



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/795,580 06/07/2010 Ming C. Hao 82259696 1221

56436 7590 11/28/2016
Hewlett Packard Enterprise
3404 E. Harmony Road
Mail Stop 79
Fort Collins, CO 80528

EXAMINER

WANG, JIN CHENG

ART UNIT PAPER NUMBER

2618

NOTIFICATION DATE DELIVERY MODE

11/28/2016

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):

hpe.ip.mail@hpe.com
mkraft@hpe.com
chris.mania@hpe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MING C. HAO, UMESHWAR DAYAL and
RAM RANGANATHAN

Appeal 2015-006914
Application 12/795,580
Technology Center 2600

Before ROBERT E. NAPPI, KALYAN K. DESHPANDE, and
DAVID M. KOHUT, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE¹

Appellants seek review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 21–36.² We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

We AFFIRM.

¹ Our Decision makes reference to Appellants' Reply Brief ("Reply Br.," filed July 13, 2015), and Appeal Brief ("App. Br.," filed January 26, 2015), and the Examiner's Answer ("Ans.," mailed May 12, 2015) and Final Office Action ("Final Act.," mailed August 29, 2014).

² Claims 1–20 were cancelled previously.

INVENTION

Appellants' invention is directed to methods for correlating temporal data. Spec. 2:23–25.

An understanding of the invention can be derived from a reading of exemplary claim 21.

21. A method comprising:

for each data source of a plurality of data sources, identifying a plurality of attributes located within the given data source, by a processor, where different attributes are located within different data sources, each data source comprising a plurality of measurements, each measurement for a corresponding attribute at a measuring period of time;

receiving, by the processor, selection of a plurality of selected attributes from the attributes identified within the data sources;

generating, by the processor, a plurality of quantified display attributes by combining the selected attributes according to a combination criteria, the quantified display attributes providing for comparisons of values of the selected attributes;

synchronizing, by the processor, timestamps of the measurements for the selected attributes by adjusting the timestamps so that the measurements taken at different times and with same measuring periods of time appear at a same temporal location on a timeline; and

displaying, by the processor, a grid of graphical cells corresponding to and graphically representing the quantified display attributes, the grid having a first axis and a second axis, the first axis corresponding to the selected attributes, the second axis corresponding to the timeline, each graphical cell representing a value of one of the selected attributes at a time on the timeline.

REFERENCES

Rao (“Rao ’056”)

US 6,581,056 B1

June 17, 2003

Rao (“Rao ‘312”)	US 6,628,312 B1	Sept. 30, 2003
Stolte	US 2004/0243593 A1	Dec. 2, 2004
Hanrahan	US 2006/0206512 A1	Sept. 14, 2006
Malkin (“Malkin ’808”)	US 2008/0046808 A1	Feb. 21, 2008
Malkin (“Malkin ’568”)	US 2008/0235568 A1	Sept. 25, 2008
Hao (“Hao ’664”)	US 2009/0033664 A1	Feb. 5, 2009
Hao (“Hao ’203”)	US 7,760,203 B1	July 20, 2010

REJECTIONS

Claims 21–36 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Hanrahan, Hao ’664, Stolte, Rao ’056, Rao ’312, Malkin ’568, and Malkin ’808. Final Act. 4–30.

Claims 21–36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hao ’203. Final Act. 31–38.

ISSUE

With respect to the rejection of claims 21–36, the issue is whether the Examiner erred in finding Hanrahan or Hao ’664 teaches “synchronizing . . . timestamps . . . by adjusting the timestamps so that the measurements taken at different times . . . appear at a same temporal location on a timeline.”

ANALYSIS

Claims 21–36 rejected under 35 U.S.C. § 103 (a) as unpatentable over Hanrahan, Hao ’664, Stolte, Rao ’056, Rao ’312, Malkin ’568, and Malkin ’808

Appellants argue that neither Hanrahan, nor Hao ’664, teaches adjusting measurement timestamps taken at different times as recited in independent claim 21. App. Br. 4–6; Reply Br. 2–4. Specifically,

Appellants argue that Hanrahan and Hao '664 fail to teach altering the measurements' timestamps through synchronization, but instead teach aggregating or collapsing multiple measurements taken at different times to the same temporal location on a timeline. App. Br. 4–6 (citing Hanrahan ¶¶ 49–50, 77–80, 183, 304, Figs. 10A, 14, 19; Hao '664 ¶ 29, Figs. 5A, 6A); Reply Br. 2–4.

