



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/609,059	09/10/2012	Robert Edwin Phillips	12060.0001-00000	1715
22852	7590	06/30/2016	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			CASLER, TRACI	
			ART UNIT	PAPER NUMBER
			3629	
			NOTIFICATION DATE	DELIVERY MODE
			06/30/2016	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

regional-desk@finnegan.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* ROBERT EDWIN PHILLIPS and MONICA CHANDRA

---

Appeal 2014-005444  
Application 13/609,059<sup>1</sup>  
Technology Center 3600

---

Before ANTON W. FETTING, JOSEPH A. FISCHETTI, and  
NINA L. MEDLOCK, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1, 3, 4, 7–9, 11–14, 16, 17, 19, 21, 22, 24, 27, and 29–32. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF DECISION

We REVERSE.

---

<sup>1</sup> Appellants identify Robert Edwin Phillips and Monica Chandra as the real party in interest. (Br. 3).

## THE INVENTION

Appellants claim “methods and systems for providing career advice to college students . . . by facilitating career network connections.” (Spec., para 1).

Claim 1 reproduced below, is representative of the subject matter on appeal.

1. A computer-implemented method, performed by one or more computing processors, of providing career advice to a college student, the method comprising:
  - receiving two or more user vocational interests of the college student, wherein
    - the two or more user vocational interests are selected by the college student from a list of vocational interests, and
    - each of the user vocational interests is associated with a vocational interest vector comprising six elements corresponding to Holland codes;
    - generating, by the one or more computing processors, a user interest vector associated with the college student based on averaging the vocational interest vectors associated with the two or more selected user vocational interests;
    - receiving two or more affiliate vocational interests of a college affiliate, wherein
      - the two or more affiliate vocational interests are selected by the college affiliate from a list of vocational interests, and
      - each affiliate vocational interest is associated with a vocational interest vector comprising six elements corresponding to Holland codes;
      - generating, by the one or more computing processors, an affiliate interest vector associated with the college affiliate based on averaging the vocational interest vectors associated with the two or more selected affiliate vocational interests;
      - computing, by the one or more computing processors, a distance between the user interest vector and the affiliate

interest vector based on a sum of squares of differences between each element of the user interest vector and a corresponding element of the affiliate interest vector; and  
generating a recommendation of an advice connection based on the computed distance.

## THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

The National Center for O\*NET Development, O\*NET® Interest Profiler Short Form Psychometric Characteristics: Summary (2010) (hereinafter “O\*NET Selvakummar”).

Patrick J. Rottinghaus, *Diverse Pathways of Psychology Majors: Vocational Interests, Self-Efficacy, and Intentions*; in *The Career Development Quarterly* 55, 1 (Sep 2006) and ProQuest Central 85 (hereinafter “Rottinghaus”).

The following rejections are before us for review.<sup>2</sup>

Claims 1, 3, 4, 7–9, 11–14, 16, 17, 19, 21, 22, 24, 27, and 29–32 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

---

<sup>2</sup> In the event of further prosecution of this application (including any review for allowance), the Examiner may wish to review the claims for compliance under 35 U.S.C. § 101 in light of the most recent Patent Office guidance on § 101 found in the May 4, 2016 Memorandum to the Examining Corps, titled “Formulating a Subject Matter Eligibility Rejection and Evaluating the Applicant’s Response to a Subject Matter Eligibility Rejection,” and the “July 2015 Update on Subject Matter Eligibility,” 80 Fed. Reg. 45429 (July 30, 2015), which supplements the “2014 Interim Guidance on Patent Subject Matter Eligibility,” 79 Fed. Reg. 74618 (Dec. 16, 2014), and the “Preliminary Examination Instructions in view of the Supreme Court Decision in *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.*,” Memorandum to the Examining Corps, June 25, 2014.

Appeal 2014-005444  
Application 13/609,059

Claims 1, 3, 4, 7–9, 11, 12, 14, 16, 17, 19, 21, 22, 24, 27, and 29–32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O\*NET Selvakummar and Rottinghaus.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over O\*NET Selvakummar and Rottinghaus, as applied to claims 1, 3, 4, 7–9, 11, 12, 14, 16, 17, 19, 21, 22, 24, 27, and 29–32 above, and further in view of Official Notice.

## ANALYSIS

### *35 U.S.C. § 112, First Paragraph Rejection*

We will not sustain the rejection of claims 1, 3, 4, 7–9, 11–14, 16, 17, 19, 21, 22, 24, 27, and 29–32 under 35 U.S.C. § 112, first paragraph.

