UNITED STATES PATENT AND TRADEMARK OFFICE

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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 LINKEDIN CORPORATION[1]

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Appeal 2017-005043
Application 14/179,319
Technology Center 2100

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Before JAMES R. HUGHES, DENISE M. POTHIER, and
JASON J. CHUNG, *Administrative Patent Judges*.

POTHIER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1–27. App. Br. 1.[2] We have jurisdiction under
35 U.S.C. § 6(b). We affirm.

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[1] The bibliographic data sheet lists Navneet Kapur and Gloria Lau as
inventors.
[2] Throughout this opinion, we refer to (1) the Final Action (Final Act.)
mailed March 17, 2016, (2) the Appeal Brief (App. Br.) filed October 27,
2016, (3) the Examiner's Answer (Ans.) mailed December 1, 2016, and
(4) the Reply Brief (Reply Br.) filed January 31, 2017.

Invention

Appellant's invention relates to "methods, systems, and machine readable mediums which automatically convert an unstandardized attribute value of a member profile of a social networking service to one of a plurality of standardized values for that attribute." *See* Spec., Abstract.

Claim 1 is reproduced below with emphasis:

1.   A method, comprising:
        receiving an unstandardized attribute value describing an attribute of a social networking service user's member profile;
        receiving a plurality of predetermined standardized attribute values;
        comparing the unstandardized attribute value to each of the plurality of predetermined standardized attribute values;
        determining that the unstandardized attribute value does not exactly match any of the plurality of predetermined standardized attribute values;
        determining a set of candidate attribute values from the plurality of predetermined standardized attribute values based upon data describing social relations corresponding to the user;
        scoring the candidate attribute values based upon how closely they match the unstandardized attribute value; and
        selecting one of the candidate attribute values based upon the candidate attribute value scores.

The Examiner relies on the following as evidence of unpatentability:

Ganti	US 2011/0282856 A1	Nov. 17, 2011
Lamp	US 2014/0172681 A1	June 19, 2014
		(filed Nov. 14, 2013)

The Rejections

Claims 1, 3, 4, 6–10, 12, 13, 15–19, 21, 22, and 24–27 are rejected under 35 U.S.C. § 102(a)(2) as anticipated by Lamp. Final Act. 2–5.

Claims 2, 5, 11, 14, 20, and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Lamp and Ganti. Final Act. 6–7.

THE ANTICIPATION REJECTION OVER LAMP

Regarding representative claim 1,[3] the Examiner finds Lamp discloses its limitations. Final Act. 2–4.

Appellant argues Lamp fails to teach all the limitations in claim 1. App. Br. 10, 13. More specifically, Appellant asserts the discussed attributes in Lamp (e.g., name, address, phone number) "are unrelated to a social network" or a social network user's profile. *Id.* at 11; Reply Br. 2. Additionally, Appellant contends Lamp standardizes attribute values on its own rather than receiving "predetermined standardized attribute values" as claimed. App. Br. 11; Reply Br. 2. Appellant even further asserts Lamp does not discuss the recited "candidate attribute values" or "data describing social relations corresponding to the user" in claim 1. App. Br. 12.

ISSUES

Under § 102, has the Examiner erred in rejecting claim 1 by finding that Lamp discloses:

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[3] Appellant argues independent claims 1, 10, and 19 as a group. App. Br. 9–13. We select independent claim 1 as representative. *See* 37 C.F.R. § 41.37(c)(1)(iv).

(I) receiving an unstandardized attribute value describing an attribute of a social networking service user's member profile;

(II) receiving predetermined standardized attribute values; and

(III) determining a set of candidate attribute values from the plurality of predetermined standardized attribute values based upon data describing social relations corresponding to the user?

ANALYSIS

I.

We begin by construing a key, disputed limitation of claim 1 which recites "unstandardized attribute value describing an attribute of a social networking service user's member profile." App. Br. 18 (Claims App'x). Notably, claim 1 does not recite a method of using a social networking service or even that the recited "unstandardized attribute value" comes from a user entering data from a social networking service. *Id.* Rather, claim 1 merely recites an attribute value *describing* an attribute of a social networking service user's member *profile*. Thus, to extent Appellant is asserting that Lamp must disclose a social networking service[4] and that the Better Business Bureau website discussed in Lamp is not social networking services (*see id.* at 11; Reply Br. 2), we are not persuaded. Regardless, Appellants has not rebutted the Examiner's finding that Yelp, FourSquare, and Google Places disclosed in Lamp (Lamp ¶ 16) are social networking services, which is a position we find reasonable.

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[4] In the Reply Brief, Appellant implies a social networking service requires logging into a website. *See* Reply Br. 2. The disclosure does not describe a "social networking service" as a service that requires logging into the website and we decline to import that construction here. Spec. ¶¶ 3, 14.

