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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANIL KUMAR PADALA, MANAH KHALIL,
SENTHIL MUTHUSAMY, and SWAROOP MALLAMPALLI

Appeal 2016-000911
Application 13/307,730
Technology Center 2100

Before ALLEN R. MacDONALD, AARON W. MOORE, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1–4, 7, 8, 11, 12, 14, 15, and 17–19. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Exemplary Claim

Exemplary claim 1 under appeal reads as follows (bracketing and emphasis added):

1. A method performed by a computer device, the method comprising:

[(A)] generating, by the computer device, a guidance file for a document, wherein the guidance file includes guidance instructions for one or more interactive elements in the document, and wherein generating the guidance file for the document includes:

[(i)] ***processing*** the document ***to identify the one or more interactive elements*** in the document ***by identifying terms indicative of interactive elements***;

[(ii)] selecting an interactive element, of the identified one or more interactive elements;

[(iii)] generating one or more guidance instructions for the selected interactive element; and

[(iv)] storing the generated one or more guidance instructions in the guidance file;

[(B)] generating, by the computer device, a script file configured to cause the guidance file to be accessed and to provide the guidance instructions in connection with the one or more interactive elements; and

[(C)] adding, by the computer device, an instruction to the document to run the script file when the document is accessed.

7. The method of claim 1, wherein the generating the guidance file for the document further includes:

[(v)] determining whether a particular one of the one or more interactive elements includes an identifier; and

[(vi)] adding an identifier to the particular one of the one or more interactive elements, when the particular one of the one or more interactive elements *does not include an identifier*.

Rejections

The Examiner rejected claims 1–4, 7, 11, 14, 17, and 18 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Horton et al. (US 2011/0246880 A1; Oct. 6, 2011), Ozana (US 2006/0259483 A1; Nov. 16, 2006), and Allen, Jr. et al. (US 2009/0132937 A1; May 21, 2009).¹

The Examiner rejected claims 8, 12, 15, and 19 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Horton, Ozana, Allen, and Larcheveque et al. (US 2004/0189708 A1; Sept. 30, 2004).²

¹ Separate patentability is not argued for claims 2–4, 11, 14, 17, and 18. Except for our ultimate decision, these claims are not discussed further herein.

² Separate patentability is not argued for claims 8, 12, 15, and 19. As to these claims, Appellants merely reference the arguments of claim 1. Thus, the rejections of these claims turns on our decision as to claim 1. Except for our ultimate decision, these claims are not discussed further herein.

Appellants' Contentions

1. Appellants contend that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because:

This section of ALLEN [at paragraphs 19–42] does not disclose or suggest processing a document to identify one or more interactive elements in the document ***by identifying terms indicative of interactive elements***. Rather, this section of ALLEN discloses that an element in a user interface is selected by a user when the user clicks or activates the element. Thus, ALLEN discloses identifying a particular element based on a user selection, rather than processing a document to identify interactive elements in the document.

App. Br. 11 (emphasis added).

ALLEN does not disclose or suggest that the field having the identifier “field_1” is identified as an interactive element based on the identifier “field 1.” Rather, the identifier “field_1” is used to locate tags within an XML hover help document associated with the element after a user selects the element. Furthermore, at no point does ALLEN disclose that the document is processed to identify interactive elements in the document. Rather, only a single element is selected by the user.

App. Br. 11.

[I]n ALLEN, there is no identification of terms indicative of interactive elements. Identifying terms indicative of interactive elements, as recited in claim 1, ***inherently implies identifying all terms from a set of predefined terms***, as explained in paragraph [0065] of the [S]pecification of the present application. In contrast, ALLEN discloses that the XML document is accessed to locate a specific hover help element identifier ***based on the fact that the user has selected the hover help element***.

App. Br. 14 (emphasis added).

2. Appellants also contend that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because:

HORTON and OZANA, whether taken alone or in any reasonable combination, do not disclose or suggest JavaScript code, loaded into a web browser, to access a guidance file that is *separate* from a web page being displayed in the web browser, as would be required by claim 1 based on the Examiner's interpretation of HORTON and OZANA.

App. Br. 12 (emphasis added).

[I]f HORTON were to be combined with OZANA, such a combination would result in JavaScript code to manipulate a document being displayed, rather than to access a guidance file generated for the document.

App. Br. 12.

3. Appellants also contend that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because:

The Examiner's allegation is again merely a conclusory statement providing an alleged benefit of the combination. The Examiner *has not provided any articulated reasoning* with some rational underpinning to support the legal conclusion of obviousness with respect to claim 1. For example, the Examiner has not explained how the hover help document of ALLEN *would be integrated* with the JavaScript of HORTON and OZANA.

