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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROOPNATH GRANDHI and NEELAKANTAN SUNDARESAN

Appeal 2015-005075
Application 12/484,154
Technology Center 2100

Before ELENI MANTIS MERCADER, KAMRAN JIVANI, and
ALEX S. YAP, *Administrative Patent Judges*.

YAP, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1–3, 5, 8, and 9,² which are all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b)

We affirm.

¹ According to Appellants, the real party in interest is eBay Inc. (App. Br. 2.)

² Claims 4, 6, and 7 were cancelled previously. (App. Br. 18.)

STATEMENT OF THE CASE

Introduction

Appellants' invention "relates generally to the field of network-based queries and, more specifically, to the field of search engines." (June 12, 2009 Specification ("Spec.") ¶ 2.) An example in the Specification describes an embodiment of the claimed invention as follows:

a search query is received. A search is performed based on the search query to obtain a list of items. A plurality of item sets is identified from the list of items based on a clustering technique. The plurality of item sets for the search query is indexed. An additional search query may be received. A search is performed based on the indexing of the plurality of item sets. A response to the search query is provided based on the performing of the search.

(Spec. ¶ 21.) As a further example, Claim 1 is reproduced below:

1. A network-based method for navigating search results provided by responses to queries comprising:
 - using at least one computer processor and computer storage,
 - receiving a plurality of search queries from client machines over a network;
 - performing, offline, the operations of,
 - performing searches based on the plurality of received search queries to obtain lists of items respectively corresponding to individual ones of the plurality of search queries;
 - detecting query contexts with which the search queries are respectively associated, the query contexts determined by detecting the use cases of the respective queries and comprising identification of the use cases;
 - mapping the lists of items to the respective query contexts;
 - applying a clustering algorithm to the lists of items via a clustering engine to provide clusters based on the

clustering algorithm;
 associating respective ones of the query contexts to individual clusters;
 generating a cluster index that maps the query contexts to associated cluster descriptions;
 in real time, receiving a search query associated with one of the query contexts;
 retrieving, from the cluster index, a cluster description that corresponds to the one of the query contexts; and
 providing a response to the real time search query, based on the one of the query contexts, the response comprising signals indicating a cluster description and at least one item in the cluster associated with the one of the query contexts.

Prior Art and Rejections on Appeal

The following table lists the prior art relied upon by the Examiner in rejecting the claims on appeal:

Wise	US 2002/0174051 A1	Nov. 21, 2002
Lin et al. ("Lin")	US 6,675,159 B1	Jan. 6, 2004
Gehrking et al. ("Gehrking")	US 2006/0242147 A1	Oct. 26, 2006

Claims 1–3, 5, and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin in view of Gehrking. (*See* Final Office Action (mailed June 13, 2014) ("Final Act.") 3–12.)

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin in view of Gehrking and further in view of Wise. (*See* Final Act. 12–13.)

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner has erred. We disagree with Appellants' positions. We adopt as our own the findings and reasons set forth by the Examiner in the action from which this appeal is taken and the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. (Ans. 4–8.) We further highlight and address specific findings and arguments for emphasis as follows.

Claims 1–3, 5, and 8

With respect to independent claims 1, 2, and 5, the Examiner finds that Lin teaches or suggests the following limitations:

detecting query contexts with which the search queries are respectively associated, the query contexts determined by detecting the use cases of the respective queries and comprising identification of the use cases;

...

in real time, receiving a search query associated with one of the query contexts.

(Final Act. 3–9.) Appellants contend that Lin does not teach or suggest these limitations because “*Lin*, at most, merely discuss [sic] receiving a search query associated with an **example document**, which is not disclosed to be equivalent to any identified **query predicates from a user query**.”

