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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte VINAY DEOLALIKAR, ALISTAIR VEITCH,
HERNAN LAFFITTE, IXAI LANZAGORTA OCHOA, and
CHARLES B. MORREY III

Appeal 2016-001082
Application 12/705,585
Technology Center 2100

Before JOSEPH L. DIXON, LINZY T. McCARTNEY, and ALEX S. YAP,
Administrative Patent Judges.

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The claims are directed to a system and method for displaying documents. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A computer system, comprising:

a processor that is adapted to execute machine-readable instructions; and

a storage device that is adapted to store data, the data comprising a plurality of documents and instructions that are executable by the processor to generate a graphical user interface (GUI), the GUI comprising:

a cluster map that includes the results of a clustering algorithm applied to the documents; and

a principal documents screen that includes a list of principal documents that are identified by weighting each of the documents in a cluster based, at least in part, on an occurrence of representative terms in the document, wherein the representative terms are terms that have been identified by the clustering algorithm as being more effective for distinguishing between documents that belong to different clusters.

REFERENCES

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

Scott et al.	US 2002/0052862 A1	May 2, 2002
Marchisio	US 2003/0217047 A1	Nov. 20, 2003

Appeal 2016-001082
Application 12/705,585

Frank	US 2004/0236730 A1	Nov. 25, 2004
Wang et al.	US 6,925,485 B1	Aug. 2, 2005
Borchardt et al.	US 2007/0109297 A1	May 17, 2007
Corston-Oliver et al.	US 7,788,087 B2	Aug. 31, 2010

J. Cheney et al., “Provenance in Databases: Why, How, and Where,”
FOUNDATIONS AND TRENDS IN DATABASES, Vol. 1, No. 4, pp. 379–
474 (2007).

REJECTIONS

The Examiner made the following rejections:

Claims 1, 5, 6, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt in view of Marchisio.

Claims 2–4, 11, 12, and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt, in view of Marchisio, and further in view of Carston-Oliver.

Claims 7, 13, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt, in view of Marchisio, in view of Scott, and further in view of Cheney.

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt, in view of Marchisio, in view of Scott, and further in view of Frank.

Claims 9, 14, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt, in view of Marchisio, in view of Scott, and further in view of Wang.

Claims 10, 15, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Borchardt, in view of Marchisio, and further in view of Scott.

ANALYSIS

Claims 1, 5, 6, and 17

With respect to claims 1, 5, 6, and 17, Appellants argue the claims together. (App. Br. 6). As a result, we select independent claim 1 as the representative claim for the group and will address Appellants' arguments thereto. Appellants contend that:

The present techniques generally relate to displaying related groups of documents. *See* Specification, para. [0058]. Specifically, the present specification discloses that by using a graphical user interface (GUI), a user may quickly and easily locate and select the most relevant documents of interest within a large collection of unstructured documents based on user preference.

(App. Br. 7–8). Appellants additionally contend that:

In contrast, Borchardt does not disclose a separate principle documents screen that displays the list of principle documents, as claimed. Rather, Borchardt provides a single two-dimensional screen that displays clusters of individual documents in the form of cluster spines where a more focused view and search within the documents may be displayed. *See* Borchardt, paras. [0043], [0047], [0087] Instead, the Examiner references Marchisio to disclose the claimed subject matter. However, Marchisio fails to remedy the deficiencies of Borchardt, either alone or in any combination with Borchardt.

(App. Br. 8). Appellants argue:

Marchisio is generally related to latent semantic based information retrieval, and more particularly, to a system that recasts measurement of the similarity between a query and a number of document projections. *See* Marchisio, para. [0018]. The techniques in Marchisio create a term-document matrix for an indication of the occurrence of terms for an electronic file. *See* paras. [0037] and [0062]. The matrix is combined with a user

query to augment the term-document matrix. *See id.*, paras. [0041], [0043], [0063]. A list of documents is generated based on the semantics of the user query. *See id.*, paras. [0062] and [0063]. Thus, Marchisio merely provides a term-document matrix that is augmented through a user query and projection. *See id.*, paras. [0043], [0062], and [0063].

However, Marchisio does not teach identifying principal documents using “representative terms,” as that term is used in the present claims. As recited in the claims, “the representative terms are terms that have been identified by the clustering algorithm as being more effective for distinguishing between documents that belong to different clusters.” It is these representative terms that are used to identify the principal documents by “weighting each of the documents in a cluster based, at least in part, on an occurrence of representative terms in the document.” By contrast, Marchisio does not teach the use of representative terms to identify documents. To the extent that Marchisio identifies documents of interest, it merely identifies documents based on terms received in a user query. Thus, Marchisio fails to teach a list of principal documents identified through weighting based on the claimed representative terms.

(App. Br. 9).

