



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.
13/729,463	12/28/2012	DAVID E. KLEIN	CM15653	6470
22917	7590	12/13/2016	EXAMINER	
MOTOROLA SOLUTIONS, INC.			WOLDEMARIAM, AYELE F	
IP Law Docketing			ART UNIT	
500 W. Monroe			PAPER NUMBER	
43rd Floor			2447	
Chicago, IL 60661			NOTIFICATION DATE	
			DELIVERY MODE	
			12/13/2016	
			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):

USAdocketing@motorolasolutions.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID E. KLEIN, KENNETH W. DOUROS,
CRAIG A. JANSSEN, and STEVEN J. NOWLAN

Appeal 2015-006109
Application 13/729,463
Technology Center 2400

Before JASON V. MORGAN, NABEEL U. KHAN, and
KAMRAN JIVANI, *Administrative Patent Judges*.

JIVANI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ seek our review, under 35 U.S.C. § 134(a), of the Examiner's final decisions rejecting claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ According to Appellants, the real party in interest is Motorola Solutions, Inc. Br. 2.

STATEMENT OF THE CASE

The present application relates to aggregating and analyzing social media content. Spec. 1:4–5.

Claim 1 is illustrative of disputed subject matter and reproduced below.

1. A method for analyzing social media, the method comprising:

assembling a cluster of a plurality of social media contents, wherein each social media content of the plurality of social media contents has one or more associated attributes;

determining weights in association with the social media contents included in the cluster;

determining a reliability level of the cluster based on the determined weights; and

dispatching personnel to a location based on the social media content and the reliability level of the cluster.

The Rejections

Claims 1–6, 10–16, and 20 stand rejected, under 35 U.S.C. § 103(a), as obvious over Van Hoff (US 2013/0097186 A1; Apr. 18, 2013) and Neff (US 2013/0086163 A1; Apr. 4, 2013).

Claims 7–9 and 17–19 stand rejected, under 35 U.S.C. § 103(a), as obvious over Van Hoff, Neff, and Mathur (US 2010/0287033 A1; Nov. 11, 2010).

ANALYSIS

Appellants contend Van Hoff fails to teach or suggest the claimed “determining a reliability level” because the cited disclosure of Van Hoff instead teaches determining a relevance level. Br. 4. According to Appellants, “‘reliability’ does not mean ‘relevance.’” *Id.* at 6. In support of this argument, Appellants cite the following dictionary definitions:

“Reliability” is defined by www.dictionary.com to mean “the ability to be relied on or depended on, as for accuracy, honesty, or achievement.” In contrast, the term “relevant” is defined by www.dictionary.com to mean “bearing upon or connected with the matter in hand.”

Id. at 7 (emphasis omitted).

We have considered Appellants’ argument in the Appeal Brief as well as the Examiner’s Answer thereto. We are not persuaded by Appellants’ argument for at least the following reasons.

Initially, as a matter of claim construction, we find Appellants have not defined explicitly the term “reliability level” in the claim or the Specification. We apply the broadest reasonable interpretation of claim terms, consistent with the specification, as would be understood by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). Where, as here, the Specification does not explicitly define a term, the term should be given its ordinary meaning. *See In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989); *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). We note the Specification provides examples of determining correct information from erroneous or misleading information by attributing scores to content based on the identity of the

content creator, location of the creator, time the content was created and posted, etc. *See* Spec. 1:10–12, 8:12–27, 9:27–10:25.

The Examiner finds Van Hoff’s scoring of social media content according to relevance factors meets the determining a reliability level. Final Act. 3 (citing Van Hoff, ¶ 35); Ans. 8–9. The method of Van Hoff includes attributing scores to content based on relevance factors that are similar to those described in Appellants’ Specification for determining the claimed reliability level, including the identity of the content creator, time the content was created and posted, the “quality” and “completeness” of the content, etc. Van Hoff, ¶¶ 35, 38–43. Appellants fail to explain persuasively in the record before us why one of ordinary skill in the art would not understand Van Hoff’s determination of relevance based on a score of weighted factors as suggesting, at minimum, the claimed determination of a reliability level based on assigned weights. We note the skilled artisan is “a person of ordinary creativity, not an automaton.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 421 (2007).

Accordingly, we sustain the Examiner’s 35 U.S.C. § 103(a) rejection of illustrative claim 1. Appellants advance no further arguments concerning claims 2–20. *See* App. Br. 4–9. Accordingly, we sustain the Examiner’s 35 U.S.C. § 103(a) rejections of claims 2–20. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We affirm the Examiner’s decisions rejecting claims 1–20.

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