



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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/671,213	11/07/2012	Benny Kimelfeld	ARC920120051US1	3191

84374 7590 11/08/2016
LIEBERMAN & BRANDSDORFER, LLC
802 STILL CREEK LANE
GAITHERSBURG, MD 20878

EXAMINER

PULLIAS, JESSE SCOTT

ART UNIT	PAPER NUMBER
----------	--------------

2657

MAIL DATE	DELIVERY MODE
-----------	---------------

11/08/2016

PAPER

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.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BENNY KIMELFELD, YUNYAO LI, and
SHIVAKUMAR VAITHYANATHAN

Appeal 2016-002357
Application 13/671,213
Technology Center 2600

Before JOHNNY A. KUMAR, TERRENCE W. McMILLIN, and
CARL L. SILVERMAN, *Administrative Patent Judges*.

KUMAR, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 8–20. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Exemplary Claims

Exemplary claims 8 and 14 under appeal read as follows (emphasis added):

8. A computer program product for classifying data, the computer program product comprising a computer readable storage medium having program code embodied therewith, the program code being executable by a processor to:

receive textual data, and to analyze the received data, including the processor to extract at least one sentence from the received data;

parse the at least one sentence, including the processor to extract and identify a subject, a verb, and an object, within the parsed sentence;

identify a verb usage pattern in the parsed sentence;

categorize the extracted and identified subject, verb, and object, the categorization of the verb responsive to the identified verb usage pattern and verb form; and

classify the sentence based on the categorized subject, verb, and object.

14. The computer program product of claim 8, wherein the categorization of the verb responsive to the identified verb usage pattern is based on a reference to an existing linguistic resource to provide a mapping from the verb usage pattern to the categorization of the verb.

Rejection

Claims 8–20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nigam (2006/0069589) in view of Hobson (5,694,559). Final Act. 5–9.¹

Appellants' Contentions

1. Appellants contend that the Examiner erred in rejecting independent claims 8 and 15 under 35 U.S.C. § 103(a) because:

Applicants disclose, in a non-limiting embodiment, that the verb usage pattern of the parsed sentence is joined with the context of the root form of the identified verb. Accordingly, an example of the verb form of Appellants is the root form of the identified verb.

....

In contrast to *Hobson*, Appellants' claims are directed to identifying a verb in a sentence, and categorizing the identified verb responsive to a verb usage pattern and verb form of the identified verb. That is, verb form of Appellants is defined as a form of a verb that has already been identified as a verb in a sentence, such as a root form of the identified verb. The definition of verb form of Appellants clearly cannot include the definition of verb form taught by *Hobson*. For example, it is trivial to assert that the term "verb form" of *Hobson* can be used to categorize an identified verb, in the manner claimed and disclosed by Appellants, since the only information that the term "verb form" of *Hobson* conveys is that the word is a verb. Accordingly, verb form as claimed and disclosed by Appellants cannot possibly be interpreted under a broadest reasonable interpretation standard to include *Hobson's* definition of verb form.

App. Br. 11–12 (footnotes omitted).

¹ Separate patentability is not argued for claims 9–13 and 15–20. Except for our ultimate decision, these claims are not discussed further herein.

Nigam and *Hobson*, either separately or in combination, fail to teach or suggest categorizing an identified verb responsive to an identified verb usage pattern and verb form, as claimed by Appellants. Accordingly, the combination of *Nigam* and *Hobson* fails to teach or suggest all the limitations of independent claims 8 and 15.

App. Br. 13.

2. Appellants also contend that the Examiner erred in rejecting claim 14 under 35 U.S.C. § 103(a) because:

In contrast to *Nigam*, Appellants claim categorizing a verb responsive to a verb usage pattern and verb form based on a reference to an existing linguistic resource to provide a mapping from the verb usage pattern to the categorization of the verb. As previously discussed, the verb categorization of Appellants occurs prior to sentence classification. Moreover, Appellants disclose that sentiment (*e.g.*, positive, negative, or neutral) is derived from the subject category, the verb category, and the object category, and that sentence is classified based on the categories and the derived sentiment. In other words, the sentiment derivation of Appellants occurs after verb categorization. Therefore, a mapping from a sentence fragment to a polarity to classify a sentence, as taught by *Nigam*, is not analogous to a mapping from a verb usage pattern to a categorization of a verb, as claimed by Appellants. Accordingly, *Nigam* fails to teach or suggest categorizing a verb responsive to a verb usage pattern based on a reference to an existing linguistic resource to provide a mapping from the verb usage pattern to the categorization of the verb, as claimed by Appellants.

App. Br. 16–17.

Issue on Appeal

Did the Examiner err in rejecting claims 8–20 as being obvious?

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments (Appeal Brief and Reply Brief) that the Examiner has erred.

As to Appellants' above contention 1, we disagree. Appellants' arguments are not commensurate in scope with the claim. The Examiner correctly points out that claim 8 does not require "the root form of a verb." Ans. 2. Further, contrary to Appellants' argument, the Examiner correctly points out that the language "verb form" is nonspecific and could include

a word is being used in its verb form or its noun form, Hobson is still identifying and categorizing a word as a verb based on the word being used in its verb form. Given that "verb form" is both an identification of the part of speech of a word as well as the categorization of the word within a set of classes in the part-of-speech domain (e.g. noun, verb, adverb), there is no reason why the particular language "verb form" itself or the way it is used in the claims necessarily requires that it be narrowly interpreted as only including forms which a verb may take while ruling out "verb form" as a part of speech category.

Ans. 3.

Also, we disagree with Appellants' conclusory assertions about the interpretation of "verb form." Such unsupported attorney argument, is entitled to little probative value. *See In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *In re De Blauwe*, 736 F.2d 699, 705 (Fed. Cir. 1984). We agree with the Examiner that

the particular language "verb form" never appears in Applicant's specification at all, let alone any clearly set forth definition of "verb form". The paragraphs cited by Applicant provide the following examples of "the root form" of the following verbs: "be", "break", "disappoint", "ask", and "ask" respectively. Providing examples of root forms of verb

certainly does not amount to clearly setting forth a different definition of “verb form” as Applicant argues.

Ans. 4.

As to Appellants’ above contention 2, we find that the Examiner has rebutted each and every one of those arguments supported by sufficient evidence. Ans. 6–8. Therefore, we adopt the Examiner’s findings and underlying reasoning, which are incorporated herein by reference.

We have considered Appellants’ Reply Brief but find it unpersuasive in rebutting the Examiner’s responses.

CONCLUSIONS

The Examiner has not erred in rejecting claims 8–20 as being unpatentable under 35 U.S.C. § 103(a).

DECISION

The Examiner’s rejections of claims 8–20 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