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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/045,095	10/03/2013	Majid Irani	CAM920130044US1_8150-0287	6538

73109   7590   03/02/2018
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ART UNIT	PAPER NUMBER
2443	

NOTIFICATION DATE	DELIVERY MODE
03/02/2018	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte MAJID IRANI, SAMUEL G. PADGETT,
and
STEVEN K. SPEICHER[1]

_____

Appeal 2017-002490
Application 14/045,095
Technology Center 2400

_____

Before CARLA M. KRIVAK, AMBER L. HAGY, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

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

We affirm.

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[1] Appellants identify International Business Machines Corporation as the real party in interest (App. Br. 3).

STATEMENT OF THE CASE

Appellants' invention is directed to "linking resources based upon a user dragging a URI from one web application instance to a drop zone" (Spec. ¶ 3).

Independent claim 1, reproduced below, is exemplary of the subject matter on appeal.

1. A method comprising:

identifying a user input dragging a URI, which identifies a second resource in a first web application instance, from the first web application instance and dropping the URI into a drop zone associated with a first resource; and

responsive to the user input dropping the URI into the drop zone:

establishing, using a processor, a trust between a first server providing the first resource and a second server providing the second resource; and

linking the first resource to the second resource on at least the first server.

REFERENCES and REJECTIONS

The Examiner rejected claims 1, 2, 9, 10, 17, and 18 under 35 U.S.C. § 103(a) based upon the teachings of Bansod (US 7,912,960 B2, issued March 22, 2011) and O'Dell-Alexander (US 2010/0211860 A1; published August 19, 2010).

The Examiner rejected claims 3 and 11 under 35 U.S.C. § 103(a) based upon the teachings of Bansod, O'Dell-Alexander, and Baysinger (US 2008/0098225 A1; published April 24, 2008).

The Examiner rejected claims 4, 6, 7, 12, 14, 15, and 19 under 35 U.S.C. § 103(a) based upon the teachings of Bansod, O'Dell-Alexander, and Bales (US 2007/0113201 A1; published May 17, 2007).

The Examiner rejected claims 5 and 13 under 35 U.S.C. § 103(a) based upon the teachings of Bansod, O'Dell-Alexander, and Robotham (US 8,762,870 B2; issued June 24, 2014).

The Examiner rejected claims 8, 16, and 20 under 35 U.S.C. § 103(a) based upon the teachings of Bansod, O'Dell-Alexander, and Gwiazda (US 2005/0246283 A1; published: November 3, 2005).

ANALYSIS

Appellants assert the Examiner erred in finding O'Dell-Alexander teaches the claimed limitation "identifying a user input dragging a URI, which identifies a second resource in a first web application instance, from the first web application instance and dropping the URI into a drop zone associated with a first resource," which the Examiner finds Bansod does not teach or suggest (App. Br. 14). Particularly, Appellants assert the Examiner's finding that "Bansod discloses a user install mechanism of the URI and substitutes O'Dell-Alexander's 'drag and drop mechanism' in place of the user install mechanism" is not obvious (App. Br. 14–15). Appellants explain neither Bansod nor O'Dell-Alexander teach a "'trust relationship' disclosed by Bansod necessarily results from the 'drag and drop operation' disclosed by O'Dell-Alexander" (App. Br. 15, citing *Ex Parte Jerding*, Appeal 2009-001407 (BPAI Dec. 22, 2009)). We do not agree.

The Examiner finds Bansod teaches the limitation "responsive to the user input install mechanism of the URI install mechanism" (Final Act. 4, 5, citing Bansod Figs. 4, 7, col. 5, col. 6, ll. 45–60, and col. 7, ll. 1–12; Ans. 3–6). Bansod lacks only the specific teaching that the particular install mechanism is dragging and dropping the URI into a drop zone (Final Act.

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4–5). The Examiner then finds O'Dell-Alexander teaches the "drag and drop" as the install mechanism (Final Act. 4). We agree. Appellants are not arguing the references for what they were cited (*see* Final Act. 4–5, 14–17). Appellants' arguments are directed to the individual references and do not address the Examiner's findings of what the combination teaches and suggests (*see In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986) ("Non-obviousness cannot be established by attacking references individually where the rejection is based upon the teachings of a combination of references")).

Further, we agree with the Examiner the term "responsive to" in claim 1 modifies the user input dropping the URI into the drop zone, and does not require a direct causal effect establishing a trust relationship, contrary to Appellants' assertion (Final Act. 3–4; Ans. 17–19; *cf.* App. Br. 15–16). That is, as the Examiner finds, "Bansod Fig. 4 & Fig. 7, Col. 5 & Col. 6 & Col. 7, lines 1-27 Fig. 4 is a method for establishing a publically reciprocal trust relationship using exchanged identifiers for online resources and **this action** establishes that user A has some relationship with user B **(responsive to the user input - see with fig. 4 step 402)** (Col. 5, ll. 11-23)," thus establishing a causal relationship, albeit *indirect* (Final Act. 4). In that regard, we note Appellants rely on a non-precedential opinion of the Board as supposedly compelling Appellants' view of the claim language (App. Br. 14–15). This opinion is not binding in the instant proceeding (*see* PTAB Standard Operating Procedure 2 (Rev. 9), available at http://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/resources). We also agree with the Examiner's findings regarding Bansod's Figure 7 and column 6, lines 46–60 (Final Act. 4; Ans. 20–21).

