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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* MANUEL ANGEL ALBARRAN MOYO,  
PETER MOROVIC, and JAN MOROVIC

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Appeal 2015-006978  
Application 12/786,841  
Technology Center 2600

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Before JOHNNY A. KUMAR, NORMAN H. BEAMER, and  
ALEX S. YAP, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–20.<sup>1</sup> We have jurisdiction over the pending rejected claims under 35 U.S.C. § 6(b).

We affirm-in-part.

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<sup>1</sup> Appellants identify Hewlett-Packard Development Company, LP as the real party in interest. (App. Br. 2.)

### THE INVENTION

Appellants' disclosed and claimed invention is directed to managing print workflow, via an add-on application interfacing with a printing-capable application and hardware components of a printing device, to provide additional printing functionality. (Abstract.) Claim 9, reproduced below, is illustrative of the claimed subject matter:

9. A computing system comprising:
  - a processor; and
  - a memory communicatively coupled to said processor;
  - in which said processor:
    - causes an add-on application to interface with a printing-capable application configured to be executed by said processor;
    - causes said add-on application to interface with hardware components of a printing device; and
    - causes said add-on application to provide additional printing related functionality to said printing-capable application.

### REJECTION

The Examiner rejected claims 1–20 under 35 U.S.C. § 103(a) as being unpatentable over Agronik et al. (US 2008/0209311 A1, pub. Aug. 28, 2008) and Chang et al. (US 7,318,086 B2, iss. Jan. 8, 2008). (Final Act. 5–10.)

## ISSUES ON APPEAL

Appellants' arguments in the Appeal Brief present the following dispositive issues:<sup>2</sup>

*Issue One:* Whether the Examiner erred in finding the combination of Agronik and Chang teaches or suggests the independent claim 9 limitations, “said processor . . . causes said add-on application to interface with hardware components of a printing device; and causes said add-on application to provide additional printing related functionality to said printing-capable application,” and the similar limitations recited in independent claims 1 and 17. (App. Br. 10–16.)

*Issue Two:* Whether the Examiner erred in finding the combination of Agronik and Chang teaches or suggests the additional limitations of dependent claims 10–12 and 14–16. (App. Br. 16–21.)

## ANALYSIS

We have reviewed the Examiner's rejection in light of Appellants' arguments that the Examiner errs. As to claims 1–9, 11, 13, and 17–20, we disagree with Appellants' arguments, and we adopt as our own (1) the pertinent findings and reasons set forth by the Examiner in the Action from which this appeal is taken (Final Act. 5–7) and (2) the corresponding reasons set forth by the Examiner in the Examiner's Answer in response to

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<sup>2</sup> Rather than reiterate the arguments of Appellants and the findings of the Examiner, we refer to the Appeal Brief (filed Aug. 25, 2014, corrected Apr. 16, 2015); the Reply Brief (filed July 17, 2015); the Final Office Action (mailed Apr. 24, 2014); and the Examiner's Answer (mailed May 21, 2015) for the respective details.

Appellants' Appeal Brief (Ans. 2–11, 13–14). We concur with the applicable conclusions reached by the Examiner and emphasize the following.

*Issue One*

In finding Agronik and Chang teach or suggest the limitations at issue for claim 9, the Examiner relies on the disclosure in Agronik of embedded applications as objects in a markup-language code, running in a browser program, used to overlay an image in a transparent editing window over the browser window, and with the capability to edit the image. (Final Act. 6; Agronik Abstract, Fig. 3B, ¶¶ 8, 28, 39, 47) The Examiner also relies on the disclosure in Chang of an “information apparatus” such as an email terminal, digital camera, or e-book, which allows users to install additional hardware components or software including a “pervasive output client application” to, inter alia, interface with a printer. (Final Act. 6–7; Chang col. 9, ll. 30–36, col. 10, ll. 14–39, col. 11, ll. 16–21.)

Appellants argue the embedded applications of Agronik do not interface with hardware components of a printer, and do not provide additional printing related functionality. (App. Br. 11–12.) Appellants assert the Examiner concedes “Agronik does not disclose a processor that ‘causes said add-on application to interface with hardware components of a printing device.’” (App. Br. 12.) Appellants further argue Chang “says nothing about any add-on application that is ancillary and adds functionality to a principal application.” (App. Br. 13.)

