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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte CHRIS S. TERRILL and TODD W. KIRBY

Appeal 2010-009866
Application 11/237,584
Technology Center 2400

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 final rejection of claims 1-32 (App. Br. 4). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The Invention

Exemplary claim 1 follows:

1. An apparatus for providing a feature in a network environment, comprising:

> a central web site operable to interface with one or more end users and to manage information related to one or more of the end users, wherein the central web site includes a post-date component that comprises a set of questions for one or more of the end users to complete in order to provide answers associated with a meeting that took place between a first end user and a second end user, and wherein the meeting occurs in a physical location where the first end user and second end user physically meet, and wherein the meeting is scheduled through the central web site based on availability parameters of the first end user and the second end user.

Claims 1, 3, 5-8, 11, 13, 15, 16, 18, 19, 21, 23, 24, 26, 28, 30, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Truong (U.S. Pat. App. Pub. No. 2006/0059159 A1, published March 16, 2006, filed February 11, 2005) in view of Weiss (U.S. Pat. App. Pub. No. 2006/0059130 A1, published March 16, 2006, filed December 14, 2004) and further in view of Immedient (Microsoft, Immedient Improves and Streamlines Hiring with Microsoft Office Solution Accelerator for Recruiting (Sept. 2003)) (Ans. 18-24).

Claims 2, 4, 12, 14, 20, 22, 27, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Truong in view of Weiss and Immedient and further in view of Shostack (U.S. Pat. App. Pub. No. 2004/0249811 A1, published December 9, 2004) (Ans. 24-25).

Claims 9, 17, 25, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Truong in view of Weiss and Immedient and further in view of Cohen (U.S. Pat. No. 7,203,674 B2, issued April 10, 2007, filed February 15, 2002) (Ans. 25-26).

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Truong in view of Weiss and Immedient and further in view of Koningstein (U.S. Pat. App. Pub. No. 2006/0149625 A1, published July 6, 2006, filed December 30 , 2004) (Ans. 26-27).

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 Truong, Weiss, and Immedient teaches or would have suggested "a post-date component that comprises a set of questions for one or more of the end users to complete in order to provide answers associated with a meeting that took place between a first end user and a second end user . . . and wherein the meeting is scheduled through the central web site based on availability

parameters of the first end user and the second end user," as recited in independent claim 1 and as similarly recited in independent claims 11 and 19?

ANALYSIS

Appellants contend that the Examiner erred in rejecting independent claims 1, 11, and 19 because the combination of Truong, Weiss, and Immedient does not disclose the claim limitation emphasized above (App. Br. 11-14). In support of their contention, Appellants argue that Truong does not teach a set of questions and that Weiss and Immedient do not teach a post-date component (*id.* at 11-12). In addition, Appellants argue that in Immedient, "it is the Interviewer whose availability is the prerequisite for the lunch meeting, but the counterparty's availability is not even considered" (*id.* at 13 (emphasis omitted)).

The Examiner concluded, however, that "it is the combination of Truong, Weiss, and [Immedient], that teaches this claim, not Truong, Weiss, or [Immedient] alone" (Ans. 29). First, the Examiner found that "Truong discloses the central web site includes a post-date component that comprises allowing one or more of the end users to provide evaluations associated with a meeting that took place between a first end user and a second end user" (*id.* at 27-28). Next, the Examiner also found that Weiss discloses that a "user may rate candidates based on a variety of additionally provided questions" (*id.* at 28). The Examiner also found that Immedient discloses that "the meeting occurs in a physical location where the candidate and interviewer physically meet (page 2, paragraph 4, 'lunch interview'), and the

meeting is scheduled through the central online server based on availability parameters of the candidate and interviewer" (*id.* at 29).

We agree with the Examiner's conclusion and underlying findings of fact. Appellants cannot show nonobviousness by attacking references individually when the rejection is based on a combination of references. *In re Keller,* 642 F.2d 413, 426 (CCPA 1981) (citation omitted). Truong discloses a "process for providing additional communication after a date or other evaluation in the online dating server" (¶ [0010]). Weiss discloses that "the user may rate candidates based on a variety of additionally provided questions" (¶ [0011]). Immedient discloses "auto-generation of an appropriate schedule based on a number of variables including interviewer availability . . . . After interview, feedback is entered online to be reviewed and evaluated in real-time by the hiring manager" (p. 2, ¶ [0003]). We conclude, therefore, that the claim limitation in dispute is a combination of the familiar elements taught by Truong, Weiss, and Immedient that would have yielded predictable results. *KSR Int'l Co. v. Teleflex Inc*., 550 U.S. 398, 416 (2007).

Therefore, we find no error in the Examiner's obviousness rejection of independent claims 1, 11, and 19 as well as claims 2-10, 12-18, and 20-32 dependent therefrom because Appellants did not set forth any separate patentability arguments for those dependent claims (*see* App. Br. 14).

DECISION

We affirm the Examiner's decision rejecting claims 1-32 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

peb