UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/026,766	09/13/2013	Abraham Moshe Muchnick	P2003-US	2008

108982 7590 03/02/2018

Wolfe-SBMC
116 W. Pacific Avenue
Suite 200
Spokane, WA 99201

EXAMINER
CHOWDHURY, AFROZA Y

ART UNIT	PAPER NUMBER
2628	

NOTIFICATION DATE	DELIVERY MODE
03/02/2018	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@sbmc-law.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ABRAHAM MOSHE MUCHNICK and ISRAEL DERDIK

Appeal 2017-008527
Application 14/026,766
Technology Center 2600

Before BARBARA A. BENOIT, NABEEL U. KHAN, and MICHAEL M. BARRY, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants[1] appeals under 35 U.S.C. § 134(a) from a final rejection of claims 25–48, which are all the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

---

[1] Appellants identify the Applicant, Adobe Systems, Inc., as the real party in interest. App. Br. 2.

Introduction

Appellants describe their invention as relating "to multimedia editing." Spec. ¶ 2. Appellants identify that an often experienced problem with the image editing process "is the number of disjointed steps involved in customizing a digital image, often involving downloading an image, customizing it one software app, then uploading it to its final destination." *Id.* ¶ 3.

Claim 25 is illustrative of Appellants' claimed invention—

> 25. A method, comprising:
>
> displaying an image in a software application running on a computing device;
>
> responsive to receiving a user input to edit the image, replacing the displayed image in a same location as the displayed image, by the computing device, with an image editor specific to the image comprising a lower resolution representation of the image displayed in the image editor along with one or more editing tools;
>
> responsive to receiving a user input specifying an editing operation, modifying the lower resolution representation of the image displayed in the image editor, by the computing device, according to the editing operation and displaying the modified lower resolution representation of the image in the image editor;
>
> causing a separate modification of the image, by the computing device, according to the editing operation performed on the displayed lower resolution representation of the image; and
>
> responsive to a user input to leave the image editor, replacing the image editor in a same location as the image editor, by the computing device, with a display of the modified image.

App. Br. 19 (Claims App'x).

Rejections

Claims 25, 26, 28–31, 34–38, 40–43, and 46–48 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Li (US 2009/0070675 A1, pub. Mar. 12, 2009) and Agronik (2008/0209311 A1, pub. Aug. 28, 2008). Final Act. 3–22.

Claims 27 and 39 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Li, Agronik, and Tsue (US 7,586,524 B2, iss. Sept. 8, 2009). Final Act. 22–23.

Claims 32 and 44 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Li, Agronik, and Yokomizo (US 2002/0067500 A1, pub. June 6, 2002). Final Act. 23–24.

Claims 33 and 45 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Li, Agronik, Yokomizo, and Darden (US 2013/0085811 A1, pub. Apr. 4, 2013). Final Act. 24–25.

ANALYSIS

In rejecting claim 25, the Examiner finds that Li teaches or suggests the disputed limitation of "responsive to receiving a user input to edit the image, replacing the displayed image . . . with an image editor specific to the image comprising a lower resolution representation of the image displayed in the image editor." Final Act. 3–5 (citing Li ¶¶ 40, 43, 52, 64, 67, 79, Figs. 5, 10). Appellants argue the Examiner errs in this finding because Li's relied-upon disclosure teaches replacing a thumbnail image with an image editor that presents a user with "the full size of [the] selected image." App. Br. 7 (quoting Li ¶ 79). We agree with Appellants.

The Examiner answers by reiterating the findings from the rejection, and specifically finding that Li's disclosure of the capability of Li's image editor to adjust the resolution of a displayed image teaches or suggests the disputed limitation. Ans. 4–5. We disagree with the Examiner. The disputed limitation requires the display of "a lower resolution representation of the image" in an image editor to occur *responsive to the input that causes the image editor to replace the display of the higher resolution image*. In Li, however, responsive to receiving the user input that causes replacing the image with the image editor, a full-size (i.e., higher resolution) image is displayed in the image editor to replace the thumbnail image. In other words, whereas the disputed limitation requires replacing the display of a higher resolution image with a lower resolution image, the teaching of Li upon which the Examiner relies discloses replacing the display of a lower resolution (thumbnail) image with a higher resolution (full-size) image.

While certainly Li discloses image editor technology that provides the ability for an image editor to adjust the resolution of displayed images, the Examiner does not adequately explain *why* Li's teaching of image resolution adjustment technology suggests the disputed limitation. Thus, in view of the above-discussed difference between Li's disclosure and the disputed limitation, the Examiner does not provide an "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

Accordingly, we do not sustain the Examiner's § 103 rejection of claim 1. We also, accordingly, do not sustain the rejection of independent claims 37 and 48, both of which include a similar disputed limitation (*see* App. Br. 22, 25 (Claims App'x)) for which the Examiner's rejections rely

upon the same findings (*see* Final Act. 15, 17–19). Because there is no finding in the rejection of any dependent claim that cures this deficiency (*see* Final Act. 8–16, 22–25), we also, therefore, do not sustain the rejections of claims 26–36 and 38–47. Because we reverse the Examiner's rejections based on the disputed limitation, we do not address Appellants' other arguments.

DECISION

For the above reasons, we reverse the rejections of claims 25–48.

REVERSED