App. Br. 13 (emphasis added).

4. Appellants also contend that the Examiner erred in rejecting claim 7 under 35 U.S.C. § 103(a) because:

Although this section of HORTON [at paragraphs 44–48] discloses that a designer can add a name to an element, this section of HORTON does not disclose or suggest what is to be done *if the designer fails to add a name to an element*. In other words, HORTON does not disclose or suggest any

checking process to make sure interactive elements include identifiers.

App. Br. 17 (emphasis added).

Issues on Appeal

Did the Examiner err in rejecting claims 1 and 7 as being obvious?

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments (Appeal Brief and Reply Brief) that the Examiner has erred.

As to Appellants’ above contention 1, we disagree for the reasons set forth by the Examiner at pages 18–19 of the Answer. Even if we adopt Appellants’ assertion that Allen is identifying fields based on whether there is an associated hover help (Reply Br. 6), we disagree with Appellants’ implication that this would not be recognized by an artisan as identifying terms indicative of interactive elements.

Further, Appellants’ argument that “[i]dentifying terms indicative of interactive elements, as recited in claim 1, *inherently implies* identifying all terms from *a set of predefined terms*, as explained in paragraph [0065] of the [S]pecification of the present application” (App. Br. 14 (emphasis added)) is not commensurate with the scope of the claim language. Claim 1 is not explicitly limited to identifying by using a set of predefined terms, and Appellants do not explain how claim 1 would be inherently so limited.

As to Appellants’ above contention 2, we disagree. Appellants argue claim 1 requires “a guidance file that *is separate* from a web page being displayed in the web browser.” App. Br. 12 (emphasis added). However, our review of claim 1 does not find the term “separate,” nor do we find

alternative language that would similarly mandate the guidance file be separate from the claimed document.

Further, Appellants speculate that the combination of Horton and Ozana renders obvious “JavaScript code to manipulate a document being displayed.” App. Br. 12. Even if we were to agree that the cited combination also renders obvious an invention other than the invention of Appellants’ claim 1, this is simply not a relevant argument as to whether the Examiner has provided a proper final conclusion that the combination of references renders obvious the claimed invention. A combination of two references is not precluded from rendering obvious any number of distinct inventions.

As to Appellants’ above contention 3, we disagree. Contrary to Appellants’ argument that “[t]he Examiner *has not provided any articulated reasoning* with some rational underpinning to support the legal conclusion of obviousness” (App. Br. 13 (emphasis added)), the Examiner states the combination would have been obvious “for the purpose of enabling an end user to tailor the application-provided guidance information to his own needs by editing thereof.” App. Br. 13 (quoting Final Act. 7). While Appellants may disagree with the Examiner’s articulated reasoning or believe the articulated reasoning to be too broadly set forth, such disagreement does not equate to an absence of articulated reasoning.

Further, we disagree that the Examiner has erred by not explaining how the hover help document would be integrated with the JavaScript. “[T]he analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would

employ.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

Additionally, Appellants do not contend that combining the prior art would be “uniquely challenging or difficult for one of ordinary skill in the art.”

Leapfrog Enters., Inc. v. Fisher-Price, Inc., 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418–19).

As to Appellants’ above contention 4, we disagree. Again, Appellants’ arguments are not commensurate with the scope of the claim language. Appellants argue Horton does not disclose or suggest (A) “what is to be done *if the designer fails to add a name to an element*” or (B) “any *checking process to make sure* interactive elements include identifiers.” App. Br. 17 (emphasis added). However, our review does not find either the phrase “if the designer fails to add a name to an element” or “checking process to make sure” in claim 7, nor do we find alternative language that would similarly mandate these argued limitations.³

CONCLUSIONS

(1) The Examiner has not erred in rejecting claims 1–4, 7, 8, 11, 12, 14, 15, and 17–19 as being unpatentable under 35 U.S.C. § 103(a).

(2) Claims 1–4, 7, 8, 11, 12, 14, 15, and 17–19 are not patentable.

³ Although not necessary for our decision, we note that claim 7 recites its “adding” step as being conditional on “when the particular one of the one or more interactive elements *does not* include an identifier” (emphasis added). The result is an alternative claim branch where only the “determining” step is required when the determining step results in an affirmative determination that the particular interactive element *does* include an identifier. As performing either conditional branch (does vs. does not) would infringe claim 7, the Examiner need only show one of the branches is obvious to meet his burden.

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DECISION

The Examiner's rejections of claims 1–4, 7, 8, 11, 12, 14, 15, and 17–19 are 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