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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/008,831	01/28/2016	Alberto Giammaria	POU920150261US1	1092
77212	7590	06/12/2019	EXAMINER	
Cantor Colburn LLP - IBM Endicott 20 Church Street 22nd Floor Hartford, CT 06103			WALKER III, GEORGE H	
			ART UNIT	PAPER NUMBER
			3683	
			NOTIFICATION DATE	DELIVERY MODE
			06/12/2019	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ALBERTO GIAMMARIA, CHUNHUI Y. HIGGINS,
WILLIAM P. HIGGINS, CHRISTOPHER A. MAUL,
JOHN H. WALCZYK III, and KE ZHU

Appeal 2017-011257
Application 15/008,831
Technology Center 3600

Before MAHSHID D. SAADAT, JENNIFER S. BISK, and
BETH Z. SHAW, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–20, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ According to Appellants, the real party in interest is International Business Machines Corporation. Br. 2.

STATEMENT OF CASE

Introduction

Appellants' Specification describes systems and methods for "providing an exchange of profile information by using anonymous identifiers." Spec. ¶ 4.

Representative Claims

Representative claims 1 and 8 under appeal read as follows;

1. A social networking-based web analytics data processing system having subject matter expert (SME) cognitive capability, comprising:

an electronic computer processor in electrical communication with a social network server that establishes a social network framework and facilitates a chat session including a plurality of users, the computer processor including a data report dashboard module having an electronic hardware controller configured to generate an initial web analytics data report and to generate at least one inquiry associated with at least one abnormality included in the initial web analytics data report, the electronic computer processor including a network dashboard module configured to receive a comment submitted by at least one user among the plurality of users and commands the social network server to display the at least one inquiry in the chat session;

a rating module including an electronic hardware controller configured to detect at least one of a positive ranking and a negative ranking applied to the comment submitted by the at least one user in reply to the at least one inquiry; and

a subject matter expert (SME) identification module including an electronic hardware controller configured to identify a SME based on at least one of social networking information, community expertise ranking and project stakeholder recognitions,

wherein the SME identification module includes an electronic hardware controller that monitors a number of the

positive and negative rankings, and dynamically determines at least one user as the SME corresponding to a particular subject-area corresponding to the inquiry based on a number of the positive rankings, and

wherein the network dashboard module generates a signal commanding the social network server to dynamically display a graphical indicator in the chat session that identifies the determined user as the SME.

8. A method of improving accuracy of a web analytics business report, the method comprising:

initiating a chat session among a plurality of users of a social network framework facilitated by an electronic social network server;

generating an initial web analytics data report, and generating at least one inquiry associated with at least one abnormality included in the initial web analytics data report;

receiving a comment submitted by at least one user among the plurality of users and displaying the at least one inquiry in the chat session;

detecting at least one of a positive ranking and a negative ranking applied to a comment submitted by at least one user in reply to the at least one inquiry; monitoring a number of the positive and negative rankings and dynamically identifying a subject matter expert (SME) among the at least one user based on a number of positive rankings;

dynamically identifying the SME is an expert in a particular subject-area corresponding to the inquiry based on a number of the positive rankings, and displaying a graphical indicator in the chat session that identifies at least one user as the SME; and

updating the web analytics data report based on an input from the SME to improve the accuracy of the web analytics business report.

References and Rejections on Appeal

Claims 1–20 stand rejected under 35 U.S.C. § 101 for being directed to patent-ineligible subject matter. *See* Final Act. 3–7.²

Claims 1–20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. *See* Final Act. 7–9.

Claims 1–20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Tabrizi (US 9,245,227 B2; iss. Jan. 26, 2016), Rastogi (US 2014/0344226 A1; pub. Nov. 20, 2014), and Ting (US 2015/0032751 A1; pub. Jan. 29, 2015). *See* Final Act. 11–17.

