database (§ [0005]) where requests come in the form of a query (e.g., a set of words that are related to a desire topic) (§ [0026]). Therefore, Page, in view of the knowledge and motivation of one of ordinary skill in the art of computer programming, teaches or suggests “an accumulator module that receives a query term comprising words and a two-dimensional geometric relationship between the words in a target document ...” as recited in independent claim 1. We agree with the Examiner.

Thus, Appellants have not persuaded us the Examiner erred in finding Page discloses the claim limitation as recited in independent claim 1.

ISSUE 3

35 U.S.C. 103(a) Rejection of claims: 1-30

Appellants contend that the claim limitation “an index table that stores electronic descriptions of features extracted from paper documents, feature

location information for the features, and association information ... with a mixed media reality document” is not taught or suggested in Page. (App. Br. 9.)

Issue 3: Has the Examiner erred in determining that Page, in view of the knowledge and motivation of one of ordinary skill in the art of computer programming, teaches or suggests “an index table that stores electronic descriptions of features extracted from paper documents, feature location information for the features, and association information ... with a mixed media reality document” as recited in independent claim 1?

ANALYSIS

We are unpersuaded by Appellants’ argument (App. Br. 9) that Page, in view of the knowledge and motivation of one of ordinary skill in the art of computer programming, fails to teach or suggest “an index table that stores electronic descriptions of features extracted from paper documents, feature location information for the features, and association information ... with a mixed media reality document” as recited in independent claim 1.

Appellants contend that Page merely discloses: (A) an index of “data sets” (¶ [0042]), with the “data sets” including a published item and an associated advertisement (¶ [0039]); and (B) storage of images of scanned document pages and links between the pages (e.g., “each page being linked to a preceding and subsequent page”) (¶ [0044]). (App. Br. 9-10.)

Appellants argue that “Page does not disclose or suggest ‘an index table’ that stores the following **three** elements: 1) electronic descriptions of features extracted from paper documents; 2) feature location information for

the features; and 3) association information for each of the paper documents and locations with a mixed media reality document.” (App. Br. 10, emphasis in original.)

However, the Examiner finds that Page meets the disputed claim limitation because Page teaches an index table at ¶ [0042] “with the following three elements: (1) electronic descriptions of features extracted from paper documents; (2) feature location information for the features; and (3) association information for each paper documents and location with a MMR document (e.g. (3) could be and probably is a hyperlink).” (Ans. 26.)

Specifically, the Examiner finds that Page teaches at ¶ [0042] feature extraction – “the electronic conversion of paper documents, the **‘electronic descriptions of features extracted from paper documents.’**” (Ans. 26, emphasis in original.) The Appellants’ Specification shows feature extraction can be accomplished via optical character recognition (“OCR”) (Spec. ¶¶ [0048], [0142], [0190]), and Page teaches feature extraction via OCR (Page ¶ [0044]). The Examiner finds that Page teaches feature location information for the features because OCR put words in the right order (Ans. 26-27) and because Page teaches that portions of the electronic image are arranged in locations corresponding to the printed media (Ans. 26-27; Page ¶¶ [142], [190], [203], [225]). The Examiner further finds that Page teaches association information for each of the paper documents and locations with a mixed media reality document (Ans. 27) because Page teaches adding a hyperlink to the document. (Page ¶¶ [0044-0045].) Appellants’ Specification specifically discloses that “association” can be via hotspot/hyperlink. (Spec. ¶¶ [0073, 0169].) We agree with the Examiner.

Thus, Appellants have not persuaded us the Examiner erred in finding Page discloses the invention as recited in independent claim 1.

Appellants have not presented any substantially different arguments for independent claims 15 and 24, which recite the same disputed claim limitations as claim 1. Accordingly, we sustain the rejection of independent claims 15 and 24 under 35 U.S.C. § 103(a). Similarly, Appellants have not presented any substantive arguments with respect to dependent claims 2-14, 16-23, and 25-30, thus, these claims fall with their respective independent claims. Therefore, we sustain the rejection of claims 1-30 under 35 U.S.C. § 103(a).

DECISION

The Examiner's decision to reject claims 1-30 is 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

ELD