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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 13/239,347 and 87851 7590, inventor Samuel Lessin, examiner NUNEZ, JORDANY, art unit 2171, and notification date 12/01/2016.

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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* SAMUEL LESSIN, WILLIAM JOSEPH FLYNN III,  
DANIEL KLATZKO GIBSON, BURAK GUZEL,  
DREW W. HAMLIN, JEFF HUANG, PAUL M. MCDONALD,  
STEFAN PARKER, ARUN VIJAYVERGIYA, JOSH WISEMAN,  
ZIZHUANG YANG, WEI ZHONG YEH, STEVEN YOUNG,  
RAYLENE KAY YUNG, and MARK E. ZUCKERBERG

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Appeal 2015-005739  
Application 13/239,347  
Technology Center 2100

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Before ELENI MANTIS MERCADER, CARL W. WHITEHEAD JR., and  
ADAM J. PYONIN, *Administrative Patent Judges*.

*Per Curiam*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–17 and 19. Claims 18 and 20 are canceled. Appeal Brief 25–30. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

## STATEMENT OF THE CASE

### *Introduction*

The invention is directed to a “display interface in a social networking system that enables the presentation of information related to a user in a timeline or map view.” Abstract.

### *Representative Claims (Disputed limitations emphasized)*

1. A method comprising:

accessing information about a plurality of items of narrative data related to users of a social networking system, each item of narrative data associated with a time and with a subject user of a social networking system, each item of narrative data including information indicative of at least one action performed by the subject user at a corresponding time;

selecting, for each of a plurality of time periods, one or more of the items of narrative data associated with a time within the time period;

generating a plurality of timeline units for each of the time periods based on the selected items of narrative data from the at least one time period;

*receiving, from a client device operated by a viewing user, a request for a profile page of the subject user comprising biographical information about the subject user; and*

responsive to receiving the request:

selecting a plurality of the generated timeline units,

*generating a timeline interface comprising visual representations of the selected plurality of timeline units organized by the corresponding time periods, and*

*sending, to the client device for display to the viewing user, the profile page for the subject user, the profile page comprising the generated timeline interface and the biographical information about the subject user.*

*Rejections on Appeal<sup>1</sup>*

Claims 1 and 14 stand provisionally rejected on the ground of nonstatutory double patenting over claims 1 and 14 of copending Application 13/239,355.<sup>2</sup> Final Rejection 2–6.

Claims 1, 6, 7, 9–11, 14–16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jiang (US 2009/0112467 A1; April 30, 2009), in view of Heinley (US 2008/0294663 A1; November 27, 2008). Final Rejection 6–12.

Claims 2, 4, and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jiang, in view of Heinley, and Barsook '223 (US 2009/0249223 A1; October 1, 2009). Final Rejection 12–14.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jiang, in view of Heinley, Barsook '223, and Barsook '359 (US 2009/0265359 A1; October 22, 2009). Final Rejection 14.

Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jiang, in view of Heinley and Fox (US 2011/0066606 A1; March 17, 2011). Final Rejection 15–16.

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<sup>1</sup> The Examiner has objected to claim 19 as depending from a canceled claim. *See* Final Rejection 2. Such objections are petitionable matters that we do not consider on appeal. *See, e.g.*, MPEP § 706.01 (“[T]he Board will not hear or decide issues pertaining to objections and formal matters which are not properly before the Board.”); *see also* MPEP § 1201. The Examiner also has objected to claim 15 as being a substantial duplicate of claim 18. *See* Final Rejection 6. Similarly, we do not consider this objection, but note that claim 18 has been canceled.

<sup>2</sup> Application 13/239,355 was the subject of Appeal 2015-001202, filed July 14, 2014, before the filing of this Appeal. However, Appellants’ Brief did not list Appeal 2015-001202 as a related appeal. *See* Appeal Brief 2.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jiang, in view of Heinley and Parker (US 2003/0009493 A1; January 9, 2003). Final Rejection 16–17.

#### ANALYSIS

Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Final Rejection (mailed May 16, 2014), the Appeal Brief (filed December 11, 2014), the Examiner’s Answer (mailed March 5, 2015), and the Reply Brief (filed May 5, 2015). We have considered in this decision only those arguments Appellants actually raised in the Briefs.

