



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.
13/045,644	03/11/2011	William Hart-Davidson	3000.017US1	3326

21186 7590 08/31/2016  
SCHWEGMAN LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER
----------

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
----------	--------------

2456

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

08/31/2016

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):

uspto@slwip.com  
SLW@blackhillsip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* WILLIAM HART-DAVIDSON, JEFFREY GRABILL, and  
MICHAEL MCLEOD

---

Appeal 2015-002691  
Application 13/045,644  
Technology Center 2400

---

Before ALLEN R. MacDONALD, JOHN P. PINKERTON, and  
GARTH D. BAER, *Administrative Patent Judges*.

PINKERTON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–20, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

---

<sup>1</sup> The real party in interest identified by Appellants is the assignee, Board of Trustees of Michigan State University. Appeal Br. 2.

## STATEMENT OF THE CASE

### *Introduction*

Appellants' described and claimed invention relates generally to tracking and evaluating social writing activities. Abstract.

Claim 1 is representative and reads as follows (with the disputed limitation *emphasized*):

1. A method comprising:

monitoring content creation activities within a social software environment, *the monitoring including capturing a plurality of written artifacts produced by multiple users collaborating on creating a common piece of content;*

tracking social behaviors related to the content creation activities performed within the social software environment;

identifying activities of value associated with the content creation activities, *identifying activities of value includes evaluating the plurality of written artifacts and determining a sub-set of the plurality of written artifacts that contributed to the common piece of content;*

associating the activities of value with a complex activity to form a composite picture, the complex activity includes a series of tasks and an outcome, the outcome at least partially represented by some form of content created during the complex activity and including the common piece of content; and

providing an interface to present information related to the composite picture.

Appeal Br. 23 (Claims App.).

### *References*

Kott	US 2006/0190281 A1	Aug. 24, 2006
Beringer	US 2007/0276715 A1	Nov. 29, 2007
McCauley	US 2009/0070426 A1	Mar. 12, 2009

*Rejection on Appeal*

Claims 1–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kott, in view of Beringer, and further in view of McCauley.

*Issues on Appeal*

Appellants’ arguments in the Appeal Brief<sup>2</sup> and Reply Brief present us with the following issues:

1. Does the combination of Kott, Beringer, and McCauley teach or suggest “capturing a plurality of written artifacts produced by multiple users collaborating on creating a common piece of content,” and “evaluating the plurality of written artifacts and determining a sub-set of the plurality of written artifacts that contributed to the common piece of content,” as recited in claims 1, 9, and 13?
2. Does the combination of Kott, Beringer, and McCauley teach or suggest “identifying content reuse during the content creation activities related to the complex activity,” as recited in claim 2 and similarly recited in claim 14?

---

<sup>2</sup> Our Decision refers to the Final Office Action (mailed Nov. 21, 2013, “Final Act.”), Appellants’ Appeal Brief (filed July 21, 2014, “Appeal Br.”) and Reply Brief (filed Jan. 5, 2015, “Reply Br.”), the Examiner’s Answer (mailed Nov. 5, 2014, “Ans.”), and the original Specification (filed Mar. 11, 2011, “Spec.”).

3. Does the combination of Kott, Beringer, and McCauley teach or suggest “extracting written artifacts associated with the social behaviors,” as recited in claim 4 and similarly recited in claim 16?
4. Does the combination of Kott, Beringer, and McCauley teach or suggest “analyzing individual contributions to the content creation activities in relation to the outcome associated with the complex activity,” as recited in claim 6 and similarly recited in claim 18?
5. Does the combination of Kott, Beringer, and McCauley teach or suggest “tracking revisions, comments, content reuse, and feedback received from a plurality of users during the monitored content creation activities,” as recited in claim 7 and similarly recited in claim 19?
6. Does the combination of Kott, Beringer, and McCauley teach or suggest “a folksonomic tagging system to generate user-generated organizational categories and metadata associated with the content creation activities,” as recited in claim 10?

#### ANALYSIS

We are not persuaded by Appellants’ arguments that the Examiner has erred. Appeal Br. 10–22; Reply Br. 2–7. Unless otherwise indicated, we agree with, and adopt as our own, the Examiner’s findings and reasons as set forth in the Final Office Action from which this appeal is taken (Final

Act. 2–9) and the Examiner’s Answer (Ans. 2–11). For emphasis, we highlight specific arguments and findings as follows.

