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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/903,263	05/28/2013	Sachin Rekhi	3080.149US1	4299
45839	7590	11/16/2016	EXAMINER	
SCHWEGMAN LUNDBERG & WOESSNER/ LINKEDIN PO BOX 2938 MINNEAPOLIS, MN 55402			PHAM, HUNG Q	
			ART UNIT	PAPER NUMBER
			2159	
			NOTIFICATION DATE	DELIVERY MODE
			11/16/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SACHIN REKHI¹

Appeal 2016-000239
Application 13/903,263
Technology Center 2100

Before STEPHEN C. SIU, LARRY J. HUME, and
LINZY T. McCARTNEY, *Administrative Patent Judges*.

HUME, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final Rejection of claims 1–22. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ According to Appellant, the real party in interest is LinkedIn, Corp. App. Br. 2.

STATEMENT OF THE CASE²

The Invention

Appellant's disclosed and claimed inventions relate to:

System[s] and method[s] for recommending to a member of a social network an interaction with ones of a plurality of entities. Events related to individual ones of the plurality of entities are obtained. A relevance of ones of the events to the member is determined based on at least one characteristic of ones of the events and a trait of the member. Recommended interactions with ones of the plurality of entities individually related to the ones of the events based on the relevance for each of the events are presented to the user.

Abstract.

Exemplary Claim

Claim 1, reproduced below, is representative of the subject matter on appeal (*emphasis* added to dispositive limitation):

1. A method for recommending to a member of a social network an interaction with ones of a plurality of entities, comprising:

obtaining, with a processor, events related to individual ones of the plurality of entities;

determining, with the processor, a plurality of relevance scores of the events, each relevance score of the plurality of relevance scores being indicative of a relevance of at least one of the events to the member, each relevance score of the plurality of relevance scores individually corresponding to one

² Our decision relies upon Appellant's Appeal Brief ("App. Br.," filed Apr. 9, 2015); Reply Brief ("Reply Br.," filed Sept. 28, 2015); Examiner's Answer ("Ans.," mailed July 27, 2015); Final Office Action ("Final Act.," mailed Sept. 9, 2014); and the original Specification ("Spec.," filed May 28, 2013).

of the events, each of the plurality of relevance scores being determined based on at least one characteristic of ones of the events in comparison with a trait of the member;

presenting, via a network interface device, to the member recommended interactions with ones of the plurality of entities individually related to the ones of the events based on the relevance score as determined for each of the events.

Prior Art

The Examiner relies upon the following prior art as evidence in rejecting the claims on appeal:

Luo et al. ("Luo")	US 2011/0022602 A1	Jan. 27, 2011
Juan et al. ("Juan")	US 2012/0166532 A1	June 28, 2012
Johnson et al. ("Johnson")	US 2013/0041735 A1	Feb. 14, 2013
Baldwin et al. ("Baldwin")	US 2014/0089320 A1	Mar. 27, 2014

Rejections on Appeal

R1. Claims 1–7, 9, 11–18, 20, and 22 stand rejected under 35 U.S.C. § 102(a)(2) as being anticipated by Baldwin and Juan.³ Final Act. 6; Ans. 2.

R2. Claims 8 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Baldwin, Juan, and Luo. Final Act. 12.

R3. Claims 10 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Baldwin, Juan, and Johnson. Final Act. 13.

³ We note Juan is incorporated by reference in Baldwin. *See* Baldwin ¶ 35.

ISSUE

Appellant argues (App. Br. 8–16; Reply Br. 2) the Examiner's rejection of claim 1 under 35 U.S.C. § 102(a)(2) as being anticipated by Baldwin and Juan is in error. These contentions present us with the following issue:

Did the Examiner err in finding the cited prior art combination teaches or suggests a "method for recommending to a member of a social network an interaction with ones of a plurality of entities" that includes, *inter alia*, the step of "presenting, via a network interface device, to the member[,]
recommended interactions with ones of the plurality of entities individually related to the ones of the events based on the relevance score as determined for each of the events," as recited in claim 1, and as commensurately recited in independent claim 12? (Emphases added).

ANALYSIS

We agree with particular arguments advanced by Appellant with respect to claims 1–22 for the specific reasons discussed below. We highlight and address specific findings and arguments regarding claim 1 for emphasis as follows.

Our reviewing court guides, under § 102, the prior art reference "must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements arranged as in the claim." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) (citation and internal quotation marks omitted). "Thus, it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes

multiple, distinct teachings that the artisan might somehow combine to achieve the claimed invention." *Id.* at 1371.

