

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN R. MEIER, DONALD KASICA, JOHN P. LAFER,
and MICHAEL D. WILLIAMS

Appeal No. 2000-0313
Application No. 08/659,430

ON BRIEF

Before JERRY SMITH, BARRY and LEVY, Administrative Patent
Judges.

LEVY, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claim 1, which is the sole claim pending in this application.

BACKGROUND

Appellants' invention relates to a method for developing

interactive multimedia applications for use on an interactive network. Claim 1 is set forth as follows:

1. For use in a multimedia application development computer system, a method for developing a multimedia application for use on an interactive network employing a client-server architecture, the method comprising:

receiving signals via the computer system, the signals representing a plurality of multimedia assets including video, graphics, audio, and text;

defining a plurality of composites from the signals, each composite referencing other composites, describing an event, and including at least one internal event handler, each composite further describing an action associated with the event, and a sequence and a position of a plurality of multimedia assets, wherein the action comprises a transition between two of the plurality of composites, wherein at least one of the plurality of composites further includes a composite template;

generating an ASCII source file based on the composites defined, wherein the ASCII source file has an event driven, object oriented syntax;

transmitting the ASCII source file to an interactive network server;

storing the ASCII source file at the network server;

compiling the ASCII source file to condense the composites defined and the composites referenced by the composites defined;

generating at the network server a binary file based on the step of compiling; and

storing at the network server the binary file.

The prior art reference of record relied upon by the

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examiner in rejecting the appealed claims is:

DeRose et al. (DeRose), "Making Hypermedia Work: A User's Guide to HyTime," Jan. 1994, pp. 77-100, 253-274, 295-319.

Claim 1 stands rejected under 35 U.S.C. § 102(a) as being anticipated by DeRose.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejection, we make reference to the examiner's answer (Paper No. 29, mailed January 14, 1999) for the examiner's complete reasoning in support of the rejection, and to the appeal brief (Paper No. 28, filed November 9, 1998) and reply brief (Paper No. 30, filed January 25, 1999) for appellants' arguments thereagainst. Only those arguments actually made by appellants have been considered in this decision. Arguments which appellants could have made but chose not to make in the briefs have not been considered. See 37 CFR 1.192(a).

OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the rejection advanced by the examiner, and the evidence of anticipation relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into

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consideration, in reaching our decision, appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer. As a consequence of our review, we make the determinations which follow.

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, 2 USPQ2d 1051, 1053 (Fed. Cir.), cert. denied, 484 U.S. 827 (1987). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984), it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it."

Appellants present three arguments (brief, page 4). The first is that DeRose fails to teach or suggest an internal

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event handler for handling internal events such as passage of time, entering a composite, or starting a stream of internal events. The second argument presented is that DeRose fails to teach or suggest compiling the ASCII source file to condense the composite defined and the composites referenced by the composite defined thereby reducing the number of files within a multimedia application. Appellants' third argument is that the authoring interface of DeRose does not identify the particular structural relationship of the data objects.

Because we agree with appellants' second argument, for the reasons which follow, we need not address the first and third arguments presented. The examiner takes the position (answer, page 5) that pages 79 and 96 of DeRose disclose compiling the ASCII text file, generating at the network server a binary file based on the step of compiling, and storing at the network server the binary file. In response to appellants' assertion (brief, page 4) that DeRose does not teach reducing the number of files within a multimedia application, the examiner asserts (answer, pages 5 and 6) that "it is irrelevant whether or not DeRose teaches reducing the number of files within a multimedia application. Instead,

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DeRose teaches that the HyTime engines are implemented by a compiler, which by very definition compiles an ASCII files [sic] to an executable file."

From our review of DeRose, we agree with the examiner that DeRose discloses (pages 96 and 96) implementing HyTime engines using a compiler. However, from our review of the portions of DeRose relied upon by the examiner we find no disclosure of compiling the ASCII source file to condense the composites and generating a binary file based upon the compiling step. We agree with appellants (reply brief, page 2) that:

The relevant claim language concerning the step of compiling is recited in two steps, "compiling the ASCII source file to condense the composites defined and the composites referenced by the composites defined; generating at the network server a binary file based on step of compiling." As recited, the steps condense multiple composite files, i.e., the composites defined and the composites referenced by the composites defined, into a binary file. Compiling multiple files into a single file necessarily reduces the number of files within the multimedia application.

The examiner's statement that it is "irrelevant" as to whether DeRose reduces the number of files within a multimedia application ignores the specific limitation "compiling the ASCII source file to condense the composites defined and the

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composites referenced by the composites defined; generating at the network server a binary file based upon the step of compiling" (underlining added) recited in appellants' claim. We therefore find that the examiner has failed to establish anticipation of claim 1 by DeRose. Accordingly, the rejection of claim 1 under 35 U.S.C. § 102(a) is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claim 1 under 35 U.S.C. § 102(a) is reversed.

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REVERSED

JERRY SMITH)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LANCE LEONARD BARRY)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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STUART S. LEVY)	
Administrative Patent Judge)	

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APJ LEVY

APJ JERRY SMITH

APJ BARRY

DECISION: **REVERSED**

FEBRUARY 26, 2002

GJH