



# 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.
12/942,118	11/09/2010	Jeremy Max Stevens	14917.1588US01/330609.01	1069
27488	7590	08/21/2020	EXAMINER	
MERCHANT & GOULD (MICROSOFT)			CHAUDHURI, ANITA	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	
			2173	
			NOTIFICATION DATE	
			DELIVERY MODE	
			08/21/2020	
			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):

USPTO27488@merchantgould.com  
usdoCKET@microsoft.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* JEREMY MAX STEVENS, ROBERT ROLNICK, and  
ZHENJUN ZHU (ALEX)

---

Appeal 2020-000269  
Application 12/942,118<sup>1</sup>  
Technology Center 2100

---

Before ROBERT E. NAPPI, ERIC S. FRAHM, and  
JUSTIN BUSCH, *Administrative Patent Judges*.

FRAHM, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant<sup>2</sup> appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 32–37, 39–46, and 48–51. Claims 1–31, 38, and 47 have

---

<sup>1</sup> In the instant application, Appellant's Petition Under Rule 41.3 to the Chief Administrative Patent Judge filed July 13, 2020 ("Fast Track Appeals Pilot Program"), was granted in the Decision on Petition mailed July 15, 2020.

<sup>2</sup> We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. "The word 'applicant' when used in this title refers to the inventor or all of the joint inventors, or to the person applying for a patent as provided in §§ 1.43, 1.45, or 1.46." 37 C.F.R. § 1.42(a). According to Appellant, Microsoft Technology Licensing, LLC is the real party in interest (*see* Appeal Br. 3).

been canceled (*see* Appeal Br. 25, 26, 29) (Claims Appendix). We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

## INVENTION

Appellant’s invention, entitled “PARTIAL LOADING AND EDITING OF DOCUMENTS FROM A SERVER” (Title), is directed to an apparatus and “method for accessing a document at a client computer” (Spec. ¶ 3), and to “systems and methods for partial loading and editing of documents stored on a server computer” (Spec. ¶ 15). Appellant recognized that “[w]hen accessing a document on a client computer across a network, time delays may occur due to transmission distances, document length and other factors” (Spec. ¶2). Therefore, Appellant devised a system and method for partial loading or editing of only certain portions of a document being accessed from a server by a client device (*see* Figs. 5, 6; Spec. ¶¶ 4, 5, 15–17, 44–63; *see also* Appeal Br. 31 (Evidence Appendix, “Drawing of Claim 1 Document Portions”)). Independent method claim 32 is illustrative of the invention and is reproduced below, with bracketed lettering and emphases added to disputed portions of the claim.

32. A method for partially loading a document on a client for conserving client resources by loading portions of the document, the method comprising:

    sending a first request to a server computer to open a first portion of the document, wherein the first portion of the document includes less than an entire portion of the document, and wherein the first request includes a parameter specifying a size of a display on a client computer;

[A1] receiving the first portion of the document from the server computer, [A2] *along with an indication whether more of the document is available*;

[B] rendering a second portion of the first portion of the document on the client display, the second portion comprising a subset of the first portion;

scrolling to a second part of the first portion of the document, wherein the second part of the first portion of the document follows the second portion of the document; and

in response to scrolling to the second part of the first portion of the document:

rendering the second part of the first portion of the document on the display;

sending a second request to the server computer to receive a third portion of the document from the server computer, wherein the third portion of the document follows the first portion of the document; and

receiving the third portion of the document from the server computer.

Appeal Br. 25, Claims Appendix (emphases and bracketed lettering added).

#### EXAMINER'S REJECTION

The Examiner rejected claims 32–37, 39–46, and 48–51 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Goodwin et al. (US 2008/0079972 A1; published April 3, 2008) (hereinafter, “Goodwin”), Jacobs (US 2006/0031760 A1; published Feb. 9, 2006), and Cunningham et al. (US 6,754,621 B1; published June 22, 2004) (hereinafter, “Cunningham”). Non-Final Act. 2–6.

#### ANALYSIS

We have reviewed Appellant's arguments in the Briefs (Appeal Br. 6–

23; Reply Br. 3–11), the Examiner’s rejection (Final Act. 2–6), and the Examiner’s response to Appellant’s arguments (Ans. 3–10). Appellant’s arguments have persuaded us of error in the Examiner’s rejection of all of the disputed claims under 35 U.S.C. § 103(a).

