UNITED STATES PATENT AND TRADEMARK OFFICE

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

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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 JOHANNES BUURMAN

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Appeal 2018-002902
Application 14/006,686
Technology Center 2100

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Before CARL W. WHITEHEAD JR., SHARON FENICK, and
PHILLIP A. BENNETT, *Administrative Patent Judges.*

WHITEHEAD JR., *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant[1] is appealing the final rejection of claims 1–13 under
35 U.S.C. § 134(a). Appeal Brief 6–13. We have jurisdiction under
35 U.S.C. § 6(b) (2012).

We reverse.

Introduction

The invention is directed to generating a report based on image data.
Specification 1. Independent claim 1 is reproduced below with the disputed
limitation in italics.

_____

[1] Appellant, is the Applicant, Koninklijke Philips N.V., which, according to
the Appeal Brief, is the real party in interest (Appeal Brief 2).

Illustrative Claim

1.   A system for generating a report based on image data, comprising

a template selector for selecting a template from a plurality of templates, the template defining a structure for the report and data fields to be filled in for the report, wherein the template further defines view descriptors and associations between the data fields and the view descriptors, wherein *a view descriptor defines an image type and a presentation mode of the image type*;

a data field presenter for presenting a representation of the data fields of the template to a user,

a data field selector for selecting at least one of the data fields;

an image dataset selector for automatically selecting at least one image dataset of the image type defined by the view descriptor associated with the selected, at least one, data field;

a view generator for automatically generating a view in the presented representation of the data fields of the template of the at least one selected image dataset based on the presentation mode defined by the view descriptor associated with the selected, at least one, data field;

a user input unit for enabling the user to provide input for the content of the selected, at least one, data field during display of the generated view;

a report generator for generating the report according to the template from the data automatically included in the presented representation of the data fields including the generated views and the data provided by the user.

Rejections on Appeal

Claims 1–11 stand rejected under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Reicher (US Patent Application Publication 2010/0138239 A1; published June 3, 2010). Final Action 2–5.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reicher and Ferrant (US Patent Application Publication 2006/0239522 A1; published October 26, 2006). Final Action 5–6.

ANALYSIS

Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed April 26, 2017), the Reply Brief (filed January 23, 2018), the Answer (mailed November 27, 2017) and the Final Action (mailed October 3, 2016) for the respective details.

35 U.S.C. § 102 Rejection

Appellant discloses:

- "The template may further define associations between data fields and view descriptors, wherein a view descriptor defines an image type and a presentation mode of the image type." Specification 5.

- "[A] measurement descriptor defines a measurement to be performed on the image type associated with the data field. When the image dataset selector 4 has selected an image dataset having that image type, it becomes possible to perform such measurements automatically or to initialize a software tool to facilitate the measurement using that selected image dataset." Specification 7.

- Referring to Figure 3, "[t]he panel 302 on the right hand side shows two views of image data, wherein the image data sets have been automatically selected by the image dataset selector 4. The two slices have been generated automatically by the view generator 5, and are displayed automatically. Some of the data fields shown on the left hand panel 301 may be filled in automatically, based on the information already available from metadata of the images (for example: MR field strength), or from information available in the

electronic health record (for example: date of birth)." Specification 9–10.

Appellant contends:

> Independent claim 1 recites an image dataset selector **_for automatically selecting at least one image dataset of the image type defined by the view descriptor associated with the selected, at least one, data field_**. The Office on page 3 of the Final Office Action asserts [0010] and [0011] of Reicher. The Applicant disagrees.

Appeal Brief 6.

Appellant acknowledges, "[i]n [0010], Reicher discloses, 'additional fields [are] configured to <u>receive data associated</u> with second imaging data,' and '[t]he first imaging data, the second imaging data, and the second medical form <u>are concurrently displayed</u>.' [underline added for emphasis]." Appeal Brief 6.

In the Answer, the Examiner further finds, that Reicher "automatically select[s] at least one image dataset of the image type defined by the view descriptor associated with the selected, at least one, data field (0041)." Answer 3.

Appellant contends:

> In [0041], Reicher discloses "each of the different presentations of a particular examination as referred to herein as 'views' of the medical examination form." Reicher further discloses in [0041] "In the example provided in FIG. 1B, various views are defined for the medical examination form 170: a physician view 172, a technologist view 174, a nurse view 176, and a billing view 178." Views are not reasonably interpreted as image types to one of ordinary skill in the art, and Reicher does

not disclose image types. Moreover, the claim language differentiates between views and image types.

Reply Brief 3.

Appellant concludes:

Reicher does not disclose, suggest, or imply selecting an image data set of an image type defined by a view descriptor, i.e. image type. The concurrent display of image data with the medical report form, suggests that imaging data is not part of the report form. Moreover, the disclosure of Reicher does not disclose, suggest, or imply a view descriptor. Automatically receiving data in a data field does not disclose, suggest, or imply a view descriptor that defines an image type and a presentation mode of the image type [antecedent basis]. Additionally, Reicher does not disclose selecting image data. Hence, Reicher does not set forth each and every element of claim 1 expressly or inherently. Accordingly, the rejection for claim 1 and claims 2-9 and 12-13 dependent therefrom should be reversed.

Appeal Brief 7.

Reicher's disclosure of concurrently displaying image data with medical report forms does not persuade us of Examiner error because claim 1 does not preclude displaying the image data concurrently with the medical report forms. Reicher discloses "dynamic and customizable medical forms may be automatically presented to users based on a predefined series of rules." Abstract. Reicher further discloses in paragraph 10, "[t]he method [of providing dynamic medical examination forms] includes storing a first medical examination form in a memory, the first medical examination form comprising one or more data fields having data associated with first imaging data generated for a first medical examination."

Appellant also acknowledges:

> In [0011], Reicher discloses a "first medical examination form comprising one or more data fields having data associated with first imaging data generated for a first medical examination" and a "second medical form comprising the data fields and data from the first medical form, and further comprising additional data fields configured to receive data associated with second imaging data generated for a second medical examination."

Appeal Brief 6–7.

We find that Reicher discloses automatically generating medical forms or reports based upon imaging data in the same manner as the claimed invention with the exception that Reicher does not indicate that the type of imaging data used for selection also consists of data pertaining to the image type as required by both independent claims 1 and 10. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987). Consequently, we are constrained by the record, and we reverse the Examiner's anticipation rejection of claims 1−11 for the reasons stated above.

35 U.S.C. § 103 Rejection

The obviousness rejection of dependent claims 12 and 23 are rejected for the same reasons as stated in regard to the anticipation rejection of independent claims 1 and 10 stated above.

DECISION

The Examiner's 35 U.S.C. § 102 rejection of claims 1–11 is reversed.

The Examiner's 35 U.S.C. § 103 rejection of claims 12 and 13 is reversed.

REVERSED