We have reviewed the Examiner’s rejections in light of Appellants’ arguments that the Examiner has erred. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner’s Answer in response to Appellants’ Appeal Brief, except where noted.

#### *Double Patenting Rejection*

Appellants do not argue the provisional rejection of claims 1 and 14 on the ground of nonstatutory obviousness-type double patenting. Appeal Brief 1–30. Therefore, we sustain, *pro-forma*, the Examiner’s double patenting rejection because Appellants did not address the merits of the rejection.

*Obviousness Rejections*

Regarding independent claim 1, Appellants argue the combination of Jiang and Heinley fails to disclose or suggest the claimed “receiving” limitation. Appeal Brief 6. Particularly, Appellants contend: (1) the rejection’s “interpretation of the term ‘profile page’ is inappropriately broad” (*see* Appeal Brief 6–7); the “user searches of Jiang are not a request for a profile page of any subject user” (*see* Appeal Brief 7–8); and Heinley discloses that “the user viewing the timeline pages is the viewing user whose timeline is being presented” rather than “the *profile* pages of *another* subject user” (*see* Appeal Brief 8–9).

We are not persuaded by Appellants’ arguments. The Examiner finds, and we agree, that Jiang is directed to “**events about which a group of people may wish to share information**” using a web page regarding a particular person, and as such, is encompassed by the claimed “profile page.” Answer 4, 5; Jiang Figure 7, Abstract, ¶ 10. The Examiner also finds, and we agree, that “Heinley shows creating and sharing a user’s networking profile.” Answer 7, citing Heinley ¶ 8; *see also* Heinley Figure 8.

Appellants’ arguments are unpersuasive, because Appellants attack the references individually.<sup>3</sup> One skilled in the art would consider the combination of elements of Figure 7 of Jiang and Figure 8 of Heinley as “an arrangement of users’ social networking data” (Specification ¶ 24), as both figures display sections “containing different types of information pertaining

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<sup>3</sup> “[O]ne cannot show non-obviousness by attacking references individually where . . . the rejections are based on combinations of references.” *In re Keller*, 642 F.2d 413, 426 (CCPA 1981).

to the user” (Specification ¶ 2), such as Jiang’s party map timeline or Heinley’s “timeline for use in a social network” (Heinley ¶ 26). Appellants’ argument that Heinley only contemplates a solitary user viewing his or her own timeline is contradicted by Heinley at paragraph 7 (“a user may display timelines for friends”) and also by Heinley Figure 5, in which other social network users are invited to leave comments regarding a timeline authored by one user in the social network.

Appellants argue Jiang fails to disclose or suggest the claimed “generating” limitation. Appeal Brief 10. Particularly, Appellants contend “Jiang’s interface does not display visual representations of **multiple timeline units organized by the corresponding time periods (e.g., chronologically)**” and that Jiang “does not display timeline units (or maps) for each of these time periods, let alone such units being organized by time in a ‘timeline interface’.” Appeal Brief 10–11.

We are not persuaded by Appellants’ arguments. The Examiner finds, and we agree, that Jiang’s “Friday,” “Saturday,” and “Sunday” tabs in Figure 7 are encompassed by the claimed “selected plurality of timeline units.” Answer 10. The Examiner also finds, and we agree, that Heinley teaches timeline generation in which “a user may select content from [the] photo website flickr and a blog to appear along the user’s timeline 612, and timeline units are created for each selected content.” Answer 10, citing Heinley ¶¶ 78, 81. Appellants’ arguments are unpersuasive, because Appellants attack the references individually. Appellants’ arguments that the combination of Jiang and Heinley fails to disclose or suggest the claimed “sending” limitation (*see* Appeal Brief 10–14) are substantially the same as the arguments listed above and are unpersuasive for the same reasons.

