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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BEHRAM DACOSTA

Appeal 2014-005405
Application 12/016,827¹
Technology Center 3600

Before ANTON W. FETTING, JAMES A. WORTH, and
BRUCE T. WIEDER, *Administrative Patent Judges*.

WIEDER, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's rejection of claims 1–7, 10–17, and 20–22. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

Appellant's claimed "invention relates generally to providing location-based advertisement content, and more particularly to providing location-based advertisement content to mobile device users based on user profile information." (Spec. ¶ 1.)

¹ According to Appellant, the real parties in interest are Sony Corporation and Sony Electronics Inc. (Appeal Br. 3.)

Claims 1 and 11 are the independent claims on appeal. Claim 1 is representative. It is reproduced below (emphasis added):

1. A method for providing advertising content to a mobile device comprising:

receiving, by an advertisement server, current location information for the mobile device over a wireless network connection from a location client executing on the mobile device, the location client configured to forward current location information to the advertisement server;

accessing, by the advertisement server, user profile information corresponding to a user of the mobile device;

performing, by the advertisement server, an advertising database lookup based on the current location information and the user profile information;

selecting advertising content based on the advertising database lookup; and

transmitting the advertising content to the mobile device over the wireless network connection,

wherein the advertising database lookup comprises first identifying a set of personalized advertisements within a database of available advertisements based on the user profile information, and then identifying a subset of the identified set of personalized advertisements based on the current location information.

REJECTIONS

Claims 1–5, 10–15, and 20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Steele (US 2002/0046084 A1, pub. Apr. 18, 2002) and Chew (US 2006/0293065 A1, pub. Dec. 28, 2006).

Claims 6, 7, 16, and 17 are rejected under 35 U.S.C. § 103(a) as unpatentable over Steele, Chew, and Anderson (US 2004/0267585 A1, pub. Dec. 30, 2004).

Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Steele, Chew, and Kramer (US 2007/0179792 A1, pub. Aug. 2, 2007).

ANALYSIS

The Examiner finds that Steele does not explicitly disclose “wherein the advertising database lookup comprises first identifying a set of personalized advertisements within a database of available advertisements based on the user profile information, and then identifying a subset of the identified set of personalized advertisements based on the current location information.” (Final Action 7.) However, the Examiner finds that Chew discloses this limitation. (*Id.* at 7–8, citing Chew, Abstract, ¶¶ 5, 23–24, 34–35, Fig. 2.)

Appellant argues that Chew “fails to disclose two distinct sets of advertisements as is recited in the claims. Chew discloses only that ‘content’ is provided, and that content can be based on a profile *and* current location.” (Appeal Br. 10.) Appellant also argues that Chew does not “disclose two distinct search steps, nor their particular order.” (*Id.* at 11.)

Chew discloses “[s]ystems and methods . . . for providing dynamic temporally and geographically relevant information or content to mobile communications devices.” (Chew, Abstract.) Specifically, Chew discloses:

User profile information is stored, which may include personal subscriber information (e.g., name, address, indications of services to which the user subscribes, etc.) along with one or more content databases with content entries having advertisements or other information and geographical and temporal relevance parameters. Logic is provided in the system to get the profile/preferences for a given mobile device user, as

well as the current device location, and to obtain profile specific geographically and temporally relevant information or content from the content database(s) *The invention thus provides databases and logic to allow a user to receive pertinent content according to the user's profile or preferences in a timely fashion, while filtering information that does not relate to the current location or the present time.*

(*Id.* ¶ 5, emphasis added.)

In other words, Chew discloses identifying pertinent content from a database of the invention according to the user's profile information. Chew further discloses filtering information based on the user's current location. In view of the Examiner's finding that Chew discloses the disputed limitation and the Examiner's ultimate determination of obviousness, the Examiner has mapped the information Chew filters based on the user's location to the identified content from the database. (*See* Final Action 7–8; *see also* Answer 5–6.) Appellant does not persuasively argue why the Examiner erred, i.e., why the information that Chew filters based on the user's current location is not a subset of information from the database obtained based on “profile/preferences for a given mobile device user,” in accordance with claim 1.

In view of the above, we are not persuaded that the Examiner erred in rejecting claim 1 under § 103. Claims 1 and 11 are argued together and claim 11 contains similar language. Therefore, for the reasons discussed above, we are also not persuaded that the Examiner erred in rejecting claim 11. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2013). The dependent claims are not separately argued except as to their dependency on independent claims 1 and 11. (*See* Appeal Br. 13.)

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Application 12/016,827

DECISION

The Examiner's rejections of claims 1–7, 10–17, and 20–22 under 35 U.S.C. § 103(a) 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).

AFFIRMED