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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RON K. UNZ

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Appeal 2012-009694  
Application 11/704,551  
Technology Center 2100

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Before CARL W. WHITEHEAD JR., JEFFREY S. SMITH and  
DANIEL N. FISHMAN, *Administrative Patent Judges*.

WHITEHEAD JR., *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant is appealing the rejection of claims 1–22 under 35 U.S.C. § 134(a). Appeal Brief 4–11. We have jurisdiction under 35 U.S.C. § 6(b) (2012).

We affirm.

*Introduction*

The invention is directed to “data processing” and “more specifically to methods of organizing and presenting digitized books and other content material on the Internet.” Specification 1.

*Representative Claim (disputed limitations emphasized)*

1. A method, comprising:

creating and storing, in a database, first records representing reviews of one or more content items, *wherein each of the first records comprises a field or associated index which directly or indirectly uniquely specifies a list of content item identifiers for a plurality of content items that are reviewed in the review of that record;*

creating and storing, in the database, second records representing the content items, *wherein each of the second records comprises a field or associated index which directly or indirectly uniquely specifies a list of review item identifiers for a plurality of reviews that review the content item of that record;*

receiving, from a requesting computer, a request to display a summary web page associated with one of the reviews;

in response to the request, generating a summary web page and providing the summary web page over a network to the requesting computer, *wherein the summary web page comprises descriptive information about the requested review, and two or more hyperlinks to electronic files that store the digitized forms of the content items identified in the second records, wherein the hyperlinks are dynamically generated based on the content item list uniquely specified by the first record.*

### *Rejections on Appeal*

Claims 1–4, 6–15, and 17–22 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Ruhl (US Patent Application Publication Number 2006/0129446 A1; published June 15, 2006) and Roseman (US Patent Application Publication Number 2003/0200156 A1; published October 23, 2003). Answer 4–10.

Claims 5 and 16 stand rejected as being unpatentable under 35 U.S.C. § 103(a) over Ruhl, Roseman and Chen (US Patent Application Publication Number 2007/0038608 A1; published February 15, 2007). Answer 11–12.

### ANALYSIS

Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed March 12, 2012), the Reply Brief (filed

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May 29, 2012) and the Answer (mailed March 29, 2012) for the respective details. We have considered in this decision only those arguments Appellant actually raised in the Briefs.

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner has erred. We disagree with Appellant's conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief, and concur with the conclusions reached by the Examiner. We highlight the following for emphasis.

Appellant contends:

[T]he Examiner alleges that "Ruhl paragraph [0020] teaches database 242 stores product reviews and paragraph [0036] teaches products are associated with their corresponding ClusterIDs that identify products. This clearly shows that ClusterIDs are product identifiers for a plurality of products." This allegation is erroneous at least because *Ruhl* merely discloses review records that include a **single identifier** (i.e., a ClusterID field represented as a single integer value) that identifies a **single product** and provides no evidence of a review record that includes a field that uniquely specifies a list of identifiers for a plurality of content items that are reviewed in the review of the record, as recited in Claim 1.

Appeal Brief 5 (*citing* Non-Final Rejection 3–4; mailed September 23, 2011).

The Examiner finds Ruhl discloses in paragraph 41 that "*a product-to-review map 256 that associates products in database 252 with their corresponding ClusterIDs (i.e., product identifiers); the ClusterIDs are mapped by the reviews index 250 to individual reviews 244 and aggregated reviews 246.*" Answer 13. Accordingly, we do not find Appellant's

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arguments persuasive because Ruhl discloses a plurality of products associated with a plurality of ClusterIDs associated with both individual reviews and aggregated reviews. *Id.*

Appellant argues Roseman fails to address the deficiency of Ruhl because Roseman fails to disclose “records representing reviews of content items and records representing the content items being stored in the same database” because Roseman paragraph 117 “describes a product information database that stores information about various products available through a marketplace web site.” Appeal Brief 7. We do not find Appellant’s argument persuasive because Roseman discloses wherein the product information database stores information about products as well as product information such as reviews. Roseman ¶ 117.

Appellant further argues neither one of Ruhl’s Figures 6A and 6B “discloses at least hyperlinks to electronic files that are dynamically generated based on the content item list uniquely specified by a first record (i.e., a review record).” Appeal Brief 8. Appellant argues “the single hyperlink 652 associated with product 654 illustrated in FIG. 6A merely links to an aggregated review page for product 654 that displays the collected reviews for the product” and “*Ruhl* provides no evidence that hyperlink 652 or any other hyperlinks in FIG. 6A are dynamically generated based on a content item list uniquely specified by review records.” *Id.*

We do not find Appellant’s argument persuasive because Ruhl discloses a summary website in Figure 6B, having descriptive information about the requested review (626 – Portion of review 1, etc.) and two or more hyperlinks to electronic files storing digitized forms of the reviews (624-Review 1 title (& link)); (review 2 title). Ruhl does not specify the type of digitized form of the review available however claim 1 does not require a

specific form of the review. Further, claim 1 does not require that the two or more hyperlinks to electronic files store digitized forms of the same content item, consequently the claim limitation reads upon the multiple hyperlinks to review titles disclosed in Ruhl's Figure 6B.

Appellant further argues the Examiner failed to establish a prima facie case of obviousness because "there is no evidence to 'link' the references or suggest that a person of ordinary skill in the art, based on the cited references and without hindsight, would have realized Applicants' particular claimed combination." Appeal Brief 9–10. We do not find Appellant's arguments persuasive because the arguments are conclusory.<sup>1</sup> We find the Examiner has met his burden by providing some rational underpinning to support the legal conclusion of obvious.<sup>2</sup> See Answer 6–7.

Therefore, we sustain the Examiner's obviousness rejection of claim 1, as well as independent claim 12, not separately argued.<sup>3</sup> See Appeal Brief

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<sup>1</sup> See, e.g., *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) (attorney arguments or conclusory statements are insufficient to rebut a prima facie case).

<sup>2</sup> "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR Int'l., Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

<sup>3</sup> Should there be further prosecution of this application (including any review for allowance), the Examiner may wish to review claims 12–22 for compliance under 35 U.S.C. § 101 in light of the recently issued preliminary examination instructions on patent eligible subject matter. See "Preliminary Examination Instructions in view of the Supreme

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11. We also sustain the Examiner's obviousness rejection of dependent claims 2–11 and 13–22, not separately argued, for the reasons articulated above.

#### DECISION

The Examiner's 35 U.S.C. § 103(a) rejections of claims 1–22 are 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). *See* 37 C.F.R. § 41.50(f).

#### AFFIRMED

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Court Decision in *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.*,” Memorandum to the Examining Corps, June 25, 2014.