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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MURALIDHARAN SAMPATH KODIALAM,
TIRUNELL V. LAKSHMAN, SARIT MUKHERJEE, and
LIMIN WANG

Appeal 2017-000023
Application 12/503,265
Technology Center 2100

Before JOSEPH L. DIXON, STEPHEN C. SIU, and SCOTT B. HOWARD,
Administrative Patent Judges.

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants¹ appeal under 35 U.S.C. § 134(a) from a rejection of claims 1–23 and 25–27. Claim 24 has been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The claims are directed to systems and methods for creating user interest profiles. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method of generating a user interest profile with at least one piece of customer premise equipment (CPE), the method comprising:

monitoring, by the CPE, all user-requested internet traffic of the CPE for a user, the monitoring of the user-requested internet traffic not being limited to a particular website, and not being limited to a particular service provider, the user requested internet traffic being internet traffic that the user affirmatively requested through explicit user action;

analyzing, by the CPE, user-requested content of the user-requested internet traffic;

correlating, by the CPE, the analyzed user-requested content with a simplified classifier set;

ranking, by the CPE, each correlated simplified classifier in the simplified classifier set; and

storing, on the CPE, the ranked simplified classifiers in a user interest profile for the user, the user interest profile not being stored on a network level location,

¹ Appellants identify the real party in interest as Alcatel Lucent. (App. Br. 1).

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wherein the CPE is a customer premise gateway capable of allowing multiple user-devices to access a network of a service provider.

App. Br. 17 (Claims Appendix).

REFERENCES

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

Casimere	US 2010/0131989 A1	May 27, 2010
Grigoroscuta et al.	US 2010/0306023 A1	Dec. 2, 2010

REJECTION

The Examiner made the following rejection:

Claims 1–23 and 25–27 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Grigoroscuta et al. in view of Casimere.

ANALYSIS

With respect to independent claims 1, 9, and 11, Appellants present arguments to the claims as a group. (App. Br. 15). We select independent claim 1 as the illustrative claim, and we address Appellants’ arguments thereto.

With respect to illustrative claim 1, Appellants contend that Grigoroscuta in view of Casimere does not teach or suggest “storing, on the CPE, the ranked simplified classifiers in a user interest profile for the user, the user interest profile not being stored on a network level location” and “wherein the CPE is a customer premise gateway capable of allowing multiple user-devices to access a network of a service provider.” (App Br.

11–12). Additionally, Appellants contend that the Grigoroscuta reference discloses:

monitoring user requested internet traffic on a user device, where a user profile may be created to store the user’s internet traffic interests. However, the user profile is stored on the user device, rather than being stored on a “CPE” (as recited in claim 1), where “the CPE is a customer premise gateway capable of allowing multiple user-devices to access a network of a service provider.”

(App Br. 12).

The Examiner finds that the:

Instant specification paragraph [0004] discloses that “all equipment located at a particular site, including user equipment and networking hub, is referred to as customer premise equipment (CPE.)” Therefore, examiner interprets the claimed “CPE” as user equipment.

Therefore, the user’s local computing device of Grigoroscuta is equivalent to the CPE in the instant claims.

Accordingly, Grigoroscuta discloses “monitoring, by the CPE, all user-requested internet traffic of the CPE for a user, the monitoring of the user-requested internet traffic not being limited to a particular website, and not being limited to a particular service provider, the user requested internet traffic being internet traffic that the user affirmatively requested through explicit user action” as recited in claim 1.

(Ans. 10–11).

Appellants contend that the Examiner’s reliance upon the statement in Appellants’ Specification takes the claimed invention out of context wherein the mobile devices of the Grigoroscuta reference are not located on a “customer premises.” Specifically, Appellants contend:

Grigoroscuta does not teach or suggest that the PC is a gateway capable of allowing multiple user-devices to access a network (as recited in claim 1). Therefore, it cannot be said that Grigoroscuta

teaches the “CPE” (recited in claim 1), much less storing a “user interest profile” (as defined by claim 1) on a “CPE.”

(Reply Br. 3). Appellants further argue:

both Grigoroscuta and Casimere disclose storing user profiles onto a mobile user’s device, rather than storing the user profile on a “CPE,” wherein the CPE is “a customer premise gateway capable of allowing multiple user-devices to access a network of a service provider” that is not a “network level location” (as recited in claim 1). Therefore, while the Examiner asserts that Casimere teaches a gateway that is a CPE, Appellant wishes to *emphasize* that Casimere does not store the user profile on the gateway.

(App. Br. 13).

The Examiner further maintains:

Examiner believes that Grigoroscuta stores data which is not on a network level location because it is stored locally. The instant claims are unclear about the requirement that the user interest profile is not stored on a network level location, so examiner interprets this aspect broadly.

(Ans. 11–12). The Examiner further finds:

Casimere, paragraph [0036], that the client gateway facilitates user devices accessing information over a private network. As previously discussed in part A, the CPE is merely customer equipment. Therefore, the customer equipment may be equivalent to the client gateway of Casimere.

Regarding Appellant’s argument that Casimere does not store the user profile on the gateway, Examiner notes that the claim language does not require that the user profile is stored on the gateway. Examiner has found in Grigoroscuta as discussed in part B above that a user profile is stored on the CPE locally.

Therefore, Casimere discloses that the CPE is a customer premise gateway capable of allowing multiple user devices to access a network of a service provider as claimed.

(Ans. 12).

Although Appellants' claim language does not enumerate all the facets of the CPE at the same place in the claim language, the Examiner still must meet the totality of the limitations for the CPE. We disagree with the Examiner's claim interpretation and application of the teachings of the Grigoroscuta and Casimere references.

We find the Examiner is not addressing the claimed invention "as a whole" and is picking and choosing from the references. The language of independent claim 1 clearly requires that the CPE is a gateway device at the customer premises.

We find the Examiner refers to paragraphs 15, 26, 36, and 55 of the Casimere reference, and we find those paragraphs disclose storing the user profile locally, but the gateway is separate from these user devices. We further find that even though the Casimere reference discloses a client gateway 350 in the application tier 304 which is a network device, the Examiner relies upon the CPE's as 314 and 322 which are the local devices.

As a result, we agree with Appellants that the Examiner has not made a requisite showing in the combination of the Grigoroscuta and Casimere references of all the limitations as claimed. As a result, we cannot sustain the rejection of illustrative independent claim 1 and its respective dependent claims.

Independent claims 9 and 11 contain similar limitations as independent claim 1. As a result, we cannot sustain the rejection of independent claims 9 and 11 and their respective dependent claims.

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CONCLUSIONS

The Examiner erred in rejecting claims 1–23 and 25–27 based upon obviousness under 35 U.S.C. § 103.

DECISION

For the above reasons, we reverse the Examiner’s rejection of claims 1–23 and 25–27 based upon obviousness under 35 U.S.C. § 103.

REVERSED