Appellant presents several arguments asserting the Examiner’s rejections of independent claims 32, 42, and 51, each relying upon the combination of Goodwin, Jacobs, and Cunningham, is in error (*see* Appeal Br. 8–13; Reply Br. 3–6). The dispositive issue presented by these arguments is whether the Examiner erred in finding Cunningham teaches or suggests limitation A2, and thus also erred in finding the combination of Goodwin, Jacobs, and Cunningham teaches or suggests limitation A1 and A2 of independent claim 32, and the commensurately recited limitations in remaining independent claims 42 and 51.<sup>3</sup>

The Examiner’s conclusion of obviousness is based on the finding that claims 32, 42, and 51, and specifically limitation A2 recited in claim 32 and the similarly recited limitations in claims 42 and 51, is disclosed by Cunningham (*see* Non-Final Act. 4). Limitation A2 of claim 1, and the commensurate limitations of claims 42 and 51, requires that “an indication whether more of the document is available” (claim 32, limitation A2) be received at a client device “along with” a “first portion of the document”

---

<sup>3</sup> We recognize that Appellant’s arguments present additional issues, namely, whether (i) Goodwin teaches or suggests limitation B recited in claim 32 and commensurately recited in remaining independent claims 42 and 51; and (ii) there is sufficient motivation for the combination of references. Because we are persuaded of error by the issue presented as to limitations A1 and A2, we do not reach the additional issues regarding limitation B and the motivation to combine, as the issue with respect to limitations A1 and A2 is dispositive of the appeal.

(claim 32, limitation A2).

The Examiner finds that “Cunningham discloses specifying an indication whether more of the document is available (column 7, line[s] 27-31, line[s] 42-45)” (Non-Final Act. 4; *see also* Ans. 5 (making the same finding)), and reasons that it would have been obvious, in order to better partially load a document on a client while conserving client resources, to modify Goodwin’s partial loading method with Cunningham’s indication that more of a document is available (*see* Non-Final Act. 4–5), because “knowing in advance [that more of a document is available] is useful information for an efficient communication between the server and client. One of ordinary skill would do so to maintain the connection [Cunningham: column 7, line[s] 33-37]” (Non-Final Act. 5).

Column 7 of Cunningham, relied on by the Examiner as teaching or suggesting limitation A2, reads as follows:

Appendix A contains exemplary code for the communication server **61** to transmit to signal to the client **11** *that the document is to be a very large document.*

Column 7, lines 27–31 (emphasis added). Column 7 further discloses:

It should be noted that the virtual connection or pseudo web browser message pathway is conventionally kept open by the client web browser expecting to receive the remaining large document, mux.html.

Column 7, lines 42–45.

Appellant argues, and we agree, that “the Office Action’s reliance on Cunningham is misplaced because this reference fails to remedy the deficiencies of the Goodwin reference” (Appeal Br. 11). Specifically, Appellant’s contentions in this regard are persuasive:

*The cited portion of Cunningham merely discloses the sending of a signal from the server to the client that the server is set to transmit a large document. The reason for sending the signal is “so that the web browser connection is maintained throughout the transmission or communication session.” Applicant respectfully submits that the sending of such a warning signal has nothing whatsoever to do with the recited receiving of a first portion of a document along with an indication whether more of the document is available.*

Appeal Br. 11 (emphasis added). Indeed, a signal that a document is a very large document is not the same as “an indication whether more of the document is available” (*see e.g.*, claim 32, limitation A2), as set forth in claims 32, 42, and 51. As a result, Appellant has sufficiently shown that the Examiner erred in finding Cunningham teaches or suggests limitation A2, and therefore erred in finding the combination of Goodwin and Cunningham teaches or suggests the ordered combination of limitations A1 and A2. Therefore, Appellant has shown the Examiner’s rejection based on the combination of Goodwin, Jacobs, and Cunningham to be in error.

Appellant’s arguments have persuaded us of error in the Examiner’s rejection of independent claims 32, 42, and 51, and the claims which depend thereupon. Accordingly, we do not sustain the Examiner’s rejections of independent claims 32, 42, and 51, or dependent claims 33–37 and 43–50, based upon the combination of Goodwin, Jacobs, and Cunningham.

CONCLUSION

We reverse the Examiner's rejection of claims 32–37, 39–46, and 48–51 under 35 U.S.C. § 103(a).

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
32–37, 39–46, 48–51	103(a)	Goodwin, Jacobs, Cunningham		32–37, 39–46, 48–51

REVERSED