ANALYSIS

REJECTION UNDER 35 U.S.C. § 101

Appellants argue the pending claims as a group. Br. 6–14. As permitted by 37 C.F.R. § 41.37, we decide the appeal based on claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

The Examiner determines that the claims are directed to “a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.” Final Act. 3. The Examiner adds that “the claims are directed to a judicial exception since they are directed to a method of improving accuracy of a web analytics business report.” Final Act. 3–4

² The Examiner finds claim 15 recites a “computer readable storage medium having program instructions embodied therewith,” which could be rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter for reciting a computer readable medium that includes transitory propagating signals. *See* Final Act. 7. However, Appellants’ Specification excludes any signal per se as the recited storage medium. Spec. ¶ 41.

(citing *Classen Immunotherapies Inc. v. Biogen IDEC*, 659 F.3d 1057 (Fed. Cir. 2011); *Cybersource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011); and *SmartGene, Inc. v. Advanced Biological Labs, SA*, 555 Fed. Appx. 950 (Fed. Cir. 2014)). With respect to the additional elements and whether they amount to significantly more than the judicial exception, the Examiner finds:

Additional physical elements of the independent claims are a social networking-based web analytics data processing system comprising an electronic computer processor in electrical communication with a social network server, the computer processor including various modules including electronic hardware controllers, and a computer program product to control an electronic device comprising a computer readable storage medium having program instructions embodied therewith, the program instructions executable by an electronic computer processor which are claimed at a high level of generality and may be implemented via a general purpose computer system (see paragraphs 40-45 of applicant's specification). Additional method elements include automating mental tasks (i.e.,] generating an initial web analytics data report, generating at least one inquiry associated with at least one abnormality included in the initial web analytics data report, monitoring a number of the positive and negative rankings) and receiving or transmitting data over a network, e.g., using the Internet to gather data (i.e. initiating a chat session among a plurality of users of a social network framework and receiving a comment submitted by at least one user among the plurality of users and displaying the at least one inquiry in the chat session) and displaying data (displaying a graphical indicator in the chat session that identifies at least one user as the SME), all of which the courts have recognized as being a well-understood, routine, and conventional function of a computer (see *July 2015 Update*, p. 7).

Final Act. 5–6. The Examiner further finds that the recited computer components perform “generic computer functions that are well-understood,

routine and conventional activities [which] amount to no more than implementing the abstract idea with a computerized system.” Final Act. 6; *see also* Ans. 4–6. Based on these determinations, the Examiner concludes that the claims are ineligible under § 101. Final Act. 7.

Appellants argue that the claimed invention is not directed to an abstract idea. Br. 8–10. According to Appellants, “the claims of the instant invention go[] beyond an abstract idea by presenting a particular way to solve the problem of identifying user roles and specialties associated within the subject matter and identifying and recommend[ing] the experts of the subject matter,” which are used to find “the connectors which can recommend the experts using the social network information, project profile information, community information, and chat room rankings input by a user’s peers and colleagues (i.e., rules).” Br. 12. Appellants also contend that “all pending claims are patent-eligible because the combination of elements recited in each claim constitutes meaningful limitations that amount to significantly more than any alleged underlying abstract concept and because such meaningful limitations go beyond generally linking such a concept to a generic computer.” *Id.*

Principles of Law

Section 101 of the Patent Act provides that “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof” is patent eligible. 35 U.S.C. § 101. But the Supreme Court has long recognized an implicit exception to this section: “Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013)).

To determine whether a claim falls within one of these excluded categories, the Court has set out a two-part framework. The framework requires us first to consider whether the claim is “directed to one of those patent-ineligible concepts.” *Alice*, 573 U.S. at 217. If so, we then examine “the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 78, 79 (2012)). That is, we examine the claims for an “inventive concept,” “an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’” *Alice*, 573 U.S. at 217–18 (alteration in original) (quoting *Mayo*, 566 U.S. at 72–73).