Appellants argue the Office Action has dissected the claims and reconstructed them in piecemeal fashion (*see* Appeal Brief 14–15), and that the Examiner “applies improper hindsight to construct the suggested combination of Jiang and Heinley.” Appeal Brief 15–16. We are not persuaded by Appellants’ arguments. The Examiner finds, and we agree, that Heinley alone may be relied on for generating timeline units using narrative data selected by the viewing user based on timing properties. Answer 16. The Examiner’s extensive mapping of the claim elements to both Jiang and Heinley (*see* Final Rejection 7–9) illustrates the teachings common to both references and is not indicative of a piecemeal examination. The Examiner finds, and we agree, one of ordinary skill would be motivated at the time of the invention to combine Heinley with Jiang “because a way to automatically create timelines for a series of events and thus avoid users having to manually create them would have been obtained and desired.” Final Rejection 9, citing Heinley ¶ 5. We conclude the Examiner’s articulated reasoning provides a rational underpinning to support the legal conclusion of obviousness. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). We find Appellants’ argument non-persuasive as it does not address or rebut the Examiner’s finding of a motivation to combine the references.

Accordingly, we affirm the Examiner’s obviousness rejection of independent claims 1 and 14, and claims 6, 7, 9–13, 15–17 and 19 that depend therefrom and are not separately argued. *See* Appeal Brief 17.

Appellants additionally argue the Examiner erred in the rejection of dependent claim 2, which recites “wherein the generated timeline interface enables the subject user to remove an individual timeline unit from the

timeline interface.” (Emphasis added). Appellants contend that in Barsook ’223, “a user may delete or remove a human user,” which “does not pertain to a timeline unit.” Appeal Brief 19. We are not persuaded by Appellants’ argument. The Examiner finds, and we agree, that deletion of “a participant and their associated participant content . . . has the effect of also removing from the display the timeline unit associated with the participant’s comments.” Answer 20, citing Barsook ¶¶ 49, 58. Thus, the combination of Jiang, Heinley, and Barsook ’223 “enables” the removal of an individual timeline unit, which is all the claim requires.

Appellants additionally argue the Examiner erred in the rejection of dependent claims 4 and 5, because in Barsook ’223, “a user may designate another **participant** as a favorite,” whereas “*the indication of a preference for an individual timeline unit*” of claim 4, or “or the selection of a timeline unit of claim 5” are “not merely the liking of or selection of any arbitrary content or data.” Appeal Brief 21–22. The Examiner finds, and we agree, that Barsook ’223 teaches “a participant and their associated participant content may be marked as a ‘favorite’ or may be ‘bounced’ or deleted.” Final Rejection 13, citing Barsook ’223 ¶ 58 and Fig. 22. Barsook ’223 additionally teaches a “mute button . . . for enabling/disabling the display of events associated with a participant.” Barsook ’223 ¶ 58. Appellants’ arguments do not persuade us the combination of cited references does not at least suggest the claims, as found by the Examiner (*see* Final Rejection 13 and Answer 21). An obviousness analysis “need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR*, 550 U.S. at 418. Here, one

skilled in the art would recognize the desirability of preferential timeline units to enable or disable the display of particular participant/content/event combinations.

Appellants additionally argue the Examiner erred in the rejection of dependent claim 8, because “Fox merely discloses that certain data may be eliminated from a search result set and the remaining data (data that was not eliminated) from the search result set be displayed” and that claim 8 requires “*adding to the selection a replacement timeline unit . . . having analogous characteristics.*” Appeal Brief 23–24. We are not persuaded by Appellants’ arguments. The Examiner finds, and we agree, that the combination of Jiang, Heinley, and Fox “teaches that a user may not have access privileges to a particular timeline unit, and that when the user searches for/ requests a timeline period that encompasses the non-accessible timeline unit, it would have been obvious to replace the non-accessible timeline unit, which is analogized to Fox’s excerpt.” Answer 23. Appellants’ argument that the replacement timeline unit have “analogous characteristics” is not commensurate with the scope of the claim, which only requires a “replacement” timeline unit be added.

Accordingly, we affirm the Examiner’s obviousness rejections of dependent claims 2, 4, 5, and 8, and dependent claim 3 not separately argued.

## DECISION

We affirm the Examiner’s obviousness rejections of claims 1–17 and 19.

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Application 13/239,347

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED