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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TARA CHAND SINGHAL

Appeal 2019-000541
Application 13/136,610
Technology Center 2100

Before CARL W. WHITEHEAD JR., JAMES B. ARPIN, and ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant[1] appeals under 35 U.S.C. § 134(a), the final rejection of claims 1, 3, 8, 10, 16, and 17. Final Act. 2.[2] Claims 2, 4–7, 9, 11–15, and 18–20 are withdrawn. Appeal Br. 30–35 (Claims App.). We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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[1] "Appellant" here refers to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party-in-interest as Tara Chand Singhal. Appeal Br. 4.

[2] In this Decision, we refer to Appellant's Appeal Brief ("Appeal Br.," filed January 27, 2018) and Reply Brief ("Reply Br.," filed June 15, 2018); the Final Office Action ("Final Act.," mailed September 26, 2017) and the Examiner's Answer ("Ans.," mailed March 20, 2018); and the originally-filed Specification ("Spec.," filed August 4, 2011). Rather than repeat the Examiner's findings and determinations and Appellant's contentions in their entirety, we refer to these documents.

STATEMENT OF THE CASE

Appellant's claimed subject matter relates to devices, methods, and systems "for a wireless browser for use in handheld wireless devices that makes efficient utilization of the wireless network resources and in the wireless device provides a user friendly and efficient rendering of the web pages on the limited size display screens of the wireless devices." Spec., 1:20–23.

As noted above, claims 1, 3, 8, 10, 16, and 17 stand rejected. Claims 1, 8, and 16 are independent. Appeal Br. 30 (claim 1), 32 (claim 8), 34 (claim 16) (Claims App.). Claim 3 depends directly from claim 1, claim 10 depends directly from claim 8, and claim 17 depends directly from claim 16. *Id*. at 30–35.

Claim 1 recites "[a] mobile handheld wireless computing and communication device of a type of a smart phone and a tablet computer, comprising: the handheld wireless mobile device has a processor, a memory and a wireless browser logic stored in the memory and operating in the processor," which performs functions, substantially as recited in claim 8. *Id.* at 30, 32. Claim 16 recites "[a] system for rendering of webpage content on a screen of a handheld mobile wireless computing and communication device of a type of a smart phone and a tablet computer, comprising: . . . the handheld wireless mobile device has a processor, a memory, and a wireless browser logic stored in the memory and operating in the processor," which performs functions, substantially as recited in claim 8. *Id.* at 32, 35. The Examiner relies on the same references and substantially similar arguments in rejecting claims 1, 3, 8, 10, 16, and 17 (Final Act. 2–9), and Appellant does not contest the rejections of claims 3, 10, and 17 separately from their

base claims (Appeal Br. 12, 20–21, 28). Moreover, Appellant's contentions with respect to claims 8 and 16 are substantially similar to those with respect to claim 1. *See, e.g.*, *id.* at 12, 20, 28. Therefore, we focus our analysis on independent claim 1, and the disputed and overlapping elements recited in independent claims 8 and 16.

Claim 1, reproduced below with disputed elements emphasized, is illustrative.

> 1. A mobile handheld wireless computing and communication device of a type of a smart phone and a tablet computer, comprising:
>
> the handheld wireless mobile device has a processor, a memory and a wireless browser logic stored in the memory and operating in the processor, the wireless browser logic on a request from the device to a server on a global computer network receives from the server and stores in a temporary memory of the device an HTML formatted web page;
>
> the wireless browser logic, in the HTML formatted web page, *first identifies ad-server reference links and then disables execution of the identified ad-server reference links from fetching ad-server image files from their respective ad-servers* and by disabling the ad-server reference links to their respective ad-servers, the logic minimizes use of wireless bandwidth and processing in the processor of the device;
>
> the wireless browser logic in the HTML web page *then deletes these ad-server reference links and collapses corresponding cells of the ad-server reference links, and creates a modified webpage in the temporary memory* and displays the modified webpage on a display screen of the wireless device.

Id. at 30 (emphases added).

REFERENCE AND REJECTION

The Examiner relies upon the following reference in rejecting the claims:

Name[3]	Number	Pub'd	Filed
Anderson	US 2004/0095400 A1	May 20, 2004	Nov. 19, 2002

Specifically, claims 1, 3, 8, 10, 16, and 17 stand rejected under 35 U.S.C. § 102 as anticipated by Anderson. Final Act. 2–9.

Appellant contests the anticipation rejection of independent claims 1, 8, and 16 and relies on similar deficiencies in the rejection of each independent claim to overcome the rejection of the dependent claims. Appeal Br. 12–29. Because we determine that reversal of the rejection of independent claim 1 is dispositive, except for our ultimate decision, we do not discuss the merits of the rejection of claims 3, 8, 10, 16, and 17 further herein. We review the appealed rejection of independent claim 1 for error based upon the issues identified by Appellant, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). We address the rejection of claim 1 below.