The Examiner agrees with Appellants that the Borchardt reference does not teach the claimed “principal documents screen that includes a list of principal documents,” but maintains the Marchisio reference was relied upon to teach and suggest the claimed limitation. (Ans. 3). The Examiner specifically identifies ¶ 106 of the Marchisio reference which shows a list of documents based on specific terms. (Ans. 3). We agree with the Examiner. The Examiner further finds Appellants are not “[r]eading the rejection as a whole,” and the Examiner further explains the application of the prior art teachings relying upon the Marchisio reference. (Ans. 3–4). The Examiner further finds that the application of the prior art is in accordance with

Appeal 2016-001082
Application 12/705,585

Appellants' Specification (Spec. ¶ 32). (Ans. 4). We agree with the Examiner.

Appellants contend that the Marchisio reference does not identify principal documents using “representative terms,” as that term is used in the present claims. (Reply Br. 3). Appellants repeat the language of the claim and maintain the Marchisio reference does not teach the use of such representative terms to identify documents. (Reply Br. 3).

Specifically, Appellants contend:

Marchisio does not teach the use of such representative terms to identify documents. To the extent that Marchisio identifies documents of interest, it merely identifies documents based on terms received in a user query. Thus, Marchisio fails to teach a list of principal documents identified through weighting based on the claimed representative terms.

(Reply Br. 3).

We find that Appellants' argument is based upon a “wherein” clause, which does not limit the claimed “a principal documents screen that includes a list of principal documents that are identified by weighting each of the documents in a cluster based” Consequently, Appellants' argument is based upon the premises that the “list” on the screen of the Marchisio reference is different than the “list” on the screen of the apparatus of representative independent claim 1. We find Appellants' argument to be unavailing to show error in the Examiner's reasoned conclusion of obviousness. Appellants further contend that there is a difference between relevance values and representative terms as the terms are used in the current Specification. Appellants identify various automatic features of the disclosed invention. (Reply Br. 3–5). We disagree with Appellants'

Appeal 2016-001082
Application 12/705,585

contention and find Appellants' argument is not commensurate in scope with the broad language of representative apparatus claim 1.

We find that Appellants have not identified any express definition in the Specification to differentiate the claimed "list" of the claimed apparatus from the list of the Marchisio reference. With respect to the claimed "wherein the representative terms are terms that have been identified by the clustering algorithm as being more effective for distinguishing between documents that belong to different clusters," we find Appellants' Specification recites the claim term "more effective" in paragraphs 27, 58, 60, but does no more than recite the same language without further details or context. As a result, Appellants' reliance upon the content of the list does not show error in the Examiner's findings of fact or conclusion of obviousness of representative apparatus claim 1. As a result, we sustain the rejection of independent claim 1 and claims 5, 6, and 17, which are not separately argued.

Claims 2–4, 11, 12, and 16

With respect to claims 2–4, 11, 12, and 16, Appellants argue the claims together. (App. Br. 10). As a result, we select independent claim 11 as the representative claim for the group and will address Appellants' arguments thereto. Appellants repeat the language of independent claim 11 and maintain the same argument advanced with respect to independent claim 1. Appellants further contend the Carston-Oliver reference fails to remedy the deficiencies of the Borchardt and Marchisio references, either alone or in any type of hypothetical combination with Borchardt and Marchisio. (App. Br. 10–11). Because we found Appellants' argument to be unpersuasive with respect to independent claim 1, we similarly find it unpersuasive with respect to independent claim 11 and sustain the rejection

Appeal 2016-001082
Application 12/705,585

for the same reasons and group independent claim 16 and dependent claims 2–4 and 12 as falling with representative independent claim 11.

Claims 7, 13, and 18

With respect to claims 7, 13, and 18, Appellants argue the claims together. (App. Br. 11). As a result, we select dependent claim 7 as the representative claim for the group. Appellants rely upon the arguments advanced with respect to independent claim 1 and contend that the Scott and Cheney references do not remedy the deficiency in the base combination. (App. Br. 11–12). Because we found Appellants’ argument to be unpersuasive with respect to independent claim 1, we similarly find it unpersuasive with respect to dependent claim 7 and sustain the rejection for the same reason and group claims 13 and 18 as falling with representative dependent claim 7.

Claims 8–10, 14, 15, 19, and 20

With respect to claims 8–10, 14, 15, 19, and 20, Appellants rely upon the arguments advanced with respect to independent claim 1 and contend that the Scott, Wang, and Frank references do not remedy the deficiency in the base combination. (App. Br. 13–16). Because we found Appellants’ argument to be unpersuasive with respect to independent claim 1, we similarly find it unpersuasive with respect to dependent claims 8–10, 14, 15, 19, and 20 and sustain the rejections of these claims for the same reason and group claims 8–10, 14, 15, 19, and 20 as falling with representative independent claim 1.

Appeal 2016-001082
Application 12/705,585

CONCLUSION

The Examiner did not err in rejecting claims 1–20 based upon obviousness under 35 U.S.C. § 103(a).

DECISION

For the above reasons, we sustain the Examiner’s rejection of 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