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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 13/370,461, inventor Henry Yao-Tsu Chen, and examiner NAOREEN, NAZIA.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* HENRY YAO-TSU CHEN

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Appeal 2015-000595  
Application 13/370,461  
Technology Center 2400

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Before JOSEPH L. DIXON, JAMES R. HUGHES, and ERIC S. FRAHM,  
*Administrative Patent Judges.*

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL

### STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–16, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The invention relates to determining an identifying image for a social content source depending on a user's treatment of social content from the source (Spec. ¶ 11).

### CLAIMED SUBJECT MATTER

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method comprising:  
at a control circuit:  
monitoring treatment of incoming social content from a social content source to provide treatment information corresponding to the social content source, the treatment information indicating an extent to which incoming social content from the social content source was processed per a user's corresponding instruction; and  
using the treatment information to determine an identifying image to present for the social content source.

### REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Andreasson	US 2008/0278520 A1	Nov. 13, 2008
Johnson et al. ("Johnson")	US 7,885,948 B2	Feb. 8, 2011
Kim et al. ("Kim")	US 8,271,046 B2	Sept. 18, 2012
British Telecommunications	EPO 0 999 507 A1	May 10, 2000

## REJECTIONS

The Examiner made the following rejections:

Claims 1–4, 8–11, and 15 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Johnson and Kim.

Claims 5 and 12 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Johnson, Kim, and British Telecommunications.

Claims 6, 7, 13, 14, and 16 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Johnson, Kim, and Andreasson.

## ANALYSIS

Appellant contends “Johnson relates to tagging messages” and “in contrast to Johnson, the presently claimed subject matter is more properly viewed as pertaining to tagging *sources* as versus messages” (App. Br. 11). Appellant also contends “Kim does not provide any teaching relating to determining an avatar based on the ‘extent to which incoming social content from the social content source was processed per a user’s corresponding instruction’” (App. Br. 11). Rather, “Kim is content to modify the appearance of an avatar based upon how many times the user has called the other party and how many times the other party has called the user with no suggestion that it matters as to whether the call is actually answered” (App. Br. 12). We are not persuaded by Appellant’s arguments.

Johnson discloses detecting a user’s behavior relating to content from a particular source, and marking the content from the source with a priority ranking according to the behavior (*see* Johnson, Abstract; col. 1, ll. 47–67). In one example, Johnson describes that

each time a communication is received from Janet Jones, it is immediately opened and replied to (or another action taken). Observation component 310 can infer that there is a relationship between the recipient and Janet Jones (e.g., co-workers, boss/employee and so forth) and future communications from Janet Jones can be marked as important.

(Johnson, col. 6, ll. 13–19). Here, we find “Janet Jones” is a source of social content, and thus Johnson’s inferring a relationship and marking communications from “Janet Jones” as “important” meets the claim 1 limitation of “monitoring treatment of incoming social content from a social content source to provide treatment information corresponding to the social content source.” Further, Johnson’s marking of communications from “Janet Jones” as important based on how quickly the user opens and replies to such communications meets the claim 1 limitation of “the treatment information indicating an extent to which incoming social content from the social content source was processed per a user’s corresponding instruction.” Accordingly, we are not persuaded by Appellant’s argument that Johnson only relates to marking messages, as opposed to marking the source of messages (*see* App. Br. 11).

Kim discloses:

When a communication event such as making/receiving a call or sending/receiving a message occurs, a number of avatar images respectively corresponding to the parties of the communication event (such as a caller and a callee or a sender and a receiver) are displayed on the idle screen. The avatar images may be modified according to a characteristic of the communication event . . . .

(Kim, col. 7, ll. 54–60). We find Kim’s use of avatar images teaches determining “an identifying image to present for a social content source,” as recited in claim 1. Appellant’s argument that Kim’s avatar appearance is based only on call events, not a user’s treatment of call events (App. Br. 12;

Reply Br. 2), is not persuasive because the Examiner relies on Johnson for teaching “treatment information indicating an extent to which incoming social content from the social content source was processed per a user’s instruction,” as discussed above (Final Act. 2–3). The Examiner only needs to rely on Kim for teaching the determination of an identifying image for a social content source. Further, we agree with the Examiner that it would have been obvious to include Kim’s avatar in Johnson’s system to improve the means of communication of Johnson’s marking of source messages (Final Act. 3; Ans. 4). Appellant has not shown that using Kim’s avatar as a visual indication of the priority ranking of messages from sources in Johnson would have been “uniquely challenging or difficult for one of ordinary skill in the art.” *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007)).

We are, therefore, not persuaded the Examiner erred in rejecting claim 1, and claims 2–16 not specifically argued separately.

#### CONCLUSION

The Examiner did not err in rejecting claims 1–16 under 35 U.S.C. § 103(a).

#### DECISION

For the above reasons, the Examiner’s rejections of claims 1–16 are affirmed.

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Application 13/370,461

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