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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JUN WANG and KANJI UCHINO

Appeal 2014-005347
Application 13/242,352
Technology Center 3600

Before HUBERT C. LORIN, BIBHU R. MOHANTY, and MATTHEW S. MEYERS, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 of the final rejection of claims 1, 2, 6–16, 20–30, and 34–43 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We REVERSE.

THE INVENTION

The Appellants' claimed invention is directed to customer opinion analysis (Spec., para. 1). Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A method comprising: by one or more computing devices, for each of one or more users, the user having provided one or more opinions concerning one or more products,
 - deriving one or more opinion records from the one or more opinions, wherein each opinion record is derived from a specific opinion provided by the user concerning a specific product and comprises:
 - a user identifier of the user;
 - an object indicating the specific product;
 - a feature of the specific product;
 - an opinion expression describing the feature according to the specific opinion provided by the user;
 - an opinion score of the feature corresponding to the opinion expression; and
 - a time when the specific opinion is provided by the user; and
 - generating a user-preference profile based on the one or more opinion records, wherein:
 - the user-preference profile comprises one or more user-preference vectors corresponding to the one or more products; and
 - each user-preference vector comprises one or more features of the corresponding product and one or more feature scores respectively corresponding to the one or more features.

THE REJECTIONS

The following rejections are before us for review:

1. Claims 1, 2, 6, 13–16, 20, 27–30, 34, 41–43 are rejected under 35 U.S.C. § 102(b) as anticipated by Chislenko (US 6,041,311, iss. Mar. 21, 2000).

2. Claims 7–12, 21–26, 35–40 are rejected under 35 U.S.C. § 103(a) as unpatentable over Chislenko and Goeldi (US 7,974,983 B2, iss. July 5, 2011).

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section below are supported at least by a preponderance of the evidence¹.

ANALYSIS

The Appellants argue in the Appeal Brief at pages 8–11 that the rejection of claim 1 is improper because the cited prior art fails to disclose the claim limitations for:

- a feature* of the specific product;
- an opinion expression describing the *feature* according to the specific opinion provided by the user;
- an opinion score *of the feature* corresponding to the opinion expression; and...
- one or more user-preference vectors
- ...each user-preference vector comprises *one or more features* of the corresponding product and one or more *feature scores* respectively corresponding to the *one or more features*.

(Claim 1, emphasis added).

The Examiner has determined that the argued claimed limitations are shown by Chislenko at columns 3 and 4 (Ans. 2, 3, 6, 7).

We agree with the Appellants. Here, the argued claim limitations are drawn to a specific *feature* of the product, an opinion expression describing

¹ See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

the *feature* and opinion score *of the feature*, and a user-preference vector including one or more *feature* scores for one or more features. The above citations to Chislenko fail to disclose these argued claim limitations. For example, at paragraph 3, lines 38 and 39, it is disclosed that ratings may be given to *items*, but not for a specific *feature* of that *item* or product as claimed. Further, there is no specific disclosure of an opinion expression describing the *feature* and opinion score *of the feature*, and a user-preference vector including one or more feature scores for one or more features. For these reasons the rejection of claim 1 and its dependent claims is not sustained.

Independent claims 15, 29, and 43 contain similar limitations, and the rejection of claims 15, 29, and 43 suffers from the same deficiency as the rejection of claim 1. Therefore, the rejection of claims 15, 29, and 43 and their dependent claims is not sustained for the same reasons.

CONCLUSIONS OF LAW

We conclude that Appellants have shown that the Examiner erred in rejecting the claims as listed in the Rejections section above.

DECISION

The Examiner's rejections of claims 1, 2, 6–16, 20–30, and 34–43 are reversed.

REVERSED