*Issue 1*

Appellants argue Kott and Beringer, whether considered individually or in combination, fail to teach or suggest “capturing a plurality of written artifacts produced by multiple users collaborating on creating a common piece of content,” as recited in claims 1, 9, and 13. Appeal Br. 15–16; Reply Br. 2–3. As argued by Appellants, neither Kott nor Beringer teach or suggest collaboration among users to create a common piece of content. Appeal Br. 15–16.

We do not find this argument persuasive. Appellants’ argument regarding the “capturing” limitation is directed to Kott and Beringer, but the Examiner relies on the combination of Kott, Beringer, and *McCauley* as teaching or suggesting this limitation. Final Act. 4–6; Ans. 2–8. Non-obviousness cannot be established by attacking references individually where the rejection is based upon the teachings of a combination of references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). The relevant inquiry is whether the claimed subject matter *would have been obvious* to those of ordinary skill in the art in light of the *combined* teachings of the references. *See In re Keller*, 642 F.2d 413, 425 (CCPA 1981).

Here, the Examiner finds Kott teaches monitoring a user’s behavior within a social network (e.g., network activity, posting messages, posting comments). Ans. 3 (citing Kott ¶¶ 33, 39, 58). The Examiner then relies on *McCauley* as teaching or suggesting an online project collaboration between users including contributing material, editing content, and commenting, where information associated with the contributed material (e.g., revisions,

versions, contributors) is tracked.<sup>3</sup> Ans. 3–4 (citing McCauley ¶¶ 56, 122); *see also* McCauley ¶ 77. As discussed below in greater detail with respect to McCauley, Appellants have not provided persuasive evidence or arguments to rebut these findings. Thus, we are not persuaded that the Examiner erred in finding the combination of Kott, Beringer, and McCauley teaches or suggests “capturing a plurality of written artifacts produced by multiple users collaborating on creating a common piece of content.”

Appellants further argue McCauley fails to teach or suggest “evaluating the plurality of written artifacts and determining a sub-set of the plurality of written artifacts that contributed to the common piece of content,” as recited in claims 1, 9, and 13<sup>4</sup>. Appeal Br. 16–17; Reply Br. 4. Instead, as argued by Appellants, McCauley merely teaches an online project collaboration module that “allegedly includes contributing material, editing content, a discussion and/or commenting,” an extra collaboration module that “may enable communication between external social communities,” and a tracking module that performs “rudimentary version tracking of documents” including “highlighting in different colors . . . in order to identify the changes made to an original version.” Appeal Br. 16–17; Reply Br. 4 (internal citations omitted).

We do not find this argument persuasive. We agree with the Examiner that McCauley teaches a track module that tracks information

---

<sup>3</sup> The Examiner further relies on Beringer as teaching or suggesting limitations not at issue in this appeal. Ans. 6–7 (citing Beringer ¶¶ 25 and 31).

<sup>4</sup> The Examiner conceded that Kott and Beringer, whether considered individually or in combination, fail to teach or suggest the aforementioned limitation. *See* Final Act. 5.

associated with contributed material of an online project and provides control over edits made by other users (e.g., contributors, co-editors, etc.) to a user's content. Ans. 3–4 (citing McCauley ¶¶ 56, 122); *see also* McCauley ¶ 77. As McCauley teaches tracking edits and other types of contributed material contributing to content of an online project, we agree with the Examiner that McCauley teaches or suggests evaluating a plurality of written artifacts and determining a sub-set of the written artifacts that contributed to a common piece of content. Thus, we are unpersuaded that the Examiner erred in finding the combination of Kott, Beringer, and McCauley teaches or suggests “evaluating the plurality of written artifacts and determining a sub-set of the plurality of written artifacts that contributed to the common piece of content.”

