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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JONAH W. PETRI, ANDREW M. WILSON,
CHRISTOPHER E. HANSTEN, and JAMES F. KATELEY

Appeal 2010-010187
Application 10/941,158
Technology Center 2100

Before CARL W. WHITEHEAD, JR, ERIC S. FRAHM, and
ANDREW J. DILLON, *Administrative Patent Judges*.

DILLON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1, 3-10, 13-19, 21-24, 30-46 and 52. Claims 11, 12, 20, 25-29, 47 and 48 have been withdrawn, claim 2 has been canceled, and Appellants do not appeal the Examiner's rejection of claims 49-51, which we summarily affirm. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' invention is directed to a method and apparatus for performing a near real-time localization of data by monitoring an input string and comparing a semantic associated with that input string to a semantic associated with a stored string and then providing the stored string as an alternative. *See Spec. 32, Abstract of the Disclosure.*

Claim 1 is illustrative, with key disputed limitations emphasized:

1. A method, comprising:

monitoring an input string in a substantially real-time manner;

comparing a semantic associated with said input string to a semantic associated with at least one stored string; and

providing said stored string as a selectable alternative to said input string, wherein at least one of said comparing said semantic associated with said input string to said semantic associated with said stored string, and providing said stored string as an alternative further comprises performing said comparing and providing in a substantially real-time manner.

The Examiner relies on the following as evidence of unpatentability:

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Seme	US 2003/0125927 A1	Jul. 3, 2003
Fuhrmann	US 2003/0126559 A1	Jul. 3, 2003
Wu	US 2005/0125215 A1	Jun. 9, 2005 (Filed Dec. 5, 2003)

Yunker, John; Beyond Borders: Web Globalization Strategies; Publisher: New Riders; Pub Date: August 22, 2002; Pages: 1 – 11 (Hereinafter “Yunker”)

THE REJECTIONS

1. The Examiner rejected claims 1, 3, 13, 21-23, and 36-39 under 35 U.S.C. §103(a) as unpatentable over Seme and Wu. Ans. 4-7.¹
2. The Examiner rejected claims 4-10, 14-19, 24, 30-35, 40-46, and 52 under 35 U.S.C. §103(a) as unpatentable over Seme, Wu and Yunker. Ans. 7-14.
3. The Examiner rejected claims 49 - 51 under 35 U.S.C. § 1 03(a) as being unpatentable over Seme, Wu, and Fuhrmann. Ans. 14-16.

ISSUES

Based upon our review of the record, the arguments proffered by Appellants and the findings of the Examiner, we find the following issue to be dispositive of all of the claims on appeal:

1. Under § 103, has the Examiner erred in rejecting independent claim 1 by improperly combining Seme and Wu and/or by finding that Seme and Wu disclose or suggest monitoring an input string, comparing a semantic associated with that input string with a

¹ Throughout this opinion, we refer to the Appeal Brief filed July 13, 2009; the Examiner’s Answer mailed February 22, 2010; and, the Reply Brief filed April 22, 2010.

semantic associated with a stored string and providing the stored string as a selectable alternative to the input string in a substantially real-time manner?

2. Under § 103, has the Examiner erred in rejecting claim 4 by finding that Seme, Wu and Yunker disclose or suggest determining a file type associated with the input string and determining a context associated with the input string based upon the file type?

Claim Groupings

Based on Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claims as set forth below. *See* 37 C.F.R. § 41.37(c)(1)(iv).

ANALYSIS

Claims 1, 3, 13, 21-23, and 36-39

Based upon Appellants' arguments, we decide the rejection of these claims based upon claim 1. Appellants first argue that the Examiner has improperly combined Seme and Wu, asserting that these two references are incompatible. The basis for Appellants' arguments is a belief that Seme teaches a simple "look-up association" and fails to perform the claimed "semantic comparison" set forth in claim 1, while Wu discloses a "comparing" and "selectable alternative" and that consequently a combination of these two references would be improper. App. Br. 11-12, Reply Br. 2-6.

The Examiner finds that Seme and Wu both disclose "computer software modules" that are directed to language translation and that a person

of skill in the art would be able to modify such software with predictable results and achieve the combination proposed by the Office. Ans. 20.

We agree with the Examiner's findings. Both Seme and Wu are software systems which are expressly directed to language translation. It is well settled that "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l v. Teleflex Inc.*, 550 U.S. 398, 416 (2007). Therefore, we see nothing improper in the Examiner's proposed combination of these two references.

Appellants additionally argue that Seme is only concerned with translating a language based on literal translations, and is not concerned with comparing semantics and selecting a substitute string in substantially real-time. App. Br. 10.

The Examiner finds that Seme is directed to providing translation for "instant messages" and consequently, necessarily operates in "substantially real-time." Ans. 19-20.

We interpret Appellants' use of "semantic" with regard to a string to mean the "meaning" of that string, the common definition of "semantic," since Appellants do not set forth any special definition. We therefore find that a semantic comparison merely requires a look-up for a string with similar meaning. As further support for our interpretation, we note Appellants describe their process of localization as translating the English string "Hello" into the Spanish string "Ola." Spec. p. 4, ll. 3-4.

We find this remarkably similar to the disclosure of Seme which describes the translation of the English string "Hi" into the Spanish string

“Hola” and the provision of the Spanish string as a substitute. Seme, ¶¶[0026-28].

Consequently, we find that the Examiner’s rejection of claim 1 as unpatentable over the combination of Seme and Wu is well founded and proper. Appellants have not separately argued claims 3, 13, 21-23, and 36-39, and those claims therefore fall with claim 1.

Claims 4-10, 14-19, 24, 30-35, 40-46, and 52

Based upon Appellants’ arguments, we decide the rejection of these claims based upon claim 4. First, Appellants argue that Yunker fails to remedy the alleged deficiencies of Seme and Wu noted above.

For the reasons we set forth above with respect to claim 1, we find Appellants’ arguments unpersuasive.

Further, Appellants argue that Yunker fails to suggest or disclose determining a context associated with the input string based upon a file type. App. Br. 15.

The Examiner finds that Yunker describes TRADOS, a translation memory package, does not focus solely on HTML files, but can also process “Word, QuarkXPress and FrameMaker files.” Ans. 21. The Examiner further posits that the ability to translate strings that are embedded within these various proprietary formats necessarily requires the ability to ascertain a file type in order to determine the context of that string.

We therefore find that the Examiner did not err in rejecting claim 4, and claims 5-10, 14-19, 24, 30-35, 40-46 and 52, which were not argued separately, also fall.

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CONCLUSION

The Examiner did not err in rejecting claims 1, 3-10, 13-19, 21-24, 30-46, and 49-52 under § 103.

ORDER

The Examiner's decision rejecting claims 1, 3-10, 13-19, 21-24, 30-46, and 49-52 is affirmed.

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

Vsh