In January 2019, the USPTO published revised guidance on the application of § 101. *See 2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Guidance”). Under that guidance, we first look to whether the claim recites:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities such as a fundamental economic practice, or mental processes); and
 - (2) additional elements that integrate the judicial exception into a practical application (*see* MANUAL OF PATENT EXAMINING PROCEDURE (MPEP) §§ 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 08.2017, Jan. 2018)).
- Only if a claim (1) recites a judicial exception, and (2) does not integrate that exception into a practical application, do we then look to whether the claim:

(3) adds a specific limitation beyond the judicial exception that is not well-understood, routine, and conventional in the field (*see* MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See Guidance, 84 Fed. Reg. at 56.

Discussion

Independent claim 1 is directed to an abstract idea because the claim recites a method of organizing human activities, one of the abstract idea groupings listed in the Guidance. *See*, 84 Fed. Reg. at 52, 53 (listing “[c]ertain methods of organizing human [activities] such as managing personal behavior or relationships or interactions between people” as one of the “enumerated groupings of abstract ideas”).

The claimed system provides subject matter expert (SME) cognition capabilities “by utilizing the social network information, and identifying user roles and specialties associated within the subject matter and identifying and recommend the experts of the subject matter, finding the connectors which can recommend the experts using the social network information, project profile information, and community information.” Spec. ¶ 10. Claim 1 recites an apparatus comprising a processor and a data report dashboard module for performing the recited functions. Br. 20 (Claims App’x.). The claimed system includes the following: (1) “a rating module including an electronic hardware controller configured to detect at least one of a positive ranking and a negative ranking;” (2) “a subject matter expert (SME) identification module including an electronic hardware controller

configured to identify a SME based on at least one of social networking information, community expertise ranking and project stakeholder recognitions;” (3) “wherein the SME identification module includes an electronic hardware controller that monitors a number of the positive and negative rankings, and dynamically determines at least one user as the SME corresponding to a particular subject-area corresponding to the inquiry based on a number of the positive rankings” and (4) “wherein the network dashboard module generates a signal commanding the social network server to dynamically display a graphical indicator in the chat session that identifies the determined user as the SME.”

To determine whether a claim recites an abstract idea, we (1) identify the claim’s specific limitations that recite an abstract idea, and (2) determine whether the identified limitations fall within certain subject matter groupings, namely (a) mathematical concepts³; (b) certain methods of organizing human activity⁴; or (c) mental processes.⁵

³ Mathematical concepts include mathematical relationships, mathematical formulas or equations, and mathematical calculations. *See* Guidance, 84 Fed. Reg. at 52.

⁴ Certain methods of organizing human activity include fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations); managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions). *See* Guidance, 84 Fed. Reg. at 52.

⁵ Mental processes are concepts performed in the human mind including an observation, evaluation, judgment, or opinion. *See* Guidance, 84 Fed. Reg. at 52.

Abstract Idea

Here, apart from the processor, social network server, and different modules, every limitation of claim 1 recites an abstract idea, namely organizing human activity, or managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions) by providing “social networking information” and rankings or comments from the users. The claimed identifying “subject matter expert (SME)” based on “rankings” and social network information does not require a machine, let alone a particular machine, to implement, and therefore fits squarely within the human activity organization category of the agency’s guidelines. *See* Guidance, 84 Fed. Reg. at 52 (listing exemplary methods of organizing human activity including (1) commercial interactions, and (2) managing interactions between people including following rules or instructions).

Although claim 1 recites an abstract idea based on these methods of organizing human activity, we nevertheless must still determine whether the abstract idea is integrated into a practical application, namely whether the claim applies, relies on, or uses the abstract idea in a manner that imposes a meaningful limit on the abstract idea, such that the claim is more than a drafting effort designed to monopolize the abstract idea. *See* Guidance, 84 Fed. Reg. at 54–55. We therefore (1) identify whether there are any additional recited elements beyond the abstract idea, and (2) evaluate those elements individually and collectively to determine whether they integrate the exception into a practical application. *See id.*

Here, the processor, server, and different modules are the only recited elements beyond the abstract idea, but these additional elements do not

integrate the abstract idea into a practical application when reading claim 1 as a whole. We are not persuaded that the claimed invention improves the computer or its components' functionality or efficiency, or otherwise changes the way those devices function. In another words, contrary to Appellants' assertion (Br. 9–11), the claimed invention here merely uses generic computing components to detect rankings, identify the SME, and display a graphical indicator related to the identified user as SME—a generic computer implementation that is not only directed to fundamental human activity organization and mental processes, but also does not improve a display mechanism as was the case in *McRO, Inc. v. Bandai Namco Games America, Inc.*, 837 F.3d 1299 (Fed. Cir. 2016).