Appellant contends:

[A]ssuming *arguendo* that the meaning of the term "event" were taken to be the same in Baldwin as in claim 1, the contradictions from the fundamentally different uses of the terms produces inconsistencies in the attempts by the examiner to read the claim element "presenting, via a network interface device, to the member recommended interactions with ones of the plurality of entities individually related to the ones of the events based on the relevance score as determined for each of the events" into Baldwin.

App. Br. 14–15.

With respect to the Examiner's finding that Baldwin paragraph 49 discloses the disputed limitation, Appellant further argues:

At no point does paragraph [0049] disclose "presenting, via a network interface device, to the member recommended interactions with ones of the plurality of entities individually related to the ones of the events". Instead, what is presented is: the event, an event description, and/or an invitation to the event. None of those things are a presentation of a recommended interaction with an entity related to the event. The use of both terms "event" and "interaction" in claim 1 is noted and emphasized. Baldwin presents recommended "events". Claim 1 presents recommended "interactions" with entities that are related to "events". Even if the terms "interactions" and "events" of claim 1 were not interpreted in view of the specification, the Examiner trips on the final element.

App. Br. 15.

We agree with Appellant that the Examiner has not adequately explained how Baldwin (and/or Juan) discloses each limitation of claims 1 and 12 as is required to support an anticipation rejection. The Examiner's

rejections identify concepts and principles in Baldwin (Final Act. 6–10; Ans. 2–10) that relate to claims 1 and 12, but "[c]oncepts' do not anticipate." *Panduit Corp. v. Dennison Mfg. Co.*, 774 F.2d 1082, 1101 (Fed. Cir. 1985); *see also Net MoneyIn, Inc.*, 545 F.3d at 1371 ("[i]t is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes multiple, distinct teachings that the artisan might somehow combine to achieve the claimed invention.") An anticipation rejection requires an element-by-element analysis of each claim. *See Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.*, 246 F.3d 1368, 1374 (Fed. Cir. 2001).

We disagree with the Examiner's finding that Baldwin discloses Appellant's claimed "presenting" step. We disagree with the Examiner because we find the claimed "recommended interactions with ones of the plurality of entities" does not read on the disclosed "invitation messages" in paragraph 49 of Baldwin under the broadest reasonable interpretation of this phrase, particularly in light of the Specification.^{4, 5}

We are persuaded by Appellant's arguments, which assert "invitations [and their acceptance] are not 'recommended interactions with one of the plurality of entities' as they do not inherently involve an interaction with any

⁴ Claim terms are to be given their broadest reasonable interpretation, as understood by those of ordinary skill in the art and taking into account whatever enlightenment may be had from the Specification. *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

⁵ Turning to Appellant's Specification for *context*, we note paragraphs 26 through 28 provide concrete examples of "recommended interactions with ones of the plurality of entities individually related to the ones of the events based on the relevance score as determined for each of the events," as recited in claim 1.

entity related to the event." *Id.* In consideration of Appellant's argument and the Specification, we find the Examiner erred in finding "[t]he description of suggested events allowing a user to interact with the description to accept or reject the suggested events [in Baldwin] is considered as being equivalent to recited limitation *recommended interactions* at least in light of the specification of the instant application." Ans. 3.

Accordingly, based upon the findings above, on this record, we are persuaded of at least one error in the Examiner's reliance on the disclosure of Baldwin (and Juan) to disclose the dispositive limitation of claim 1, such that we find error in the Examiner's resulting finding of anticipation. Therefore, we cannot sustain the Examiner's anticipation rejection of independent claim 1. For the same reasons, we reverse the Examiner's rejection of independent claim 12, which recites the disputed limitation in commensurate form. Similarly, we also reverse the rejections of dependent claims 2–7, 9, 11–18, 20, and 22 that variously depend from claims 1 and 12, and which are also subject to Rejection R1.

§ 103(a) Rejection R2 and R3 of Claims 8, 10, 19, and 21

In light of our reversal of the rejections of independent claims 1 and 12, *supra*, we also reverse obviousness Rejections R2 and R3 under § 103 of claims 8, 10, 19, and 21, which variously and ultimately depend from claims 1 and 12. On this record, the Examiner has not shown how the additionally cited Luo and/or Johnson references overcome the aforementioned deficiencies with Baldwin and Juan, as discussed above regarding claims 1 and 12.

CONCLUSIONS

(1) The Examiner erred with respect to anticipation Rejection R1 of claims 1–7, 9, 11–18, 20, and 22 under 35 U.S.C. § 102(a)(2) over the cited prior art of record, and we do not sustain the rejection.

(2) The Examiner erred with respect to obviousness Rejections R2 and R3 of claims 8, 10, 19, and 21 under 35 U.S.C. § 103(a) over the cited prior art combinations of record, and we do not sustain the rejections.

DECISION

We reverse the Examiner's decision rejecting claims 1–22.

REVERSED