

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEOFFREY O. KELLY

Appeal No. 2001-1529
Application No. 08/696,627

ON BRIEF

Before DIXON, LEVY, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-4, 6, 7, and 9-12, which are all the claims remaining in the application.

We reverse.

BACKGROUND

The invention is directed to a programmable medical imaging system.

Representative claim 1 is reproduced below.

1. A method for executing commands in a client-server based medical imaging system, the medical imaging system including at least one client unit and at least one server unit, the client unit having a graphical user interface and an interpreter for executing a plurality of scripts, each script including script commands, said method comprising the steps of:

operating the interpreter to execute the scripts; and

upon executing a script command requiring a server transaction,

transmitting the server request from the client unit to the server unit;

suspending the script containing the server request until a reply is received to the server request; and

maintaining the graphical user interface interactive while awaiting the reply.

The examiner relies on the following references:

Hilton et al. (Hilton)	5,452,416	Sep. 19, 1995 (filed Dec. 30, 1992)
Judson	5,572,643	Nov. 5, 1996 (filed Oct. 19, 1995)

Claims 1-4, 6, 7, and 9-12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hilton and Judson.

We refer to the Final Rejection (Paper No. 11) and the Examiner's Answer (Paper No. 18) for a statement of the examiner's position and to the Brief (Paper No.

Appeal No. 2001-1529
Application No. 08/696,627

17) and the Reply Brief (Paper No. 19) for appellant's position with respect to the claims which stand rejected.

OPINION

Appellant asserts that Judson cannot teach "maintaining the graphical user interface interactive while awaiting the reply," as set forth in claim 1, because "a user passively views the messages displayed by the script and can do nothing while the request is pending." (Brief at 14.) The examiner, however, appears to disregard the normal meaning of "interactive." Judson is deemed by the examiner to disclose "the inventive concept of displaying useful information to the viewer during the link process." (Answer at 5.)

However, neither appellant nor the examiner appears to address Judson's teaching that, during download of a hypertext document, the browser may display one or more messages that may include "fill-in forms." See col. 1, ll. 64-67; col. 2, ll. 42-49. The reference, in fact, uses the word "interactive" in describing use of the "fill-in" forms. Col. 7, ll. 18-25.

In any event, appellant also argues that Judson neither shows nor suggests suspension of a script during a server request. (Brief at 12.) The examiner responds (Answer at 5), "what is actually recited in independent claims 1, 4, 7 and 10 are 'maintaining the interactive GUI while the interpreter the [sic] is suspended allows the operator to alter the command performed'."

However, instant claim 1 sets forth, inter alia, the step of “suspending the script containing the server request until a reply is received to the server request.” We agree with appellant (e.g., Brief at 17) that the rejection is unclear with respect to pointing out the particular elements described by Judson that are deemed to teach the claim limitations attributed to the reference. We consider it most likely that Judson’s browser, or the process running within the browser (described at col. 5, l. 50 - col. 6, l. 11), is proposed to correspond to the claimed “interpreter.” The “script” as claimed would thus correspond to the Hypertext Markup Language (HTML) code, as illustrated in Figure 7 of the reference.

We find no satisfactory response from the examiner to appellant’s position set forth in the Brief, as developed therein and supported by reference to Judson, that the reference fails to disclose or suggest suspending the script containing the server request until a reply is received to the server request. Nor do we find any description of such a process in Judson, notwithstanding the rejection relying upon the reference as teaching the feature. In our reading of Judson’s disclosure, a script containing the server request is not suspended until a reply is received to the server request. On the contrary, execution of the relevant script is effectively complete at the time of a server request, and a new script (i.e., HTML code loaded from the requested web link) is thereafter accessed. Judson at col. 5, l. 50 - col. 6, l. 11 and Fig. 3.

Each of the remaining independent claims on appeal (4, 7, and 10) sets forth combinations that include substantially similar limitations to those in claim 1 that we find

Appeal No. 2001-1529
Application No. 08/696,627

the rejection deficient in addressing. Since not all limitations of the claims have been shown as disclosed or suggested by the prior art, we do not sustain the rejection of claims 1-4, 6, 7, and 9-12 under 35 U.S.C. § 103 as being unpatentable over Hilton and Judson.

CONCLUSION

The rejection of claims 1-4, 6, 7, and 9-12 under 35 U.S.C. § 103 is reversed.

REVERSED

JOSEPH L. DIXON)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
STUART S. LEVY)	APPEALS
Administrative Patent Judge)	AND
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Appeal No. 2001-1529
Application No. 08/696,627

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