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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte HUI CHAO

Appeal 2015-006946
Application 13/260,333
Technology Center 2600

Before JASON V. MORGAN, NABEEL U. KHAN, and
KAMRAN JIVANI, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–4 and 6–20.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ According to Appellant, the real party in interest is Hewlett-Packard Development Company, LP. App. Br. 3.

² The Examiner finds “[c]laim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” Final Act. 15.

THE INVENTION

Appellant’s invention “provide[s] systems and methods that enable graphic object collages that conform to non-rectangular layout boundaries to be generated.” Spec. ¶ 25.

1. A method, comprising:

defining a mesh of rectangular cells of uniform size that is aligned with a non-rectangular layout boundary such that a count of ones of the cells having at least a prescribed fraction of their size contained within the layout boundary is maximized;

determining a layout of frames within the layout boundary based on locations of the cells with respect to the layout boundary, wherein the frames define respective size dimensions and positions of respective views of graphic objects on a page; and

outputting the views of the graphic objects arranged in accordance with the layout of the frames on the page.

REFERENCES and REJECTIONS

The Examiner rejects claims 1, 2, 6–11, 13, 14, 17, and 18 under 35 U.S.C. § 103(a) as unpatentable over MacInnes (US 2010/0321405 A1; Dec. 23, 2010) and Schulz (US 2009/0148064 A1; June 11, 2009).

The Examiner rejects claims 3, 4, 12, 15, 16, 19, and 20 under 35 U.S.C. § 103(a) as unpatentable over MacInnes, Schulz, and Sheasby (US 7,403,211 B2; July 22, 2008).

ANALYSIS

The Examiner finds that images disclosed in MacInnes, arranged and scaled to fit within the dimensions of a panel, teach or suggest a “mesh of rectangular cells with uniform size.” Final Act. 6 (citing MacInnes ¶¶ 25,

34, 35). Additionally, the Examiner finds that a set of uniform anchor pixels to which the images are anchored, also, or alternatively, teach or suggest a “mesh of rectangular cells with uniform size.” Final Act. 3 (citing MacInnes ¶ 25); *see also* Ans. 12–13.

Appellant argues the combination of MacInnes and Schulz, applied to all claims, has not been shown to teach or suggest ““defining a mesh of rectangular cells of uniform size that is aligned with a non-rectangular layout boundary such that a count of ones of the cells having at least a prescribed fraction of their size contained within the layout boundary is maximized.”” App. Br. 7–11. Specifically, Appellant contends the MacInnes’ images have different sizes and therefore “are not rectangular cells with uniform size.” App. Br. 8. (citing MacInnes Fig. 5). Addressing the Examiner’s findings regarding the MacInnes’ anchor pixels, the Appellant contends “MacInnes does not try to align the ‘anchor pixels’ with a non-rectangular layout boundary.” App. Br. 9.

We agree with both contentions. Figure 5 of MacInnes clearly shows that the images arranged within the panel are not of uniform size, and instead, have different sizes. Further, we also agree with the Appellant that the anchor pixels of MacInnes are not aligned with a non-rectangular boundary and are instead simply a fixed arrangement of pixels (i.e., set by the manufacture). *See* MacInnes ¶ 25.

Accordingly, we do not sustain the Examiner’s rejection of independent claim 1, and independent claims 13 and 17, which contain substantially the same disputed limitation and were rejected on substantially the same basis. *See* Final Act. 11. For the same reasons we also do not sustain the Examiner’s rejections of the pending dependent claims.

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DECISION

For the foregoing reasons, the Examiner's rejections of claims 1–4
and 6–20 are reversed.

REVERSED