These arguments are unpersuasive because they mischaracterize the Examiner's rejection and the cited references, and focus on the references individually, whereas the Examiner's rejection is based on the combination of Agronik and Chang. (Final Act. 7.) *In re Merck & Co., Inc.*, 800 F.2d

1091, 1097 (Fed. Cir. 1986); *In re Keller*, 642 F.2d 413, 425 (CCPA 1981) (the test for obviousness is whether the combination of references, taken as a whole, would have suggested the patentee’s invention to a person having ordinary skill in the art).

Appellants’ reliance on the Examiner’s statement, “Agronik does not disclose a processor that ‘causes said add-on application to interface with hardware components of a printing device,’” is misplaced. (App. Br. 12.) As the Examiner explains, this statement focuses on whether or not Agronik discloses a *processor* that performs the claimed functions — the Examiner finds that, while the disclosure of Agronik “greatly implies the use of a processor” with the claimed functionality, the combination of Agronik and Chang more directly teaches or suggests this limitation. (Ans. 6.) Therefore, Appellants’ characterization of the Examiner’s alleged concession is overly broad and not persuasive of error.

We are not persuaded the Examiner errs in relying on Agronik in combination with Chang as teaching or suggesting the claim limitations at issue. As the Examiner finds, Agronik discloses, for example, a “Crop2Size” browser plug-in, which is an add-on application that interfaces with the printing-capable browser program. (Final Act. 6; Ans. 2–4; Agronik Fig. 3B, ¶¶ 8, 37, 39–41.) Crop2Size provides, for example, such functions as image previewing, cropping, centering, flipping and tinting — comparable to the “additional printing related functionality” examples disclosed in the Specification. (Final Act. 6; Ans. 4–5; Spec. ¶¶ 23, 46; Agronik ¶ 39.) Moreover, Chang at least teaches or suggests add-on applications interfacing with printer components. (Final Act. 6–7; Ans. 6–7; Chang col. 9, ll. 30–36, col. 10, ll. 14–39, col. 11, ll. 16–21.) In sum,

Appellants have not persuaded the Examiners errs in finding these disclosures, taken together, teach or suggest the independent claim limitations at issue.

*Issue Two*

Dependent claim 10 requires use of an application programming interface (API); claim 11 requires the add-on application to perform as a printer driver; claim 12 requires use of an add-on manager; claim 14 requires the add-on application to receive data from the printing device as the basis for changing an image; and claims 15 and 16 require use of a color profile for use in print jobs.

The Examiner relies on various disclosures in Agronik as teaching or suggesting these limitations: the use of java applets and a software development kit (SDK) to create flash objects as satisfying the API limitation of claim 10 and the add-on manager limitation of claim 12; the printing capabilities of the internet browser for the printer driver limitation of claim 11 and the printer data limitation of claim 14; and the background color adjustment capabilities for the color profile limitations of claims 15 and 16. (Final Act. 7–9; Ans. 12–19.)

Appellants argue none of these disclosures in Agronik teach or suggest the additional limitations of these dependent claims: the applets and SDK disclosures do not relate to APIs or add-on managers; the fact that the browser application has print capabilities does not mean that any add-on acts as a printer driver; the receipt of printer data is not enough to teach or suggest the claimed use of that data as the basis for image changes; and the ability to adjust background color does not teach or suggest the claimed use of a color profile. (App Br. 16–21.) As to claims 10, 12, and 14–16, we are

persuaded by Appellants' arguments that the Examiner has failed to establish a *prima facie* case that the references relied on teach or suggest, or disclose, the dependent claim limitations at issue. "[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability." *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Therefore, on the record before us, we do not sustain the Examiner's rejection of claims 10, 12, and 14–16.

We are not persuaded the Examiner errs in rejecting claim 11. The Examiner correctly finds, "[t]his use of a printer driver is well known, as the Applicant has disclosed." (Ans. 14.) This finding is sufficient support for the Examiner's rejection, given the Examiner's correct finding, discussed above, that the combination of Agronik and Chang teaches or suggests the subject matter of claim 9, in which the add-on application provides "additional printing-related functionality,"

## CONCLUSIONS

For the reasons stated above, we sustain the obviousness rejection of claims 1, 9, and 17. We also sustain the obviousness rejection of claims 2–8, 11, 13, and 18–20, which are not argued separately with particularity.

Also for the reasons stated above, we do not sustain the obviousness rejection of claims 10, 12, and 14–16.

## DECISION

We affirm the Examiner's rejection of claims 1–9, 11, 13, and 17–20.

We reverse the Examiner's rejection of claims 10, 12, and 14–16.

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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-IN-PART