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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* LIE LU, WEI-YING MA and  
ZHIWEI LI

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Appeal 2010-009168  
Application 11/256,411  
Technology Center 2100

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Before ROBERT E. NAPPI, HUNG H. BUI, and LYNNE E. PETTIGREW,  
*Administrative Patent Judges.*

BUI, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants<sup>1</sup> seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejections of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.<sup>2</sup>

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<sup>1</sup> Real Party in Interest is Microsoft Corporation.

<sup>2</sup> Our decision refers to Appellants' Appeal Brief filed October 15, 2009 ("App. Br."); Reply Brief filed April 5, 2010 ("Reply Br."); Examiner's Answer mailed February 4, 2010 ("Ans."); Final Office Action mailed April 21, 2008 ("FOA."); and the original Specification filed October 21, 2005 ("Spec.").

## STATEMENT OF THE CASE

### *Appellants' Invention*

According to Appellants, their invention relates to an automated presentation of a semantic topic by way of searching multimodal information (e.g., image, text, audio and/or video) associated with the semantic topic from a database or the Internet, via a user interface layout of a storyboard. See Appellants' Spec., ¶ [0003], and Abstract.

### *Claims on Appeal*

Claims 1, 13 and 18 are independent claims. Claim 1 is representative of the invention, as reproduced below with disputed limitations emphasized:

1. A computer-implemented method comprising:

determining a semantic topic;

evaluating respective portions of multimodal information corresponding to the semantic topic to identify events, each event being associated with one or more of person, time, location, and keyword;

for each document in the respective portion, ***calculating probability that the document belongs to an event of the events based on a generative model and document distribution along a time line associated with the event;***

for each event in least a subset of the events:

objectively identifying one or more representative documents that are of greater relevance to the event as compared to other documents;

extracting other media corresponding to the representative documents from the multimodal information, the representative documents and the other media being objectively most representative of the semantic topic; and

wherein the one or more representative documents and the other media are for presentation to a user in a storyboard.

*Evidence Considered*

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Julien	U.S. 2002/0129011 A1	Sep. 12, 2002
Buinevicius	U.S. 2004/0093349 A1	May 13, 2004

Microsoft PowerPoint 2003 as described in <http://office.microsoft.com/training/Training.aspx?AssetID=RC010713231033&CTT=6&Origin=RC010713231033>, Microsoft Power Point 2003 released in 2003.

*Examiner's Rejections*

(1) Claims 1-8 and 13-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Julien. Ans. 3-9.

(2) Claims 9-12 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Julien and Power Point 2003. Ans. 10-13.

(3) Claims 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Julien and Buinevicius. Ans. 14-15.

(4) Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Julien, Buinevicius and Power Point 2003. Ans. 15-16.

## ISSUES

Under § 102(b), the dispositive issue on appeal is whether Julien discloses the feature “for each document in the respective portion, calculating probability that the document belongs to an event of the events based on a generative model and document distribution along a time line associated with the event,” as recited in independent claims 1 and 13. App. Br. 7-21; Reply Br. 3-7.

Under § 103(a), the dispositive issue on appeal is whether the combination of Julien and Buinevicius discloses or suggests the feature “identifying, from multi-modal data sources, representative multi-modal content of a semantic topic, the representative multi-modal content comprising one or more of images, news article summaries, video, and locations corresponding to one or more salient events associated with the semantic topic,” as recited in independent claim 18. App. Br. 22-24; Reply Br. 7-8.

## ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments that the Examiner has erred. Only those arguments actually made by Appellant in the Appeal Brief have been considered. *See* 37 C.F.R. § 41.37(c)(1)(vii).

### **§ 102(b) Rejection of Claims 1-8 and 13-16**

Appellants contend that Julien does not disclose the feature “for each document in the respective portion, calculating probability that the document belongs to an event of the events based on a generative model and document

distribution along a time line associated with the event,” as recited in independent claims 1 and 13. App. Br. 7-21; Reply Br. 3-7. In particular, Appellants argue that:

(1) Julien describes a system for automatically finding and aggregating contact information from web pages . . . . [It] allows a user to specify a business and in response receive corresponding contact information listed on the business's website . . . . [T]he identification unit of Julien determines Web pages associated with a particular URL "**that are most likely to contain contact information.**"

(App. Br. 14) (emphasis added);

(2) Fig. 3 [of Julien] illustrates a process for searching for contact information. As shown above, this process includes: (1) a user submitting a URL address; (2) the identification unit establishing a connection with the submitted URL; (3) the identification unit identifying contact information on the retrieved Web page(s); (4) the extractor unit extracting the contact information; (5) the aggregator unit compiling a list of the extracted contact information, and (6) the aggregator unit transmitting the list to the user . . . . [T]his process fails to relate to any sort of “document distribution along a timeline.”

(App. Br. 18-19); and

(3) Julien teaches time-stamping of the contact information that is mapped to the URL address of the Web pages.

(App. Br. 19).