4

During examination of a patent application, a claim is given its broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citation omitted). The Specification describes non-limited *examples* of member profile attributes, including where a member went to school, where a member lives, and employment. Spec. ¶ 18. Although this informs our construction of the recited phrase, we decline to import such examples into claim 1.

The Examiner determines Lamp discloses receiving identifying information, including an address and geographic coordinates. Final Act. 3 (citing Lamp ¶ 15); Ans. 2. An address or geographic coordinates indicate where a user lives or, alternatively, where a user works (e.g., employment). *See* Lamp ¶ 15. Thus, Lamp describes user member profile, attribute values similar to the disclosure. Additionally, Lamp discloses receiving a user's name and "many other types of information." *Id.* We fail to see how a user's name would not also be considered sufficient to describe an attribute of a social networking service's user member profile.

Accordingly, we disagree with Appellant that Lamp does not disclose "receiving an unstandardized attribute value describing an attribute of a social networking service user's member profile" as recited in claim 1.

II.

Another key, disputed limitation in claim 1 is "predetermined standardized attribute values" within the recited step "receiving a plurality of predetermined standardized attribute values." App. Br. 18 (Claim App'x). Appellant contends Lamp standardizes attribute values on its own rather than receiving "predetermined standardized attribute values" as recited in

claim 1. App. Br. 11. Appellant asserts the attributes discussed in Lamp's Paragraph 18 are not predetermined but instead involve removing punctuation, converting to lowercase, and standardizing abbreviations. Reply Br. 2. We are not persuaded.

The Specification discusses standardized values can be derived from or converted from unstandardized values. Spec. ¶¶ 21–22, 65. The disclosure further states such attributes *may* be an attribute for which a member is restricted to select from, such as a drop down box containing a list of predetermined, standardized values. *Id.* ¶ 23. However, the disclosure does not limit standardized attribute values to such an example. *See id.*

The Examiner maps the "[p]ublicly available data" (Lamp ¶ 16) discussed in Lamp to the standardized attribute values. Final Act. 3 (citing Lamp ¶¶ 16–17). The Examiner explains in the Answer Lamp's Paragraph 18 discloses standardizing the publicly available data prior to comparing any attribute values (e.g., identifying information). Ans. 3 (citing Lamp ¶ 18). We agree with the Examiner.

As noted by Appellant (App. Br. 11, Reply Br. 2), Lamp discloses standardizing the publicly available data. Lamp ¶ 18. Lamp discloses an example of standardizing, involving "removing punctuation, converting the letters to all lowercase, and standardizing common abbreviations, such as those found in a street address (Rd—road, Dr—drive, 1st—first, North—N, etc.)" *Id.* As such, Lamp's publicly available data converts to "standardized attribute values" as recited. *See also* Reply Br. 2 (stating "the *standardizing* of Lamp might co[n]vert the address [of 600 Dulany St., Alexandria, Virginia, 22314] to '600 dulany street Alexandria va 22314'") (emphasis

added). The Examiner's findings in this regard are also consistent with the disclosure, which states standardized values can be derived from unstandardized values as previously discussed. *See* Spec. ¶¶ 21–22.

Appellant further contends Lamp does not disclose the attribute values are "predetermined" as recited because Lamp performs its own standardization. App. Br. 11, Reply Br. 2. The disclosure does not ascribe any special meaning to the term "predetermined." *See generally* Spec. Merriam-Webster's Online Dictionary defines "predetermine" as "to determine beforehand."[5] As such, an ordinary meaning of "predetermined" is determined or known in advance or beforehand. Consistent with the Specification as it would be interpreted by an ordinarily skilled artisan, the phrase "predetermined standardized attribute values" includes attribute values that are (1) standardized, but derived from unstandardized values, and (2) known in the advance.

Lamp's standardization involves applying rules that are known in advance or beforehand (e.g., no punctuation, lowercase). *See* Lamp ¶ 18, *cited in* Ans. 3. Additionally, common abbreviations are converted to predetermined terms or letters (e.g., "road," "street," "first," and "N") known in advance. *See* Lamp ¶ 18. As such, the standardized data are "predetermined standardized" values as broadly as recited.

For the above reasons, Lamp discloses "receiving a plurality of predetermined standardized attribute values" as recited.

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[5] Merriam-Webster Online Dictionary, *available at* https://www.merriam-webster.com/dictionary/predetermined (def. 1b).

III.

Appellant further asserts Lamp does not discuss the recited "candidate attribute values" and "data describing social relations corresponding to the user" within the recited "determining a set of candidate attribute values from the plurality of predetermined standardized attribute values based upon data describing social relations corresponding to the user" of claim 1. App. Br. 12.