Appellants also argue that, without Appellants' claims as a roadmap, no person of ordinary skill in the art would have been motivated to make the Examiner's combination of references, as none of the cited references provide a rationale for the proffered combination. Appeal Br. 14; Reply Br. 5. We do not find this argument persuasive. The Supreme Court has rejected the rigid requirement of demonstrating a teaching, suggestion, or motivation to combine references in order to show obviousness. *KSR Int'l Co. v. Teleflex Co.*, 550 U.S. 398, 419 (2007). Instead, a rejection based on obviousness only needs to be supported by “some articulated reasoning with some rational underpinning” to combine known elements in the manner required by the claim. *Id.* at 418. Further, a combination of known elements according to known methods that does no more than yield predictable results is likely obvious to one of ordinary skill in the art. *Id.* at 416. The Examiner provided a rationale for combining the features of Kott, Beringer, and

McCauley (*see* Final Act. 5–6), while Appellants failed to either rebut this rationale or establish that the combination would yield more than predictable results. *See* Appeal Br. 14; *see also* Reply Br. 3–5.

Therefore, for at least the reasons described above, we sustain the Examiner’s rejection of claims 1, 9, and 13, as well as claims 3, 5, 8, 11–12, 15, 17, and 20, which are not argued separately.

*Issue 2*

Appellants argue the combination of Kott, Beringer, and McCauley fails to teach or suggest “identifying content reuse during the content creation activities related to the complex activity,” as recited in claim 2 and similarly recited in claim 14. Appeal Br. 17–18; Reply Br. 5–6. As argued by Appellants, paragraph 22 of Beringer discusses allowing a developer of workflows to use reusable blocks to create a desired workflow, and the “reuse” discussed by Beringer has nothing to do with content creation and is also not “identified . . . during the content creation activities related to [a] complex activity.” Appeal Br. 18; *see also* Reply Br. 5–6.

We do not find this argument persuasive. We agree with the Examiner that Beringer teaches modeling complex activity as workflows, where workflows include actions generated as reusable building blocks that define operations that are performed in the context of an activity. Ans. 8–9 (citing Beringer ¶¶ 22–23, 31). Neither Appellants’ claims, nor Appellants’ Specification, define “content creation activities” in a manner that distinguishes from the activities taught by Beringer. Further, we disagree with Appellants’ contention that the activities taught by Beringer do not include content creation, as Beringer further describes that a sub-set of the operations performed in a context of an activity include creating a purchase

order and creating a vendor record. *See* Beringer ¶ 31. Thus, we are unpersuaded that the Examiner erred in finding the combination of Kott, Beringer, and McCauley teaches or suggests “identifying content reuse during the content creation activities related to the complex activity.” Therefore, for at least the reasons described above, we sustain the Examiner’s rejection of claims 2 and 14.

*Issue 3*

Appellants argue the combination of Kott, Beringer, and McCauley fails to teach or suggest “extracting written artifacts associated with the social behaviors,” as recited in claim 4 and similarly recited in claim 16. Appeal Br. 18–19. As argued by Appellants, paragraph 58 of Kott discusses tracking exchanges of gifts, and tracking exchanges of gifts is not comparable to “extracting written artifacts associated with . . . social behaviors,” because merely tracking the exchange does not teach extracting a written artifact from the exchange. *Id.*

We do not find this argument persuasive. We agree with the Examiner that Kott teaches collecting data in connection with user behavior on a social network, where the collected data includes: content and frequency of user postings or comments, data of trades, gifts, or other exchanges; and data regarding user feedback or ratings. Final Act. 7 (citing Kott ¶ 58). Each of these enumerated data collections involves a written artifact that is extracted from the user interaction within the social network. Further, similar to “content creation activities,” neither Appellants’ claims, nor Appellants’ Specification, define “written artifacts” in a manner that distinguishes from the aforementioned data taught by Kott. Thus, we are unpersuaded that the Examiner erred in finding the combination of Kott,

Beringer, and McCauley teaches or suggests “extracting written artifacts associated with the social behaviors.” Therefore, for at least the reasons described above, we sustain the Examiner’s rejection of claims 4 and 16.

*Issue 4*

Appellants argue the combination of Kott, Beringer, and McCauley fails to teach or suggest “analyzing individual contributions to the content creation activities in relation to the outcome associated with the complex activity,” as recited in claim 6 and similarly recited in claim 18. Appeal Br. 19–20; Reply Br. 6. As argued by Appellants, paragraph 53 of Kott merely discusses monitoring activities associated with a gift, a trade, or a purchase of assets, and such activities are not content creation activities, let alone content creation activities leading to a creation of a common document. Appeal Br. 19–20. As also argued by Appellants, McCauley merely teaches tracking individual contributions to a project, and tracking individual contributions to a project does not necessarily involve “analyzing individual contributions to the content creation activities in relation to the outcome associated with the complex activity” because contributions can be tracked without any analysis in reference to an outcome. Reply Br. 6.