According to Appellants, Julien simply fails to disclose or suggest “calculating probability that the document belongs to an event of the events” based on (1) a “generative model” and (2) “document distribution along a time line associated with the event,” as recited in independent claims 1 and 13. Reply Br. 6-7.

In response thereto, the Examiner has taken a broad interpretation of the disputed limitations of claims 1 and 13. For example, the Examiner has broadly interpreted “calculating probability that the document belongs to an event of the events” as encompassing the identification unit 30 of Julien to examine data contained in each Web page connected to the URL address and tag in each Web page any information elements relevant to contact information. Ans. 18 (citing ¶ [0066] of Julien). In addition, the Examiner has broadly interpreted Appellants’ claimed two conditions for such a calculation, i.e., (1) “generative model” as encompassing the same identification unit 30 of Julien to determine the probability of Web pages containing contact information and treat a set of Web pages as randomly generated data, and (2) “document distribution along a time line associated with the event” as encompassing time-stamping of contact information that is mapped to the URL addresses of the Web pages. Ans. 18-19 (citing ¶ [0014] and ¶ [0073] of Julien).

However, the Examiner’s broad interpretation is unreasonable and inconsistent with the language of the claims and Appellants’ Specification. We agree with Appellants that neither the identification unit 30 as described in ¶ [0014] and ¶ [0073] of Julien nor Fig. 3 of Julien performs any probability calculation ... based on (1) a “generative model” and (2) “document distribution along a **time line** associated with the event,” as recited in independent claims 1 and 13. Nor does the timestamp associated with contact information of Julien meet Appellants’ claimed “document distribution along a **time line** associated with the event.” App. Br. 15-16; Reply Br. 3-7.

For the reasons set forth above, Appellants have persuaded us of error in the Examiner's rejection of independent claims 1 and 13. Therefore, we cannot sustain the Examiner's rejection of claims 1 and 13 and their respective dependent claims 2-8 and 14-16 under 35 U.S.C. § 102(b) as being anticipated by Julien.

### § 103(a) Rejection of Claims 18-20

Appellants contend that the combination of Julien and Buinevicius does not disclose or suggest the feature "identifying, from multi-modal data sources, representative multi-modal content of a **semantic topic**, the representative multi-modal content comprising one or more of images, news article summaries, video, and locations corresponding to one or more salient events associated with the semantic topic," as recited in independent claim 18. App. Br. 22-23; Reply Br. 7-8. In particular, Appellants solely argue:

the Julien system merely attempts to find particular web pages associated with the user-specified URL or keyword(s) that are most likely to contain the requested *contact information*. As such, Julien fails to teach or suggest "identifying ... representative multi-modal content of a semantic topic ... corresponding to one or more *salient events associated with the semantic topic*." In fact, Julien fails to relate to "salient events associated with a semantic topic" at all. Again, Julien simply retrieves Web pages that contain contact information.

App. Br. 23 (emphasis added).

We are not persuaded by Appellants' sole argument. As expressly acknowledged by Appellants' own Specification:

a semantic topic may be one or more keywords (e.g., input by a user as part of a search query, etc.) representing one or more events, a person's name, or anything else. For example,

respective semantic topics include the “World Cup 2002”, “USA election”, “Halloween”, “Harry Potter”, etc. In some cases, a semantic topic may represent a target topic and an event. . . . For example, “Halloween” can be both a semantic topic and an event.

Spec. ¶ [0013].

The Examiner finds that ¶ [0014] and ¶ [0020] of Julien describe the identification of multi-modal content of a semantic topic from multi-modal data sources. Ans. 14. Appellants have not contested, and we see no reason to disturb the Examiner’s specific findings regarding Julien.

Moreover, we agree with the Examiner that, contrary to Appellants’ argument, Julien discloses that “multi-modal information is extracted to retrieve information that is the most representative of the semantic topic . . . . [D]ocument sources that represent a semantic topic are examined and only those documents are identified that correspond to one or more salient events (contact information) associated with the semantic topic.” Ans. 20-21.

For the reasons set forth above, Appellants have not persuaded us of error in the Examiner’s rejection of claim 18 as well as claims 19-20, which were not separately argued, under 35 U.S.C § 103(a).

## CONCLUSION

On the record before us, we conclude that the Examiner has erred in rejecting claims 1-8 and 13-16 under 35 U.S.C. § 102(b) and their respective dependent claims 9-12 and 17 under 35 U.S.C. § 103(a). We also conclude that the Examiner has not erred in rejecting claims 18-20 under 35 U.S.C. § 103(a).

DECISION

As such, we REVERSE the Examiner's final rejections of (1) claims 1-8 and 13-16 under 35 U.S.C. § 102(b) as being anticipated by Julien; and (2) claims 9-12 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Julien and Power Point 2003

However, we AFFIRM the Examiner's final rejections of (3) claims 18-19 under 35 U.S.C. § 103(a) as being unpatentable over Julien and Buinevicius; and (4) claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Julien, Buinevicius and Power Point 2003.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2011).

AFFIRMED-IN-PART

ELD