The Examiner determines Lamp has a set of fields based upon data received from the publicly available data. Final Act. 3 (citing Lamp ¶¶ 19–20); Ans. 4. The cited portions of Lamp relied upon by the Examiner discloses comparing identifying information associated with publicly available data that has been standardized with other information in order to generate comparison metrics for the various fields (e.g., name, address, phone number). Lamp ¶¶ 18–19. Such metrics can involve determining a longest common substring, the Levenshtein distance, and/or actual distance between two strings and capturing different match types. *Id.* ¶ 19. Lamp further explains the comparison metrics are used to score the comparisons (e.g., between 0.0 and 1.0) and are evaluated to select candidates as a match (e.g., selecting highest comparison score). *Id.* ¶¶ 20–21, *cited in* Ans. 4; *see also id.*, Fig. 1. As such, Lamp discloses "determining a set of candidate attribute values from the plurality of predetermined standardized attribute values" as recited.

Appellant also contends the determined candidate attribute values are not "based upon data describing social relations corresponding to the user" as recited. App. Br. 12. According to the disclosure, "data describing social relations corresponding to the user includes one or more: a user's email

8

domain, information in a member profile of a connection of the user's, a following relationship of the user, and a connection invitation reasons." Spec. ¶ 85. However, these are non-limited *examples*. As noted by the Examiner (Ans. 4), the disclosure further describes other "social relations," including group affiliations, locations (e.g., where members live or work presently), group membership, and employment history. *See id.* ¶ 67. Accordingly, consistent with the disclosure, Lamp's disclosed address and geographic location information (e.g., locations, such as where a user lives or works) are "data describing social relationship corresponding to the user." The Examiner provides a similar explanation (Ans. 4), which is undisputed on the record. *See generally* Reply Br.

Based on the record, we therefore, determine Lamp discloses "determining a set of candidate attribute values from the plurality of predetermined standardized attribute values based upon data describing social relations corresponding to the user" in claim 1.

Appellant additionally argues the remaining limitations in claim 1 are not disclosed in Lamp. App. Br. 11–13. The arguments for claim 1's remaining recitations repeat the contentions addressed previously, such as Lamp purportedly fails to receive predetermined standardized values and to use a candidate attribute value set. *Id.* at 11–12. We are not persuaded and refer to our previous discussion for more details. We also adopt the Examiner's findings as our own. Final Act. 3–4; Ans. 3–5.

As for dependent claims 3, 4, 6–9, 12, 13, 15–18, 21, 22, and 24–27, Appellant argues Lamp fails to teach their limitations due to their dependency on claims 1, 10, and 19. *See id.* at 13. We are not persuaded for the above reasons. Also, Appellant contends that the dependent claims "are

9

also independently allowable because they add significant elements to distinguish them further from the art." *Id.* at 14. This argument is unavailing because Appellant fails to point out any particular element—significant or otherwise—in the claims distinguishable over Lamp. *Id.*

For the foregoing reasons, Appellant has not persuaded us of error in the rejection of claims 1, 3, 4, 6–10, 12, 13, 15–19, 21, 22, and 24–27.[6]

THE OBVIOUSNESS REJECTION OVER LAMP AND GANTI

For the obviousness rejection, Appellant argues "Ganti does not motivate one of ordinary skill in the art to modify the system of Lamp to include all seven recitations" in claims 1, 10, and 19 and thus, fails to cure Lamp's purported deficiencies. App. Br. 15.

Notably, the formulated rejection cites to Ganti to teach recitations in claims 2, 5, 11, 14, 20, and 23— not claims 1, 10, and 19. Final Act. 6–7. Also, as addressed above, Lamp discloses the disputed limitations in claims 1, 10, and 19. Ganti, therefore, need not teach or suggest modifying Lamp to arrive at claims 1, 10, and 19's limitations. For the foregoing reasons, Appellant has not persuaded us of error in the rejection of claims 2, 5, 11, 14, 20, and 23.

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[6] Claim 1 recites "[a] method" with various steps of receiving, comparing, determining, and selecting data. If prosecution continues, the Examiner may evaluate the claims under 35 U.S.C. § 101 in light of *Alice Corp. v. CLS Bank Int'l*, 134 S.Ct. 2347 (2014), and subsequent Office guidance related to patent-eligible subject matter. *See 2014 Interim Guidance on Patent Subject Matter Eligibility*, 79 Fed. Reg. 74618 (Dec. 16, 2014), *July 2015 Update: Subject Matter Eligibility*, 80 Fed. Reg. 45529 (July 30, 2015), and *May 2016 Subject Matter Eligibility Update*, 81 Fed. Reg. 27381 (May 6, 2016); *see also* Manual of Patent Examining Procedure § 2106(I)(iv), 9th ed. (Rev. 07.2015, Nov. 2015).

DECISION

We affirm the Examiner's rejection of claims 1–27 under 35 U.S.C. §§ 102 or 103.

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