We do not find this argument persuasive. We agree with the Examiner that McCauley discloses a track module that tracks contributed materials to an online project, including tracking content contributors (i.e., individuals who have contributed material for a project). Ans. 9 (citing McCauley ¶¶ 77, 127). Thus, we are unpersuaded that the Examiner erred in finding the combination of Kott, Beringer, and McCauley teaches or suggests “analyzing individual contributions to the content creation activities

in relation to the outcome associated with the complex activity.”<sup>5</sup> Therefore, for at least the reasons described above, we sustain the Examiner’s rejection of claims 6 and 18.

*Issue 5*

Appellants argue the combination of Kott, Beringer, and McCauley fails to teach or suggest “tracking revisions, comments, content reuse, and feedback received from a plurality of users during the monitored content creation activities,” as recited in claim 7 and similarly recited in claim 19. Appeal Br. 20–21. As argued by Appellants, paragraph 58 of Kott merely discusses monitoring user activity on a social network, where such user activity includes user logon frequency, content and frequency of posting or comments, trades, gifting, and other exchanges, and where the cited paragraph fails to discuss “tracking revisions” or “content reuse.” *Id.*

We do not find this argument persuasive. Appellants’ argument is directed to Kott, but the Examiner relies on the combination of Kott, *Beringer, and McCauley* as teaching or *suggesting* this limitation. Final Act. 4–7; Ans. 2–10. We agree with the Examiner that Beringer teaches “content reuse” and that McCauley teaches “tracking revisions.” Final Act. 5; Ans. 7, 10. Thus, we are unpersuaded that the Examiner erred in finding the combination of Kott, Beringer, and McCauley teaches or suggests “tracking revisions, comments, content reuse, and feedback received from a plurality of users during the monitored content creation

---

<sup>5</sup> The Examiner also found paragraph 53 of Kott teaches or suggests the aforementioned limitation. *See* Final Act. 7. We take no position regarding this finding, as we agree with the Examiner that McCauley teaches or suggests the aforementioned limitation, for the reasons discussed above.

activities.” Therefore, for at least the reasons described above, we sustain the Examiner’s rejection of claims 7 and 19.

*Issue 6*

Appellants argue the combination of Kott, Beringer, and McCauley fails to teach or suggest “a folksonomic tagging system to generate user-generated organizational categories and metadata associated with the content creation activities,” as recited in claim 10. Appeal Br. 21–22. As argued by Appellants, paragraphs 33–34 of Kott merely discuss “categorizing” user behavior as “good” or “bad,” and the good and bad categories are not “user-generated organizational categories,” as recited in the claims. *Id.*

We do not find this argument persuasive. Instead, we agree with the Examiner that McCauley teaches user-generated organizational categories because McCauley discloses a tag module that generates tags associated with interest categories. Ans. 10–11 (citing McCauley ¶ 86). Thus, we are unpersuaded that the Examiner erred in finding the combination of Kott, Beringer, and McCauley teaches or suggests “a folksonomic tagging system to generate user-generated organizational categories and metadata associated with the content creation activities.”<sup>6</sup> Therefore, for at least the reasons described above, we sustain the Examiner’s rejection of claim 10.

---

<sup>6</sup> The Examiner also found paragraphs 33–34 of Kott teach or suggest the aforementioned limitation. *See* Final Act. 7. We take no position regarding this finding, as we agree with the Examiner that McCauley teaches or suggests the aforementioned limitation, for the reasons discussed above.

DECISION

We affirm the Examiner's decision rejecting claims 1–20 under 35 U.S.C. § 103(a).<sup>7</sup>

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

---

<sup>7</sup> Subsequent to the Examiner's Final Action, the Supreme Court in *Alice Corp., v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014) set forth a two-part test to determine compliance of a claim with 35 U.S.C. § 101. The Court held that a mere instruction to implement an abstract idea on a computer cannot impart patent eligibility. 134 S. Ct. at 2357–59. Should there be further prosecution of this application, we suggest that the Examiner re-review all pending claims in light of the Court's *Alice* decision and any subsequent agency guidance.