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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YOU B. CHEN, BRIAN T. LILLIE, RICHARD REDPATH, and
DANIEL M. SCHUMACHER

Appeal 2010-010280
Application 11/420,020
Technology Center 2100

Before CARL W. WHITEHEAD, JR, ERIC S. FRAHM, and
ANDREW J. DILLON, *Administrative Patent Judges.*

DILLON, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-23. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' invention is directed to a method and system for creating customizable user interface wrappers for a web application utilizing one or more declarative descriptions. *See* Spec. 17, Abstract of the Disclosure.

Claim 1 is illustrative, with key disputed limitations emphasized:

1. A computer-implemented method for creating a customized wrapper for a web application, the method comprising:

storing a declarative description in a storage medium;

accessing said declarative description to generate a user interface for the customized wrapper; and

enabling the web application to operate using the user interface wrapper.

The Examiner relies on the following as evidence of unpatentability:

Coulthard	US 2004/0003371 A1	Jan. 1, 2004
Baumgartner	US 2005/0022115 A1	Jan. 27, 2005
Arthurs	US 2007/0209006 A1	Sep. 6, 2007
(Hereinafter “Arthurs ‘006”)		(Filed Sep. 14, 2005)
Gold	US 2006/0015857 A1	Jan. 19, 2006
Arthurs	US 2006/0064422 A1	Mar. 23, 2006
(Hereinafter “Arthurs ‘422”)		

THE REJECTIONS

1. The Examiner rejected claims 1, 2, 4-7, 10, 12, 13, 16-18, and 20 under 35 U.S.C. §102(b) as anticipated by Baumgartner. Ans. 3-7.¹
2. The Examiner rejected claims 3, 14, and 15 under 35 U.S.C. §103(a) as unpatentable over Baumgartner and Arthurs ‘006. Ans. 8-9.

¹ Throughout this opinion, we refer to the Appeal Brief filed January 20, 2010; and, the Examiner’s Answer mailed April 13, 2010.

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3. The Examiner rejected claims 8 and 9 under 35 U.S.C. §103(a) as unpatentable over Baumgartner and Gold. Ans. 9-10.
4. The Examiner rejected claims 11 and 19 under 35 U.S.C. §103(a) as unpatentable over Baumgartner and Arthurs '422. Ans. 10-11.
5. The Examiner rejected claims 21-23 under 35 U.S.C. §103(a) as unpatentable over Baumgartner and Coulthard. Ans. 11-12.

ISSUE

Based upon our review of the record, the arguments proffered by Appellants and the findings of the Examiner, we find the following issue to be dispositive of the claims on appeal:

Under § 102, has the Examiner erred in rejecting by finding that Baumgartner discloses “storing a declarative description in a storage medium” and then accessing said declarative description “to generate a user interface for the customized wrapper” as set forth within independent claim 1, with commensurate limitations within independent claims 12 and 20?

ANALYSIS

Appellants argue that Baumgartner cannot be said to anticipate independent claims 1, 12, or 20 as a result of the failure of Baumgartner to disclose or suggest “accessing said declarative description to generate a user interface for the customized wrapper,” and “storing a declarative description in a storage medium,” as recited in claims 1 and 12, with commensurate limitations in claim 20. App. Br. 8.

Specifically, Appellants initially urge that Baumgartner does not disclose or suggest the “creation of a customized interface wrapper for a web software application.” *Id.* at 8.

Appellants argue that Baumgartner discloses that a visual user interface is utilized by a programmer to view extracted data which is utilized to create the customized wrapper, but that the user interface is not generated by the Baumgartner system. Appellants point out that the described user interface within Baumgartner is provided by the Lixto system’s Extraction Pattern Builder. App. Br. 9

The Examiner finds that Baumgartner discloses the creation of a wrapper which may include characteristic features and components associated with certain web pages (¶¶[0184-85]), which are selected by a wrapper designer. Ans. 13.

We find that the wrapper generated within Baumgartner utilizing the Lixto user interface will necessarily possess its own user interface, which has been generated by the selection of various filters and patterns by the wrapper designer. Further, we find that nothing within Appellants’ claim 1, for example, requires the customized user interface to be the user interface utilized to generate the wrapper, rather than the resultant user interface of the

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completed wrapper and therefore Appellants' arguments, noted above, are not commensurate with the scope of the claims.

Regarding the Appellants' arguments concerning the "storing a declarative description in a storage medium" the Examiner finds that the construction of a wrapper in Baumgartner begins "by opening an existing extraction program (which can be stored in various ways, for instance as a simple text file or XML file expressing the patterns and filters) or by starting a new program." (¶[0558]) Ans. 13.

We find the Examiner's conclusion that Baumgartner discloses storing a declarative description in a storage medium to be persuasive, especially in view of Appellants' description of the aforementioned "declarative description" as stored "in an XML file." (Spec. (¶[0006]).

Consequently, we find the Examiner did not err in rejecting claims 1, 12, and 20 as anticipated under §102 by Baumgartner. Claims 2-11, 13-19, and 21-23, which were not argued separately by Appellants, fall with claims 1, 12, and 20.

CONCLUSION

The Examiner did not err in rejecting claims 1-23.

ORDER

The Examiner's decision rejecting claims 1-23 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

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