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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte AARON JOSEPH MCBRIDE, ROB RAPPAPORT, JEREMY ROMERO, CHRISTOPHER BRENNAN, and ROBERT WILLIAMS

Appeal 2010-009825
Application 10/705,208
Technology Center 2100

Before THU A. DANG, JAMES R. HUGHES, and GREGORY J. GONSALVES, *Administrative Patent Judges*.

GONSALVES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the rejection of claims 1, 13-15, 22-35, and 40 (Notice of Appeal, filed on May 13, 2009). Claims 2-12, 16-21, 36-39, and 41 were canceled (App. Br. 2). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The Invention

Exemplary Claim 1 follows:

> 1. A method for maintaining at least one response by an administrator in a system for autonomously processing requests, comprising the steps of:
>
> providing a template to the administrator, wherein the template includes at least one field to elicit information from the administrator;
>
> receiving information from the administrator into the template; and
>
> making the information accessible to a rules-based program for use in providing the at least one response in reply to a request from a user, wherein the step of making the information accessible to the rules-based program saves the information as part of the template into rules, and wherein the step of saving the information into rules includes the steps of:
>
> > retrieving rules,
> >
> > for each rule retrieved, determining whether the rule needs information, and
> >
> > if the rule needs information, retrieving the information from a corresponding field in the template and inserting the information into the rule, wherein the

> step of determining whether the rule needs information includes determining if either a response layer or a logic layer needs information by identifying the presence of a signifier in the response layer or the logic layer, respectively, wherein the signifier is an identifier configured to call for information such that the call for information invokes a process to select the information from a corresponding field in the template so that the information will be linked to the rule, and wherein the logic layer is configured to choose between various responses provided by the administrator, wherein at least one of the responses is recognized by the logic layer, wherein the chosen response is the response to be used in the response layer, and retrieving information indicated as needed from a corresponding field in the template and inserting the information into the response layer or the logic layer, as called for by the signifier.

Claims 1, 13-15, 23, 24, 27-35, and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chikirivao (U.S. Patent Application Publication No.: US 2003/0163783A1) and Wallace (RICHARD S. WALLACE, THE ELEMENTS OF AIML STYLE, 1-86 (ALICE A. I. Foundation, Inc.,2003) (Ans. 2-17).

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Chikirivao, Wallace, and Jammes (U.S. Patent No.: US 6,484,149 B1) (Ans. 17-18).

Claims 25 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chikirivao, Wallace, and Habraken (JOE HABRAKEN, MICROSOFT OFFICE XP 8-IN-1, Part III: Word - Chapter 2: Working with Documents (2003)) (Ans. 18-20).

FACTUAL FINDINGS

We adopt the Examiner's factual findings as set forth in the Answer (Ans. 3, *et seq.*).

ISSUE

Appellants' responses to the Examiner's position present the following issue:

Did the Examiner err in concluding that the combination of Chikirivao and Wallace teaches or suggests a template, a signifier, and a logic layer as required by independent claims 1 and 35?

ANALYSIS

Appellants contend that the Examiner erred in rejecting independent claims 1 and 35 because the combination of Chikirivao and Wallace does not teach or suggest a template, a signifier, and a logic layer (App. Br. 5-8). In support of their contention, Appellants first argue that Wallace does not teach the claimed template and instead, "simply discloses a mark-up language for inputting knowledge into chatbots" (*id.* at 5). Appellants further argue that "an inconsistent reading of the disclosure of the Wallace publication [by the Examiner] is applied to the claims at issue" (*id.*).

The Examiner did not, however, apply an inconsistent reading of Wallace and instead, reasoned that "the claimed 'template interface' maps to the 'template window' on page 42 of Wallace" (Ans. 21). The Examiner concluded that "the 'template window' of Wallace is used as a way to create specific rules based on a predefined form, as required by the instant claims" (*id.*). We agree with the Examiner's reasoning and conclusion. Wallace

discloses that "[i]n the template window, the botmaster types: Pizza is a delicious food made with dough, cheese and tomato sauce" (p. 42). Wallace further discloses that after entering text "in the <template> text area, the botmaster may save the new category with the Save Category button" (p. 43). That is, Wallace discloses a template window to illicit information, as required by independent claims 1 and 35.

Appellants also argue that "[t]here is no disclosure, teaching, or suggestion in the Wallace publication of a mechanism equivalent to the claimed logic layer that is able to take additional information, if needed, and perform a defined computation that can determine the selection of an output from among a set of outputs" (App. Br. 7-8). The Examiner concluded, however, that "Wallace discusses how the AIML interpreter is capable of logically deducing appropriate responses based on patterns and associations (Wallace, i.e. page 55) - thereby filling in needed information through inference as guided by the tags" (Ans. 25). We agree with the Examiner's conclusion. Wallace discloses that even though there may not be an answer to a question about what a raven has, "the program can infer that, since a raven is a bird, it must also have anything a bird has: feathers, beak, tail, eyes, lungs, wings, and cold blood" (p. 55). In other words, because Wallace teaches a logic layer by disclosing a program that can deduce responses based on patterns and associations.

Appellants also argue that Wallace does not teach the claimed signifiers because Wallace's "AIML tags do not have the property that causes the information to be 'linked to the rule', as is required by the claims" (App. Br. 6). In response, the Examiner reasoned that Wallace discloses AIML tags such as "[t]he <srai> function, which indicates that more

information (not currently in the rule) is needed from another rule or function" (Ans. 24). We agree with the Examiner. Wallace discloses that the <srai> tag may perform:

> (1). Symbolic Reduction: Reduce complex grammatical forms to simpler ones.
>
> (2). Divide and Conquer: Split an input into two or more subparts, and combine the responses to each.
>
> (3).Synonyms: Map different ways of saying the same thing to the same reply.
>
> (4). Spelling or grammar corrections.
>
> (5). Detecting keywords anywhere in the input

(Wallace, p. 13). That is, Wallace's <srai> tags cause additional information to be retrieved and linked to a rule.

Appellants also contend that the Examiner erred in concluding that claims 1 and 35 are obvious because the Examiner did not consider any secondary considerations of obviousness (App. Br. 8-9). In support of their contention, Appellants argue that "[t]he estimated total sales of products and deployments that incorporate the claimed invention are at least $150,000. The foregoing information is indicative of the commercial success of the claimed invention" (*id.* at 9, quoting Declaration of Mr. Keane § 3). The Examiner found, however, that Appellants did not show that the commercial success of their products is the direct result of the "combination of limitation[s] found in the independent claims" (Ans. 28) (emphasis omitted). We agree with the Examiner. Mr. Keane's Declaration states that products incorporating the claimed invention had commercial success but does not

state that the commercial success is the result of the limitations that are recited in the claims.

Accordingly, we find no error in the Examiner's obviousness rejection of independent claims 1 and 35, as well as claims 13-15, 22-34, and 40 dependent therefrom because Appellants did not set forth any separate patentability arguments for the dependent claims (*see* App. Br. 5-10).

DECISION

We affirm the Examiner's decision rejecting claims 1, 13-15, 22-35, and 40 as being unpatentable under 35 U.S.C. § 103(a).

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).

AFFIRMED

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