The Examiner found that

The claims are directed to generating an interest vector based on the vocational interests of the users and the interest vectors are the “average of the vocational interests[.]” However the applicants claims state that the vocational interests are Holland Codes which are letter codes RIASEC of which are associated with the users interests. The disclosure in ¶ 20 states they are averaged however it is unclear how one would “average” a letter. Applicants (sic) claims do not assign a number but rather a code to the interests.

(Final Act. 2–3).

Appellants however argue that,

Nowhere do claims 1, 14, or 22 recite that “vocational interests are Holland codes, which are letter codes RIASEC,” as the Examiner asserts (emphasis added). *Id.* Instead, claims 1, 14, and 22 recite a vocational interest vector (not a vocational interest), which comprises “six elements that correspond to Holland codes” (not that the elements are actual Holland Code letters).

Appeal 2014-005444  
Application 13/609,059  
(Appeal Br. 8).

We agree with Appellants that because the claims use the term “correspond” and do not recite that the vectors are Holland codes, we find it reasonable from this claim language that the letter codes correspond to numerical values, and not that the letters themselves are numbers. We will thus not sustain the rejection under 35 U.S.C. § 112, first paragraph.

### 35 U.S.C. § 103 REJECTION

Each of independent claims 1, 14, and 22 requires in one form or another:

*generating, by the one or more computing processors, a user interest vector associated with the college student based on averaging the vocational interest vectors associated with the two or more selected user vocational interests;*

*receiving two or more affiliate vocational interests of a college affiliate, wherein the two or more affiliate vocational interests are selected by the college affiliate from a list of vocational interests, and*

*each affiliate vocational interest is associated with a vocational interest vector comprising six elements corresponding to Holland codes;*

*generating, by the one or more computing processors, an affiliate interest vector associated with the college affiliate based on averaging the vocational interest vectors associated with the two or more selected affiliate vocational interests; . . . .*

Appeal Br. 20 (Claims App’x).

The Examiner found that these limitations are disclosed by Rottinghaus in that:

The examiner notes an example of Personal inventory test is provide to show how one scores when two or categories score

the same for enablement purposes. The example test states it was derived from the 2008 inventory of ONET and when two scores are primary you are 'equally divided' (Read to mean averaged). It would have been obvious to one skilled in the art at the time of invention to combine Rottinghaus's means of measuring Holland Codes with ONET as the references are both directed towards improvement/solving the same problem of improving how to provide career guidance to individuals with the use of personal inventory skills.

(Final Act. 4).

We disagree with the Examiner. Although we find that the equally divided aspect of the Personal inventory test scores would meet the averaging limitation of the claims, the disclosure in Rottinghaus still does not equate to the claimed averaging is that of the vocational interest vectors selected for each of the user vocational interests and the affiliate vocational interests. Furthermore, nowhere in any of ONET, Rottinghaus and Selvakummar is there a disclosure of computing a distance between the user interest vector and the affiliate interest vector based on a sum of squares of differences between each element of the user interest vector and a corresponding element of the affiliate interest vector. At best, Rottinghaus discloses, at page 87, squared values of additional variables by intention group which exceed a threshold, but nothing is disclosed about these squared values being derived from the user interest vector and the affiliate interest vector as required by the independent claims.

Thus, we will not sustain the rejection of independent claims 1, 14, and 22.

Because claims 3, 4, 7–9, 11, 12, 16, 17, 19, 21, 24, 27, and 29–32 depend from one of claims 1, 14, and 22, and because we cannot sustain the rejection of claims 1, 14 and 22, the rejection of claims 3, 4, 7–9, 11, 12, 16, 17, 19, 21, 24, 27, and 29–32 likewise cannot be sustained.

Appeal 2014-005444  
Application 13/609,059

Claim 13 ultimately depends from claim 1. The rejection of claim 13 based on Official Notice, in combination with O\*NET Selvakummar and Rottinghaus, does not cure the deficiency in the Examiner's rejection of claim 1. Therefore, we also cannot sustain the Examiner's rejection of claim 13.

#### CONCLUSIONS OF LAW

We conclude the Examiner did err in rejecting claims 1, 3, 4, 7–9, 11–14, 16, 17, 19, 21, 22, 24, 27, and 29–32 under 35 U.S.C. § 112.

We conclude the Examiner did err in rejecting claims 1, 3, 4, 7–9, 11–14, 16, 17, 19, 21, 22, 24, 27, and, 29–32 under 35 U.S.C. § 103(a).

#### DECISION

The decision of the Examiner to reject claims 1, 3, 4, 7–9, 11–14, 16, 17, 19, 21, 22, 24, 27, and 29–32 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

REVERSED