ANALYSIS

1. Lack of Anticipation of Claim 1 By Anderson

"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.*, 814 F.2d 628, 631 (Fed. Cir. 1987). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* (i.e., in the identical words) test. *See In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990). Moreover, "it is proper to take into account not only specific teachings of the reference but also the

[3] All reference citations are to the first named inventor only.

inferences which one skilled in the art would reasonably be expected to draw therefrom." *In re Preda*, 401 F.2d 825, 826 (CCPA 1968). Nevertheless,

> unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.

Net MoneyIN, Inc. v. VeriSign, Inc., 545 F.3d 1359, 1371 (Fed. Cir. 2008); *accord In re Arkley*, 455 F.2d 586 (CCPA 1972).

As noted above, the Examiner rejects independent claim 1 as anticipated by Anderson. Final Act. 2–4. First, the Examiner finds that Anderson discloses:

> A mobile handheld wireless computing and communication device of a type of a smart phone and a tablet computer, comprising:
>
> the handheld wireless mobile device has a processor, a memory and a wireless browser logic stored in the memory and operating in the processor, the wireless browser logic on a request from the device to a server on a global computer network receives from the server and stores in a temporary memory of the device an HTML formatted web page,

as recited in claim 1. Final Act. 2–3 (citing Anderson ¶¶ 35, 47, 48). Second, the Examiner finds that Anderson discloses

> the wireless browser logic, in the HTML formatted web page, first identifies ad-server reference links and then disables execution of the identified ad-server reference links from fetching ad-server image files from their respective ad-servers and by disabling the ad-server reference links to their respective ad-servers, the logic minimizes use of wireless bandwidth and processing in the processor of the device,

as recited in claim 1. *Id.* at 3 (citing Anderson ¶¶ 35, 47, 48). Third, the

Examiner finds that Anderson discloses

> the wireless browser logic in the HTML web page then deletes these ad-server reference links and collapses corresponding cells of the ad-server reference links, and creates a modified webpage in the temporary memory and displays the modified webpage on a display screen of the wireless device,

as recited in claim 1. *Id.* at 3 (citing Anderson ¶¶ 35, 47, 48, 52).

Appellant contends that the Examiner erred in rejecting claim 1 as anticipated by Anderson for three reasons: "Main Arguments," "[Broadest Reasonable Interpretation (BRI)] Arguments," and "Detailed Arguments." Appeal Br. 12–28. For the reasons given below, Appellant persuades us of dispositive Examiner error.

a. Main and BRI Arguments

In the Main Arguments, Appellant contends:

> As is clear from Anderson Abstract: The prior cited art of Anderson is directed to *a server and its operation on a global computer network*, wherein the server is used for reconfiguring the source content, the source content may be transmitted to and displayed at any of the wide variety of devices.

Appeal Br. 12 (emphasis added); *see id.* at 12–13 (citing Anderson, Fig. 3 (In Fig. 3, steps 158, 160, and 162 are "Receive response from server," "Reconfigure response content," and "Transmit reconfigured content to client device," respectively). Appellant concludes:

> Because in the claimed subject matter there is, no notion or concept of a server, receiving and reconfiguring content and a client device as, Anderson is directed to a wholly different art that of a server on the global computer network and not to a wireless mobile device features and functions wholly contained in the mobile device.

Id. at 13; *see* Reply Br. 5–10 (citing Anderson, Abstract, ¶ 35). We disagree.

As the Examiner notes, Anderson discloses:

> The reconfiguration application **102**, in one embodiment, can be executed independent of the operating systems utilized by the device **110**. For example, the reconfiguration application **102** may be executed on a device **110** that utilizes the Palm, WinCE, Symbian, RIM (Research in Motion), or any other suitable operating system. The reconfiguration application **102** is also preferably device-independent such that the reconfiguration application **102** can be utilized regardless of the particular device **110**. In addition, the device **110** is optionally compatible with and can handle HTML3.x.

Anderson ¶ 37; *see* Ans. 9–10. Thus, reconfiguration application 102 may be executed on operating systems for handheld devices. We further note Anderson discloses that reconfiguration application 102 may be implemented in any suitable location or form and on any suitable device, including handheld or mobile devices, such as cellular telephones. *See* Anderson ¶¶ 4–6, 11, 29, 32, 35; *cf.* Spec., 2:2–10. Therefore, we are persuaded Anderson makes more than a "mere and isolated reference to a 'mobile device browser,' as above in Anderson paragraph [0035]," and find Appellant's Main Arguments are not persuasive. Appeal Br. 14; Reply Br. 8; *see* Ans. 10–11.

