

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. 35

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOHN R. MEIER, PETER J. WELTER,  
DONALD KASICA and PRABU RAMAN

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Appeal No. 1999-2210  
Application No. 08/659,429

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ON BRIEF

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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 9, which is the sole claim pending in this application.

#### BACKGROUND

Appellant's invention relates to a method for describing functionality of an interactive multimedia application, for use in an interactive network. Claim 9 is set forth as follows:

9. For use in a multimedia application development computer system, a method for describing functionality of 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 composites;

storing the plurality of composites in an ASCII text file, each composite having a plurality of composite items including audio and video, each composite describing a sequence and a position of a plurality of multimedia assets to be executed by a player wherein the composite description includes at least one internal event handler used by the player to transition to different composites and modify the composite items in a composite when an internal event occurs, at least two of the plurality of composites being linked by an action.

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

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

Claim 9 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 21, 1999) for the examiner's complete reasoning in support of the rejection, and to the appeal brief (Paper No. 27, filed November 10, 1998) and reply brief (Paper No. 31, filed April 23, 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

consideration, in reaching our decision, appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejections 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."

The examiner takes the position (answer, page 3) that the claim language "receiving signals via the computer system, the signals representing a plurality of composites" is met by "'Structured Documents, Graphics, Audio, Video, Other Media'-- Figure 5.2:HyTime hyperdocument environment, p. 95." According to the examiner (id.), that the claim language "storing . . . action" is met by the "HyTime hyperdocument" page 77, and the section titled "13.4.1 Event schedules," pages 261-263.

Appellants assert (brief, page 4) that DeRose only discloses an external event handler for the selection of links between hyperdocuments, and does not disclose the claimed internal event handler used by a player to transition to different composites and modify the composite items in a composite when an internal event occurs.

The examiner takes the position (answer, page 4) that:

De[R]ose p. 262 bottom 2 lines teaches timed events which implies a timer. A timer is among the applicant's disclosed embodiments of internal handlers (specification, p. 28 timerEventHandler).

In response, appellants do not dispute the examiner's finding that DeRose discloses an internal event handler, but assert (reply brief, page 1) that:

[T]he claimed method includes storing a plurality of composites each describing a sequence and a position of a plurality of multimedia assets to be executed by a player "wherein the composite description includes at least one internal event handler used by the player to transition to different composites and modify the composite items in a composite when an internal event occurs." Because each composite description includes at least one internal event handler to transition to different composites and modify the composite items when an internal event occurs, the claimed invention provides a method for describing the functionality of a multimedia application which results in reduced development time of the multimedia application.

We observe that although appellants point to language recited in the claim, appellants do not present specific arguments as to why appellants consider the recited claim language to not be met by DeRose. In addition, we note that although the examiner has addressed the claim limitation of an internal event handler, the claimed functions of the event handler, i.e., the transition to different composites and

modifying the composite items in a composite have not been addressed by the examiner.

Upon review of the portions of DeRose relied upon by the examiner, we find that DeRose discloses (page 261) that "an event schedule is represented by an element of the **evsched** architectural form. An **evsched** is a sequence of events, each containing or referencing an object to be rendered." In addition, DeRose discloses (page 262), "[a]n event element specifies a list of extents into which its data should be rendered, by referring to extlist elements." DeRose further discloses (id.) the following simple construction of a schedule in a document:

...

```
<time id=time-axis>
```

```
<musicfcs>
```

```
  <evsched id=pop-concert>
```

```
    <event data=velocity-girl      exspec=act1>
```

```
    <event data=th-faith-healers  exspec=act2>
```

```
                <event data=MBV                exspec=act3>
</evsched>

<musicfcs>

<extlist id=act1><dimspec> 1 45</dimspec></extlist>

<extlist id=act2><dimspec> 61 45</dimspec></extlist>

<exrlist id=act3><dimspec>121 60</dimspec><extlist>
```

DeRose continues (pages 262 and 263) that:

This schedule places three events in two extents of 45 minutes and one of 60 minutes. The length of time from the start of the earliest event to the end of the last event is three hours total. The schedule has two gaps of 15 minutes. To fill both those gaps with a single data item we could add the following event to the schedule, and extlist elements to the document:

```
...
    <event data=bar-tape exspec="intl int2">
...
    <extlist id=int1><dimspec> 46 15</dimspec></extlist>
    <extlist id=int2><dimspec>106 15</dimspec></extlist>
```

From this disclosure of DeRose, we find that the teaching of timed events along with action to be taken implies an internal event handler including a timer. In addition, the composite description includes the internal event handler,

which transitions three events of a pop concert, i.e., act 1 "Velocity Girl," act 2 "The Faith Healers," and act 3 "MBV" to different composites. We therefore find that DeRose discloses transitioning between different composites. We additionally find that upon the internal events of two gaps of fifteen minutes between acts (after minute 46 and after minute 106), action is taken which adds additional composite items. The additional composites are added when minute 46 and minute 106 occurs, by adding the events entitled "Bar Tape." Thus, while we find that additional composites are added, we find no disclosure, of modifying the composite items in a composite. As the examiner has not addressed this limitation in the claim, we find that the examiner has failed to establish anticipation of claim 9. Accordingly, the rejection of claim 9 under 35 U.S.C. § 102(a) is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claim 9 under 35 U.S.C. § 102(a) is reversed.

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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JAMES N. KALLIS  
BROOKS & KUSHMAN P.C.  
1000 TOWN CENTER, 22ND FLOOR  
SOUTHFIELD, MI 48075

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APPLICATION NO. 08/659,429

APJ LEVY

APJ JERRY SMITH

APJ BARRY

DECISION: **REVERSED**

**FEBRUARY 26, 2002**

**GJH**