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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NITYA NARASIMHAN, YAN LIU, and
GREGORY L. SINGER

Appeal 2015-008060
Application 13/314,230
Technology Center 2100

Before DEBRA K. STEPHENS, IRVIN E. BRANCH, and
DAVID J. CUTITTA II, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1–27. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

STATEMENT OF THE INVENTION

According to Appellants, the claims are directed to a method and apparatus that collects and uploads implicit event data corresponding to an explicit event based on dependency rules (Abstract; Spec. ¶ 1). Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method of collecting and uploading implicit analytic data, the method comprising the steps of:

storing dependency rules corresponding explicit events to implicit events;

collecting, at a communication device, implicit event data corresponding to implicit events generated by a user;

receiving an explicit event generated by the user at the communication device;

evaluating dependency rules corresponding to the explicit event, wherein the dependency rules are determined from historical usage of the communication device;

identifying a relevant subset of the implicit event data and corresponding to the explicit event based on evaluating the dependency rules;

uploading, from the communication device, the relevant subset of the implicit event data and explicit event data corresponding to the explicit event;

determining a high probability of a select subset of implicit event data that corresponds to the explicit event based on the historical usage of the communication device; and

deferring the uploading of the select subset of the implicit event data in response to determining a high probability of a select subset of implicit event data corresponding to the explicit event.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Glance	US 6,947,922 B1	Sep. 20, 2005
Chakrabarti	US 8,090,621 B1	Jan. 3, 2012
Benko	US 2011/0227947 A1	Sep. 22, 2011

REJECTIONS

Claims 1–21 and 25–27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Glance and Chakrabarti (Final Act. 3–10).

Claims 22–24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Glance, Chakrabarti, and Benko (Final Act. 11–12).

ISSUES

35 U.S.C. § 103(a): Claims 1–21 and 25–27

Appellants contend their invention as recited in claims 1–21 and 25–27, is not obvious over Glance and Chakrabarti (App. Br. 10–11). The issues presented by the arguments are:

Issue 1: Has the Examiner shown the combination of Glance and Chakrabarti teaches, suggests, or otherwise renders obvious “deferring the uploading of the select subset of the implicit event data in response to determining a high probability of a select subset of implicit event data corresponding to the explicit event,” as recited in independent claim 1 and commensurately recited in independent claim 14?

Issue 2: Has the Examiner shown the combination of Glance and Chakrabarti teaches, suggests, or otherwise renders obvious “personalizing

the dependency rules based on the implicit event data collected at the least one user device,” as recited in independent claim 26?

ANALYSIS

Appellants argue amended claim 1 is not taught by Chakrabarti because “Chakrabarti describes a ‘web-based electronic catalog system 100 that provides functionality for users to browse and make purchases from an electronic catalog of items’ such as ‘book, music, and video titles’” (App. Br. 10). Further, Chakrabarti teaches the system records user-generated events and generates and returns ranked lists of recommended items (*id.*). According to Appellants, Chakrabarti describes *logging* a set of recommendation events that identify recommended items and the rules that led to the recommendation (*id.*). Thus, Appellants assert, Chakrabarti does not teach deferring the uploading, as recited but instead, describes logging a set of recommendation events (*id.*). Additionally, Appellants argue Chakrabarti teaches analyzing collected feedback data at various frequencies but this does not teach deferring uploading (Rely Br. 2).

Initially, as a matter of claim construction, we note neither the amount of time of deferral nor to where the uploading occurs, is recited. Chakrabarti teaches “[e]ach time a recommendation page is generated and returned, the system logs a set of recommendation events identifying the recommended items listed on the page and the recommendation rule(s) that led to each such recommendation” (Chakrabarti, 11:46–50). The recommendation events and feedback events may be recorded in a log file, in a relational database, or in any other type of data repository (*id.* at 11:53–56). Implicit feedback may be considered when the system detects some types of implicit feedback

events by analyzing user clickstreams or event histories (*id.* at 11:57–59). The Examiner identifies Chakrabarti’s teaching of analyzing the collected feedback data on a relatively infrequent basis, such as daily or weekly (Ans. 4; Chakrabarti, 9:42–48). However, we agree with Appellants that this does not teach deferring the uploading of the select subset. Instead, this teaches analyzing the data on an infrequent basis. Appellants have persuaded us the Examiner has not sufficiently shown Chakrabarti teaches or at least suggests deferring the uploading of the feedback events (select subset of the implicit event data). It follows, Appellants have persuaded us the Examiner has not shown the combination of Glance and Chakrabarti teaches or at least suggests “deferring the uploading of the select subset of the implicit event data in response to determining a high probability of a select subset of implicit event data corresponding to the explicit event,” as recited in claim 1 and commensurately recited in claim 14.

Next, Appellants argue the combination of Glance and Chakrabarti does not teach or suggest “personalizing the dependency rules based on the implicit event data collected at the least one user device,” as recited in claim 26 (App. Br. 13). According to Appellants, Chakrabarti teaches presenting item recommendations to a user via a recommendation user interface, but not sending dependency rules to a user device as required by claim 26 (*id.*). Moreover, Appellants contend, Glance does not disclose “personalizing the dependency rules *based on* the implicit event data collected at the at least one user device” (Reply 3).

Glance teaches using one of three algorithms (or a combination of the three) for transforming user interaction histories into implicit ratings (Glance 5:27–29). The Examiner interprets the algorithms as dependency rules to

personalize user interaction histories into implicit ratings (Ans. 6). We agree the algorithms “identify a relevant subset of implicit event data generated by a user corresponding to an explicit event generated by the user at a user device,” as recited in claim 26. Specifically, we find the first algorithm

transforms interaction histories into implicit ratings by taking into account recency and frequency of access of the items [t]he second algorithm uses normalized total time spent accessing the items to calculate implicit ratings [t]he third algorithm performs a binary classification: accessed items are mapped onto “1”; non-accessed items are by default “0”

(Glance, 5:30–42). Thus, we agree with the Examiner that the dependency rules are based on the implicit event data collected at the at least one user device. However, we are persuaded by Appellants’ arguments that these algorithms are not personalized based on the implicit event data collected at the device (App. Br. 13; Reply Br. 3). Indeed, the Examiner has not shown Glance’s algorithms themselves are modified.

Because we agree with at least one of the arguments advanced by Appellants, we need not reach the merits of Appellants’ other arguments regarding claim 26.

Accordingly, we are persuaded the combination of Glance and Chakrabarti fails to teach, suggest, or otherwise render obvious the limitations as recited in claims 1, 14, and 26. Dependent claims 2–13, 15–21, 25, and 27 stand with their respective independent claims. Therefore, we cannot sustain the rejection of claims 1–21 and 25–27 under 35 U.S.C. § 103(a) for obviousness over Glance and Chakrabarti.

35 U.S.C. § 103(a): Claims 22–24

Claims 22–24 depend from independent claim 14. The Examiner has not shown Benko cures the deficiencies of Gance and Chakrabarti. Therefore, we cannot sustain the rejection of claims 22–24 under 35 U.S.C. § 103(a) for obviousness over Gance, Chakrabarti, and Benko.

DECISION

The Examiner’s rejection of claims 1–21 and 25–27 under 35 U.S.C. § 103(a) as being unpatentable over Gance and Chakrabarti is reversed.

The Examiner’s rejection of claims 22–24 under 35 U.S.C. § 103(a) as being unpatentable over Gance, Chakrabarti, and Benko is reversed.

REVERSED