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pair_avaya@firsttofile.com
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID L. CHAVEZ and LARRY J. HARDOUIN

Appeal 2015-006310
Application 12/899,683¹
Technology Center 2600

Before KRISTEN L. DROESCH, KAMRAN JIVANI, and
JOHN D. HAMANN, *Administrative Patent Judges*.

HAMANN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants file this appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 3–19, 21, and 22. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

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

THE CLAIMED INVENTION

Appellants' claimed invention relates to generating a transcript from a conversation between users, and, *inter alia*, querying a definition source for a definition for a word in the transcript, and displaying the definition. *See* Abstract. Claim 1 is illustrative of the subject matter of the appeal and is reproduced below.

1. A method of operating a communication system, comprising:

generating a transcript of at least a portion of a conversation between a plurality of users, the transcript including a plurality of subsets of characters;

displaying the transcript on a plurality of communication devices;

identifying an occurrence of at least one selected subset of characters from the plurality of subsets of characters;

determining a context of the conversation from subsets of the plurality of subsets of characters other than the at least one selected subset;

selecting the definition source from a plurality of definition sources based at least in part on the determined context;

querying the definition source for at least one definition for the selected subset of characters; and

displaying the definition for the selected subset of characters on the plurality of communication devices.

REJECTIONS ON APPEAL

(1) The Examiner rejected claims 1, 3, 5–8, 10–19, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Mikan et al. (US 2010/0158213 A1; published June 24, 2010) (hereinafter “Mikan”) and Charlier et al. (US 7,844,460 B2; issued Nov. 30, 2010) (hereinafter “Charlier”).

(2) The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Mikan, Charlier, and Gallagher et al. (US 2009/0063134 A1; published Mar. 5, 2009).

(3) The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Mikan, Charlier, and Phillips (US 2010/0106497 A1; published Apr. 29, 2010).

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' contentions that the Examiner erred. In reaching our decision, we consider all evidence presented and all arguments made by Appellants.

We disagree with Appellants' arguments, and we incorporate herein and adopt as our own the findings, conclusions, and reasons set forth by the Examiner in (1) the July 3, 2014 Final Office Action ("Final Act." 2–19) and (2) the April 8, 2015 Examiner's Answer (Ans. 2–6). We highlight and address, however, specific findings and arguments below for emphasis.

(1) Selecting definition source and querying for a definition

Appellants argue the combination of Mikan and Charlier, and Charlier in particular, fails to teach or suggest for claim 1 the limitations of "selecting the definition source from a plurality of definition sources based at least in part on the determined context; [and] querying the definition source for at least one definition for the selected subset of characters." See App. Br. 7–8; Reply Br. 2. Specifically, Appellants argue these steps must be performed in order and argue Charlier fails to teach or suggest "*determining a definition source from a plurality of sources **prior to making the search.***" App. Br. 7 (bold emphasis added). Appellants then contend Charlier instead teaches or

suggests (i) searching multimedia for key terms, and then (ii) filtering the multimedia using a correlation threshold. *See* App. Br. 7 (citing Charlier col. 3, ll. 41–49; col. 4, ll. 31–44). Appellants further argue “multimedia is retrieved using a search engine, [but] the multimedia itself is never used as a definition source that can be queried to determine a definition for a subset of characters.” *See* Reply Br. 2.

The Examiner finds, and we agree, the combination, and Charlier in particular, teaches or suggests the disputed limitations. *See* Ans. 3–4; *see also* Final Act. 9 (citing col. 3, ll. 41–49; col. 4, ll. 31–44, 52–58). The Examiner finds claim 1 does not require determining the definition source prior to searching a definition source for definitions, as Appellants contend. *See* Ans. 3 (finding “such a limitation is not found anywhere within the language of claim 1”). We agree with this finding. “Unless the steps of a method actually recite an order, the steps are not ordinarily construed to require one.” *Interactive Gift Express, Inc. v. CompuServe Inc.*, 231 F.3d 859, 875 (Fed. Cir. 2000).

The Examiner further finds, and we agree, Charlier teaches or suggests searching for multimedia sources, such as text, audio, or video, pertaining to the key terms (i.e., selected character subsets), which provides “definition[s] in of itself.” *See* Ans. 4 (citing Charlier col. 3, ll. 41–49, 52–57); *see also id.* (citing Charlier col. 4, ll. 31–34) (finding “such media helps to illustrate the meaning of the key terms”); Final Act. 9. We also note that the Specification provides that the results of an internet search can be a definition source. Spec. ¶ 28.

The Examiner also finds, and we agree, Charlier teaches or suggests selecting which definition(s) from the searched multimedia sources to

provide to the user based on a required correlation between the media source and key term, and this selection includes selecting the definition source, as claimed. *See* Ans. 4 (citing Charlier col. 4, ll. 31–44); Final Act. 9.

(2) *Determining a context*

Appellants argue the combination of references, and Charlier in particular, fails to teach or suggest “determin[ing] a context of the conversation from subsets of the plurality of subsets of characters other than the at least one selected subset,” as recited in claim 15. App. Br. 8. Specifically, Appellants argue Charlier instead teaches “determining whether a listener is familiar with a key term based upon analysis of **previous conversations.**” *Id.* (citing Charlier col. 2, l. 66 to col. 3, l. 4; col. 4, ll. 28–34) (emphasis added).

The Examiner finds, and we agree, Charlier teaches this disputed limitation. *See* Ans. 5. Specifically, the Examiner finds, and we agree, Charlier teaches determining context utilizing character subsets of the instant conversation, including when the user or the topic is new to the system. *See id.* (citing Charlier col. 4, ll. 4–20; col. 8, ll. 6–19).

CONCLUSION

Based on our findings above, we sustain the Examiner’s rejections of claims 1, 15, and 19, for which Appellants contend the above arguments apply. We also sustain the Examiner’s rejections of the remaining claims on appeal, for which Appellants did not provide separate arguments.

DECISION

We affirm the Examiner’s rejections of claims 1, 3–19, 21, and 22.

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Application 12/899,683

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