We disagree with Appellants. Claim 21 recites “synchronizing, by the processor, timestamps of the measurements for the selected attributes by adjusting the timestamps so that the measurements taken at different times and with same measuring periods of time appear at a same temporal location on a timeline.” As such, claim 21 defines “synchronizing” timestamps to require “adjusting” timestamps. Claim 21 further defines “adjusting the timestamps” as taking timestamps of measurements taken at different times and having the timestamped measurements “appear at the same temporal location on a timeline.” Thus, according to the intrinsic evidence provided in claim 21, “adjusting the timestamps” means taking different timestamped measurements and having the measurements appear at the same temporal location on a timeline. This construction is consistent with the Specification, which describes the synchronization process as adjusting the timestamps of various measurements by displaying the measurements at the same location on a timeline. Spec. 7:13–21, Fig. 2. Appellants argue that “adjusting the timestamps” requires altering the timestamps so that the timestamps all read the same time; however, Appellants' extrinsic evidence of the plain and ordinary meaning of “adjusting the timestamps” is inconsistent with the intrinsic evidence provided in claim 21 and the Specification, and, accordingly, we construe this limitation according to the intrinsic

evidence.^{3,4} *See* App. Br. 6; *see also* Reply Br. 2–4. Accordingly, based upon the intrinsic evidence provided in claim 21 and the Specification, the definition “adjusting the timestamps” merely requires displaying measurements taken at different times at the same temporal location on a timeline.

The Examiner finds that Hanrahan teaches aggregating timestamps of measurements taken at different times by hierarchically compressing the timestamps of the measurements so that the timestamped measurements appear at the same temporal location on a timeline. Final Act. 10–11 (citing Hanrahan ¶¶ 49–50, 77–80, 183, 304, Figs. 10A, 10B, 14, 19); Ans. 5–11. The Examiner finds that the measurements and their corresponding timestamps for days within a given month are adjusted by being aggregated and graphically shown at a single location on a timeline for the month, months within a quarter, or quarters within a year, etc. *See* Final Act. 10–11; Ans. 5–11; *see also* Hanrahan ¶¶ 77–80; Figs. 3, 16. The Examiner finds that these teachings of Hanrahan are encompassed by the broadest reasonable interpretation of “adjusting the timestamps,” as discussed above. Accordingly, Hanrahan teaches “adjusting the timestamps [by aggregation] so that the measurements taken at different time[s] and with same measuring periods of time appear at the same temporal location on a timeline,” as required by claim 21. Final Act. 10.

³ “[E]xtrinsic evidence is not irrelevant, but has relatively little probative value in view of the prevailing intrinsic evidence.” *Tempo Lighting, Inc. v. Tivoli, LLC*, 742 F.3d 973, 977 (Fed. Cir. 2014).

⁴ Extrinsic evidence may be considered during claim construction; however, extrinsic evidence should not be “used to contradict claim meaning that is unambiguous in light of the intrinsic evidence.” *Phillips v. AWH, Corp.*, 415 F.3d 1303, 1324 (Fed. Cir. 2005) (en banc).

Similarly, the Examiner finds that Hao '664 teaches “adjusting the timestamp,” because Hao '664 teaches collapsing timestamped measurements taken at different times and displaying them at a single temporal location on a timeline. Final Act. 13–14 (citing Hao '664 ¶ 29, Figs. 5A–5B, 6A–6C). The Examiner finds that the measurements and their corresponding timestamps for minutes within a given day or days within a month are adjusted by being collapsed into a single location on a timeline. *Id.* at 14. As such, Hao '664 teaches collapsing timestamped measurements in the same way that Hanrahan teaches aggregating measurements by displaying the measurements at a single temporal location on a timeline. Accordingly, we agree with the Examiner’s findings because collapsing timestamped measurements, like the aggregation of timestamps in Hanrahan, teaches “adjusting the timestamps” by displaying measurements taken at different times at the same temporal location on a timeline, as required by claim 21. *See id.*

Accordingly, we sustain the Examiner’s rejection of independent claim 21. Appellants argue that dependent claims 22–36 are patentable for the same reasons as their independent claim. App. Br. 3. As such, we sustain the Examiner’s rejection of these claims for the reasons discussed above in our analysis of claim 21.

Claims 21–36 rejected under 35 U.S.C. § 102(e) as being anticipated by Hao '203

The Examiner finds Hao '203 anticipates claims 21–36. Final Act. 31–38. Appellants do not argue separately the Examiner’s rejection of claims 21–36 as being anticipated by Hao '203. *See App. Br. 3; see also*

Ans. 12. Appellants' arguments regarding the obviousness rejection based upon the combination of Hanrahan, Hao '664, Stolte, Rao '056, Rao '312, Malkin '568, and Malkin '808 do not apply to the Examiner's anticipation rejection based upon Hao '203 as it based upon different evidence.

Accordingly, we summarily sustain the Examiner's anticipatory rejection of claims 21–36.

CONCLUSION

The Examiner did not err in rejecting claims 21–36 under 35 U.S.C. § 103(a) as unpatentable over Hanrahan, Hao '664, Stolte, Rao '056, Rao '312, Malkin '568, and Malkin '808.

The Examiner did not err in rejecting claims 21–36 under 35 U.S.C. § 102(e) as being anticipated by Hao '203.

DECISION

To summarize, the rejections of claims 21–36 are affirmed.

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