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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SHEETAL AGARWAL, KOUSTUV DASGUPTA,
ARUN KUMAR, AMIT A. NANAVATI, and NITENDRA RAJPUT

Appeal 2017-010468
Application 12/608,118
Technology Center 2400

Before TERRENCE W. McMILLIN, KARA L. SZPONDOWSKI, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C § 134(a) of the Final Rejection of claims 4, 6, 7, 11, 13, 14, 18, 20, 21, and 23–25, all claims currently pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

STATEMENT OF THE CASE

Appellants' invention is directed to "providing a bridge between web-based portals and non-web based portals . . . that enable users of each to cross-network." Spec. ¶ 2. Claim 4, reproduced below with the disputed limitations in *italics*, is representative of the claimed subject matter:

4. An apparatus comprising:

one or more hardware processors; and

a non-signal computer readable storage medium having computer readable code embodied therewith and executable by the one or more processors, the computer readable program code comprising:

computer readable program code configured to *establish a voice site comprising a non-web based social networking site for access by one or more telecommunication users using a non-web based portal and one or more web-based users using a web-based portal, wherein the non-web based portal and the voice site are navigated via voice-based commands* and wherein the web-based portal provides a web-based social networking site comprising an application for communicating with the non-web based social networking site; and

computer readable program code configured to *permit the one or more telecommunication users of the non-web based portal and the one or more web-based users of the web-based portal to communicate via the non-web based portal;*

wherein to communicate via the non-web based portal comprises receiving, from a web-based user via the application at the web-based portal, a communication message selected from the group consisting of: a voice message and a text-based message, and transmitting a notification of the communication message via the non-web based portal for access by a predetermined telecommunication user.

REJECTION

Claims 4, 6, 7, 11, 13, 14, 18, 20, and 21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shkedi (US 2007/0280445 A1; published Dec. 6, 2007). Ans. 2.

Claims 23–25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shkedi and Chaudhuri (US 2005/0038876 A1; published Feb. 17, 2005). Ans. 9.

ANALYSIS

Claims 4, 6, 7, 11, 13, 14, 18, 20, and 21

Issue 1: Did the Examiner err in finding that Shkedi discloses “establish[ing] a voice site comprising a non-web based social networking site for access by one or more telecommunication users using a non-web based portal and one or more web-based users using a web-based portal,” as recited in independent claim 4?

The Examiner finds Shkedi’s Central Address Book Server discloses the claimed non-web based social networking site, Shkedi’s dial-up interface discloses the claimed non-web based portal, Shkedi’s visual interface enabled voice network operative phone device users describe the claimed telecommunication users, and Shkedi’s web interface discloses the claimed web-based portal. Ans. 2–3 (citing Shkedi Figs. 1–3, ¶¶ 9–16, 124, 128–129, and 146–147); Ans. 16 (citing Shkedi Fig. 2, ¶¶ 9, 12, 16, 90, and 128).

Appellants contend Shkedi’s Central Address Book Server is not a voice site as required by the claim to comprise “a non-web based social networking site for access by one or more telecommunications users using a non-web based portal.” App. Br. 26; Reply Br. 24.

We are not persuaded of Examiner error by Appellants' arguments. Appellants' Specification describes "telecom web users 204 can establish a voice site (non-web based social networking site/profile)" and "the voice site can contain telecom web user 204 information including contact information of the telecom web user 204, contact information for friends of the telecom web user 204, and links to other telecom web user 204 voice sites." Spec. ¶ 25. The claimed voice site, in light of Appellants' Specification, broadly encompasses a non-web based social networking site or profile that contains telecom web user information, such as contact information.

As cited by the Examiner (Ans. 16), Shkedi describes "*Central Address-book service* could be offered by phone companies offering *POTS* or *VOIP* or cellular service" and "also be offered by Skype or Yahoo or any other portal or company that offers a web based address-book" in order "to let subscribers benefit from their web based address-book in a convenient way." Shkedi ¶ 90 (emphasis added). Shkedi further describes "the Contacting of an *Address-book server* either by a subscriber dialing-in to the server or a call, e-mail or SMS intended for the subscriber going through the Address-book server." Shkedi ¶ 148 (emphasis added); see Shkedi Fig. 2 (depicting Dial-up interface receiving Navigation commands and Communication commands from Visual interface enabled voice network operative phone device, and Web interface, with both the Web interface and Dial-up interface interfacing with the Central Address Book Server holding address book records). In other words, Shkedi describes the Central Address Book Server with address book records (contacts), with a dial-up interface from the visual interface enabled voice network operative phone device and a web interface.

