

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DYLAN B. ASHE, LEWIS K. CIRNE, JEFFREY R. COBB  
RAMESH GUPTA and ERIC C. SCHLEGEL

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Appeal No. 1999-2718  
Application No. 08/646,528

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ON BRIEF

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Before KRASS, FLEMING and BLANKENSHIP, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1 and 3-20, all of the pending claims.

The invention is directed to a method and apparatus for rendering images which

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an operating system; and

an imaging object structure comprising a subclass of imaging objects, the subclass comprising singular imaging objects and composite imaging objects, the imaging object structure included in the operating system and utilized to generate images in the graphical user interface.

The examiner relies on the following reference:

Cabral et al. (Cabral)	5,455,599	Oct. 03, 1995
	(effective filing date Nov. 02, 1993)	

Additionally, the examiner relies on admitted prior art [APA] at page 1, line 19 to page 2, line 18 of the instant specification.

Claims 1 and 3-20 stand rejected under 35 U.S.C. § 103 as unpatentable over Cabral in view of APA.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

#### OPINION

We affirm.

The examiner has reasonably pointed out, at pages 4-8 of the answer, how the instant claimed subject matter is believed to be met by the combination of Cabral and APA. The examiner is very specific as to pointing to corresponding elements in Cabral, particularly pointing out the “image object structure” in Cabral, at pages 4-5 of the

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to have used Cabral's polymorphic object to implement the composite objects that used a plurality of the drawing formats since appellants admit [APA-page 1, line 19-page 2, line 18, of the instant specification] that it was known to implement drawing objects with more than one type of format by redundantly implementing the draw procedures and Cabral's polymorphic objects would have cured such inefficiency in view of Cabral's recited advantage, at column 7, lines 15-18, of "[the] sender need only know that the receiver can perform a certain operation, without regard to which object performs the operation or what class to which it belongs" [answer-page 5].

For their part, appellants argue that Cabral refers to "devices" and management of "devices" does not, in any way teach or suggest "an imaging object structure comprising a subclass of imaging objects, the subclass comprising singular imaging objects and composite imaging objects, for generating images in a graphical user interface" [principal brief-page 10].

This argument is not persuasive since imaging object structure must be located within some "device" even in appellants' invention. Such "structure" does not exist in a vacuum so it is difficult to understand appellants' argument that the disclosure of "devices" by the prior art cannot include the imaging object structure of the claimed

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object, the system including polymorphic processing [see Cabral's abstract, for instance].

Further, while appellants set forth a myriad of arguments [e.g., "Appellant fails to see how an explicitly taught management of 'devices' can be construed as suggestive of management of 'drawing formats', as asserted by the Examiner," "Cabral fails to teach...an image object structure including a subclass of imaging objects...Cabral is merely objectifying the multiple tasks involved," "Cabral is dealing with graphics processing flow and efforts to make that flow more efficient. Appellant in contrast is dealing with a specific environment of graphical user interface and how desired inputs to differing elements of that interface are more readily supported," "Cabral would not eliminate the need to customize desired items for display with differing formats of element design," "Appellant's invention puts a 'wrapper' around the raw image data called an image reference and uses that image reference to refer to the image data indirectly," etc.], for the most part, appellants fail to point to specific claim language on which they rely for patentability over the applied references. Whether appellants may have a valid point in arguing some differences over that which is disclosed by Cabral

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dependent claims 3-6, at page 11 of the principal brief [even though, according to appellants' grouping of claims at page 7 of the principal brief, these claims should stand or fall with independent claim 1], arguing that Cabral fails to teach or suggest singular imaging objects that comprise text imaging objects, picture imaging objects, pattern imaging objects, and icon imaging objects.

While Cabral may not explicitly disclose these specifically claimed types of images, we agree with the examiner that, given Cabral's disclosure of diverse drawing formats such as "page description object..., a vector engine object..., a graphic accelerator object..., a frame buffer object," it would have been obvious to skilled artisans that "polymorphic objects would also include text imaging objects, picture imaging objects, pattern imaging objects, and icon imaging objects, since these were well known drawing formats in the art, and Cabral has taught that various different graphical formats and text formats are generated through the polymorphic graphic object" [answer-pages 5-6].

While appellants contend that independent claims 9 and 15 are grouped

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directed to the merits of independent claims 9 and 15. Independent claim 20 stands or falls with claim 9, in accordance with appellants' grouping.

Perhaps, appellants do not realize the breadth of the instant claims. Claim 1, for example, calls for a system for "providing polymorphic image data for elements in a graphical user interface". Clearly, Cabral discloses this broad recitation. The system has "an operating system." Clearly, so, too, does Cabral disclose an operating system within its computer. The next recitation is to an "imaging object structure comprising a subclass of imaging objects." Cabral teaches subclassing in columns 9 and 10. With regard to the types of objects (singular imaging objects and composite imaging objects), the examiner has explained how the teachings of APA are combined with Cabral to meet these limitations. Even so, the artisan would understand that any combination of objects used to form another graphic object would constitute the broadly claimed "singular imaging objects and composite imaging objects." Appellants have not convincingly pointed to any specific claim limitation in claim 1 that is alleged to distinguish over the combination of references applied by the examiner.

Since it appears to us that the examiner has set forth a prima facie case of obviousness with regard to the rather broad independent claims and appellants have

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

ERROL A. KRASS	)	
Administrative Patent Judge	)	
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	)	
	)	
	)	BOARD OF PATENT
MICHAEL R. FLEMING	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
HOWARD B. BLANKENSHIP	)	
Administrative Patent Judge	)	

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