Similarly, in the BRI Arguments, Appellant contends, "[u]nder BRI, with due respect, Examiner has erred in equating a 'wireless browser and its features' of the claimed subject matter with a prior art software functions *resident in a network server* that have nothing to with a wireless browser in a wireless device." Appeal Br. 17 (emphasis added); *see* Reply Br. 12. As noted above, however, Anderson clearly discloses a wireless browser with

its features resident on a wireless device. Ans. 13–15; *see* Anderson ¶¶ 7 (describing interface between wireless application protocol (WAP) and a microbrowser on the wireless device), 30 ("The web server **106** is in communication with the Internet **108** such that client applications such as web browsers on devices such as personal computers or any web-enabled devices may gain access to the source document or content **104** via the Internet **108**."), 35 ("For example, the reconfiguration application **102** may be implemented as a separate application, such as a plug-in for an existing browser, that can be executed in conjunction with a browser. As another example, the reconfiguration application **102** may be implemented as an algorithm in a web-intelligent web browser for the device **110**."). Accordingly, we find Appellant's BRI Arguments are not persuasive.

Consequently, neither Appellant's Main nor BRI Arguments are persuasive.

b. Detailed Arguments

The Examiner finds that Anderson discloses the web-browser logic operations of "*first identif[ing]* ad-server reference links and then *disable[ing]* execution of the identified ad-server reference links *from fetching* ad-server image files from their respective ad-servers" and "*then delet[ing]* these ad-server reference links and *collaps[ing]* corresponding cells of the ad-server reference links, and *creat[ing]* a modified webpage in the temporary memory and *display[ing]* the modified webpage on a display screen of the wireless device." Appeal Br. 30 (Claims App.) (emphases added); *see* Final Act. 3–4. In particular, the Examiner finds that "Anderson discloses a web browser with a plugin [paragraph 35] that filters webpage advertisements out of an html webpage" and "[s]ince the device does not

request the advertisement, the processing in the wireless device and the use of the wireless network is reduced. The cell is 'collapsed' in that the link is deleted. [paragraph 52]." Final Act. 3–4. Thus, the Examiner finds that Anderson's disclosure of *filtering* discloses both the *identifying* and *disabling* functions and the *deleting* and *collapsing* functions, as recited in claim 1. *Id.* at 8–9; Ans. 21.

Claim 1 recites that the identifying and disabling functions prevent the links from fetching ad-server image files from their respective ad-servers, and, thus, "by disabling the ad-server reference links to their respective ad-servers, the logic minimizes use of wireless bandwidth and processing in the processor of the device." *Id.*; *see* Spec., 3:10–4:2 (discussing "fetch" operations), 4:11–5:15 (discussing bandwidth issues). The deletion of the reference links and the collapsing of the cells are part of the creation of the display for the wireless device. Appeal Br. 30 (Claims App.); *see* Spec., 9:21–30 (discussing deleting adserver links and collapsing empty cells).

Appellant contends the Examiner fails to demonstrate that Anderson's disclosure of *filtering* discloses these separate functions recited in the elements of claim 1. Appeal Br. 27–28; Reply Br. 21–22. The Examiner does not demonstrate that Anderson discloses that filtering encompasses the separate functions of identifying and disabling adserver links, and we do not find such disclosure in Anderson. *See* Final Act. 3–4, 8–9; Ans. 21–22. Specifically, even if the Examiner is correct that Anderson's filtering function removes an advertisement to accommodate the smaller display of a wireless device (*see* Anderson ¶ 47), the Examiner does not explain or show how Anderson's filtering function disables a reference link from fetching the advertisement's image files (*see* Final Act. 3–4, 8–9; Ans. 21–22). To show

anticipation, the Examiner must demonstrate that Anderson discloses each and every element of the claimed device in the manner that it is recited in the claim. The Examiner fails to do so here, and Appellant persuades us that the Examiner erred in rejecting claim 1, as anticipated by Anderson. Consequently, we do not sustain the anticipation rejection of claim 1.

2. The Remaining Claims

Each of claims 8 and 16 includes substantially similar elements to the relevant elements of claim 1 discussed above. Appeal Br. 30, 32, 34 (Claims App.). Each of claims 3, 10, and 17 depends directly from independent claim 1, 8, or 16, respectively. *Id.* at 31–35. As noted above, Appellant challenges the rejection of independent claims 8 and 16 for the same reasons as claim 1 and of dependent claims 3, 10, and 17 for the same reasons as their base claims. *See* Appeal Br. 29. Because we are persuaded the Examiner erred with respect to the anticipation rejection of claim 1, we also are persuaded the Examiner erred with respect to the anticipation rejection of claims 3, 8, 10, 16, and 17. For this reason, we do not sustain the rejection of those claims.

DECISIONS

1. The Examiner erred in rejecting claims 1, 3, 8, 10, 16, and 17 as anticipated by Anderson.
2. Thus, on this record, claims 1, 3, 8, 10, 16, and 17 are not unpatentable.

CONCLUSION

For the above reasons, we reverse the Examiner's decision rejecting claims 1, 3, 8, 10, 16, and 17.

In summary:

Claims Rejected	35 U.S.C. §	Reference	Affirmed	Reversed
1, 3, 8, 10, 16, 17	102	Anderson		1, 3, 8, 10, 16, 17

REVERSED