Appellants have not provided persuasive evidence or argument that the claimed voice site, encompassing a non-web based social networking site or profile that contains telecom web user information such as contact information, is not described by Shkedi's Central Address Book Server that contains address book/contact records accessible through a non-web dial-up interface.

Issue 2: Did the Examiner err in finding that Shkedi discloses “wherein the non-web based portal and the voice site are navigated via voice-based commands,” as recited in independent claim 4?

The Examiner finds Shkedi describes a visual interface enabled voice network operative phone device using voice based commands for navigation and communication with a user of the chosen address book record. Ans. 3; Ans. 17 (citing Shkedi ¶¶ 153–157); Final Act. 3 (citing Shkedi Figs. 2, 3).

Appellants contend Shkedi does not teach that the address book can be navigated using voice commands, and rather teaches against using voice commands for navigation and instead uses a visual interface phone device for navigating the central address book. App. Br. 26 (citing Shkedi ¶ 36); Reply Br. 25.

We are not persuaded of Examiner error by Appellants' arguments. Shkedi describes “communication commands” and “navigation commands” to the Central Address Book Server via the “voice network operative phone device” through the Dial-up interface. Shkedi Figs. 2, 3. Shkedi explicitly describes “Users can access CAB [Central Address Book] from any phone, using voice commands to call or e-mail voicemail to desired contacts.” Shkedi ¶ 199; *see also* Shkedi ¶ 152 (describing “accepting voice content from the device and converting the voice content into substantially

equivalent alphanumeric content”). In other words, Shkedi describes “the non-web based portal and the voice site are navigated via voice-based commands,” as claimed.

Appellants have not provided persuasive evidence or argument that the claimed voice-based commands used to navigate the voice site are not described by Shkedi.

Issue 3: Did the Examiner err in finding that Shkedi describes “permit[ting] the one or more telecommunication users of the non-web based portal and the one or more web-based users of the web-based portal to communicate via the non-web based portal” and “wherein to communicate via the non-web based portal comprises receiving, from a web-based user via the application at the web-based portal, a communication message,” as recited in independent claim 4?

The Examiner finds Shkedi describes the web-based and non-web based users connecting to other users using the Central Address Book. Ans. 3–4 (citing Shkedi ¶¶ 9–15, 36, 55, and 90); Ans. 17 (citing Shkedi ¶¶ 11–12).

Appellants contend Shkedi merely allows a user to access a Central Address Book, but does *not* describe allowing communication between users. App. Br. 27; Reply Br. 25–26.

We are not persuaded of Examiner error by Appellants’ arguments. As cited by the Examiner (Ans. 3–4), Shkedi describes “Central Address-book service could be offered by phone companies offering POTS or VOIP or cellular service,” or “by Skype or Yahoo or any other portal or company that offers a *web based address-book* and *VOIP calls over their IM* (Instant Messenger) or *web based calling server*” in order to “let subscribers benefit

from their *web based address-book* in a convenient way as well as possibly *low cost long distance calls to their destination from their non-web connected phones.*” Shkedi ¶ 90 (emphases added). In other words, Shkedi describes enabling communications (calls) between web-based and non-web based users utilizing the Central Address Book Server.

Appellants have not provided persuasive evidence or argument that the claimed “permit the one or more telecommunication users of the non-web based portal and the one or more web-based users of the web-based portal to communicate via the non-web based portal” is not described by Shkedi’s enabling calls between non-web based users and web-based users.

For at least the above reasons we sustain the Examiner’s § 102 rejection of independent claim 4. For the same reasons, we sustain the Examiner’s § 102 rejection of independent claims 11 and 18, as well as dependent claims 6, 7, 13, 14, 20, and 21, not argued separately.

Claims 23–25

Issue 4: Did the Examiner err in combining Shkedi and Chaudhuri?

Appellants contend there is no “articulated reason why a person skilled in the art would combine the prior art references,” nor is there “adequate evidentiary basis for that finding” or “a satisfactory explanation for the motivation finding that includes an express and rational connection with the evidence presented.” App. Br. 27.

We are not persuaded of Examiner error by Appellants’ arguments. Specifically, the Examiner finds it “would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide” the teachings of Chaudhuri to modify Shkedi “so as to provide easy access for web-based users to communicate with the users owning voice-only ([i.e.

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non-web]) based devices.” Ans. 12. Appellants have not provided substantive argument in response to the Examiner’s findings.

Accordingly, we sustain the Examiner’s § 103 rejection of independent claims 23 and 25, as well as dependent claim 24, not separately argued.

DECISION

The Examiner’s decision to reject claims 4, 6, 7, 11, 13, 14, 18, 20, 21, and 23–25 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