Appellants do not address those findings by the Examiner, but merely state Bansod and O'Dell-Alexander cannot be combined (*see* Appeal Br. 14–15, Reply Br. 3–4). We do not find this argument persuasive of error. We also find the Examiner sufficiently articulated a rational basis supporting a finding of obviousness, which Appellants have not addressed in either their Appeal Brief or Reply Brief.

Therefore, for the above reasons, we sustain the Examiner's rejection of independent claims 1, 9, and 17, argued together and for the same reasons (App. Br. 19–20).

Dependent claims 4 and 12 recite "responsive to the user input dropping the URI into the drop zone, determining whether the second resource is a *newly defined* resource; and responsive to determining that the second resource is a newly defined resource, submitting the second resource to the second server to be stored" (emphasis added). Appellants contend the Examiner erred in finding Bale discloses "determining whether the second resource is a newly defined resource" because it only discloses the resourceId "can be the unique identifier associated with the resource that is being dragged" (App. Br. 21–23). Additionally, Appellants assert Bale's "'certain portion or portlet of a page' . . . . is 'updated,' not 'newly defined'" (App. Br. 23). We do not agree.

We agree with and adopt the Examiner's findings as our own (Final Act. 8–10, 20–23; Ans. 20–21). Initially, we note Appellants' Specification provides no definition of the term "newly defined." The Examiner cites mainly to Bale's Figure 12B and paragraphs 127–129, which teach if there is new content to a web page, then the resource is "redefined" as the content has changed (Ans. 28–29; *see* Bale ¶ 127—"In FIG. **12B,** the user has

clicked on the next story link, i.e. the 'Bennett under fire for remarks on blacks, crime' link **(1208)** and the dynamic container **(1202)** has changed accordingly to display the text of that news story. An *update request was executed behind the scenes, the results of which returned an HTML fragment to replace the contents of the dynamic container with a new news story corresponding to the link that the user has clicked on*. . . . Only the contents of the dynamic container **(1202)** were updated by this piece of micro-interaction between the CNN server and the client computer" (emphasis added). We find the Examiner sufficiently articulated a rational basis supporting a finding of obviousness, which Appellants have not addressed sufficiently in either their Appeal Brief or Reply Brief—only Bale's paragraph 128 was addressed with particularity (App. Br. 21–22).

Thus, for these reasons, we sustain the Examiner's rejection of dependent claims 4 and 12.

Dependent claims 5 and 13 recite "wherein linking the second resource to the first resource on at least the first server comprises linking the items selected by the user to the first resource." Appellants contend Robotham does not teach or suggest this limitation because "Robotham does not disclose that the 'users' are retrieved" (App. Br. 26–27). We do not agree.

Again, the Examiner makes reasonable findings and articulates a rational basis supporting a finding of obviousness, which Appellants have not addressed sufficiently (Ans. 31–32; Final Act. 25–26). First, we note connecting users is the same as linking users under the broadest reasonable interpretation of the terms. Additionally, connecting users allows one resource to access another using, for example, one-click connectivity to

"automatically retrieve or get the group" as Appellants contend the linking limitation should be read (Ans. 31; *see* Robotham col. 3, ll. 7–10; App. Br. 27). Thus, the Examiner has made a reasonable finding, even accepting Appellants' definition of the term "linking" in the Specification (Spec. ¶ 26 "As defined herein, the term 'linking' means creating an association between a second resource and a first resource wherein the second resource is automatically retrievable when the first resource is accessed"). Appellants' Reply Brief provides mere attorney argument without persuasive evidence the Examiner erred (Reply Br. 8–9).

Thus, for these reasons, we sustain the Examiner's rejection of dependent claims 5 and 13.

Dependent claims 8, 16, and 20 recite "wherein the drop zone is defined in a project folder associated with the first resource." Appellants contend "Gwiazda does not disclose 'link a resource represented by the URI with another resource,'" as the term "drop zone" is defined in Appellants' Specification (App. Br. 30). We do not agree.

We initially note Bansod and O'Dell-Alexander were cited for the drop zone, not Gwiazda. Thus, Appellants are arguing the references separately and not for what they were cited or as a combination. Additionally, we agree with the Examiner's findings in Gwiazda's paragraph 90, which discloses a project folder associated with the first resource (a folder is dropped into my folders 22) (Final Act. 27; Ans. 33). Appellants do not address these findings in the Appeal Brief or the Reply Brief.

Thus, for these reasons, we sustain the Examiner's rejection of dependent claim 8.

DECISION

The Examiner's decision rejecting claims 1–20 is 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