(App. Br. 11–12; Reply 2–5.) Appellants, however, fail to persuade us that the Examiner has erred. We agree with the Examiner that Lin teaches or suggests the limitations at issue. (Final Act. 3–9; Ans. 4–6.) For example, we agree with the Examiner that Lin teaches or suggests a system that can

identify query predicates from a user query and map the identified query predicates to the documents that are retrieved based on the user's query:

Documents are indexed by the predicates they contain, which are equivalent to user queries. Thus, two methods are provided for indexing new documents, both of which are realized in the component. *The first method involves the retrieval of new documents to answer user queries, which do not already have documents matched to them. The questions are parsed by the query ontological parser 120, which produces a set of predicate structures.* These predicates contain a plurality of keywords, which may be brokered to other search facilities *to retrieve their indexed documents relating to the user's query.*

(Lin, 20:20–30, emphasis added; Ans. 4–6.) We also agree with the Examiner that Lin teaches or suggests “receiving a later or subsequent user search query in real time online mode associated with one of the identified query predicate or context.” (*Id.*; *see, e.g.*, Lin, 20:10–12 (“In the document-indexing mode a search index is built to store documents as predicates, which can later be used to efficiently match user queries to indexed documents.”).)

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of independent claims 1, 2, and 5, and therefore sustain the 35 U.S.C. § 103 rejection of these claims. Appellants do not set forth any separate, substantive patentability arguments regarding claims 3 and 8, which depends from either claim 1 or 2. (App. Br. 12, 14.) Therefore, for the same reasons articulated above, Appellants' arguments do not persuade us that the Examiner erred in rejecting claims 3 and 8 and we also sustain the 35 U.S.C. § 103 rejections of these claims.

Claim 9

Claim 9 recites:

9. A network-based method to cluster search results, the method comprising:
 - receiving a plurality of search queries from one or more client machines over a network;
 - repeating an offline search based on the plurality of search queries to obtain lists of items;
 - providing the lists of items to a cluster engine and retrieving a plurality of clusters;
 - associating a respective cluster description and a respective cluster name with each of the plurality of clusters and storing the clusters in a database;
 - receiving an additional search query from a client machine;
 - identifying a cluster name for the additional search query based on a cluster description;
 - querying the database with the cluster description to identify a plurality of item sets from the plurality of clusters; and
 - providing a response to the additional search query based on querying the database, the response comprising signals indicating the cluster name which, when selected, indicates at least one item in the cluster associated with the cluster name.

The Examiner finds that while “Lin does not explicitly disclose associating a respective cluster description and a respective cluster name with each of the plurality of clusters[,] Gehrking discloses associating a respective cluster description and a respective cluster name with each of the plurality of clusters.” (Final Act. 11–12.) Appellants, however, contend:

even if Gehrking does disclose identifying a “proper [cluster] category” (e.g., cluster description) in response to a user search as alleged, *this would still be different from the subject matter of claim 9 which provides for identifying a cluster name in response to a user search portion.* Accordingly, since Gehrking, at most, discloses identifying a cluster description in response to a user

search, it does not disclose or suggest the features that the Examiner is relying on the reference for in the context of the present rejection.

(App. Br. 13, emphasis added, emphasis in original omitted; Reply 6–7.)

The Examiner disagrees and states that:

The Examiner has incorporated the Gehrking reference [to Lin] to teach associating a cluster description and a cluster name with each of the plurality of clusters. Gehrking teaches associating a cluster category description such as Art & Literature/Books & periodicals with a cluster identifier or name such as magazine or subscription. Gehrking discloses providing a cluster name with at least one item in the cluster associated with the cluster name (See Gehrking para. [0102]- para. [0105] and Figure 18 and 23).

(Ans. 8, emphasis omitted.) We are not persuaded that the Examiner has erred. We agree with the Examiner’s findings regarding Gehrking. In addition, “[o]ne cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references.” *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981).

For the foregoing reasons, we are not persuaded of Examiner error in the rejection of claim 9 and therefore sustain the 35 U.S.C. § 103 rejection of claim 9.

DECISION

We affirm the Examiner’s decision rejecting claims 1–3, 5, 8, and 9 under 35 U.S.C. §103(a).

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Application 12/484,154

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