Furthermore, the remaining elements recited in claim 1 do not integrate these abstract ideas into a practical application. In addition to the steps discussed above, claim 1 recites a “data report dashboard module,” “a rating module,” “a subject matter expert (SME) identifier module,” hardware controller,” and “a dashboard module.” The written description discloses that the recited service and storage encompass generic components, such as a general-purpose computer. *See, e.g.*, Spec. ¶¶ 13–23, 40–46, Fig 1 (Defining the term “module” as “an application specific integrated circuit (ASIC), an electronic circuit, an electronic hardware computer processor (shared, dedicated, or group) and memory that executes one or more software or firmware programs, a combinational logic circuit, an electronic hardware controller, a microcontroller and/or other suitable components that provide the described functionality.”). Simply adding generic hardware and computer components to perform abstract ideas does not integrate those ideas into a practical application. *See* Guidance, 84 Fed. Reg. at 55

(identifying “merely includ[ing] instructions to implement an abstract idea on a computer” as an example of when an abstract idea has not been integrated into a practical application).

Thus, the claims do not integrate the judicial exception into a practical application. The claims do not (1) improve the functioning of a computer or other technology, (2) are not applied with any particular machine (except for a generic computer), (3) do not effect a transformation of a particular article to a different state, and (4) are not applied in any meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception. *See* MPEP §§ 2106.05(a)–(c), (e)–(h).

Inventive Concept

Because we determine claim 1 is “directed to” an abstract idea, we consider whether claim 1 recites an “inventive concept.” The Examiner determined claim 1 does not recite an inventive concept because the additional elements in the claim do not amount to “significantly more” than an abstract idea. *See* Final Act. 6–7.

We agree. The additional elements recited in the claim include a “data report dashboard module,” “a rating module,” “a subject matter expert (SME) identifier module,” hardware controller,” and “a dashboard module.” The claim recites these elements at a high level of generality, and the written description indicates that these elements are generic computer components. *See, e.g.*, Spec. ¶¶ 40–46. Using generic computer components to perform abstract ideas does not provide the necessary inventive concept. *See Alice*, 573 U.S. at 223 (“[T]he mere recitation of a generic computer cannot

transform a patent-ineligible abstract idea into a patent-eligible invention.”). Thus, these elements, taken individually or together, do not amount to “significantly more” than the abstract ideas themselves.

Appellants contend various elements recited in the claim provide the necessary “inventive concept.” Br. 12–14. In particular, Appellants assert:

In the present invention, the claims recite a solution or outcome of identifying user roles and specialties associated within the subject matter and identifying and recommend the experts of the subject matter, finding the connectors which can recommend the experts using the social network information, project profile information, and community information. These sets of “rules” allow a computer to perform a function not previously performable by a computer to achieve a particular solution.

Br. 13. However, these elements form part of the recited abstract ideas and thus are not “additional elements” that “‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo*, 566 U.S. at 78); *see also* Guidance, 84 Fed. Reg. at 55 n.24 (“USPTO guidance uses the term ‘additional elements’ to refer to claim features, limitations, and/or steps that are recited in the claim *beyond the identified judicial exception.*” (Emphasis added)). As such, Appellants’ claims can be distinguished from patent-eligible claims such as those in *McRO* and *Bascom Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016)) (*See* Br. 13–14), that are directed to “a specific means or method that improves the relevant technology” (*McRO*, 837 F.3d at 1314) or “solving a technology-based problem” (*Bascom*, 827 F.3d at 1349–52).

Conclusion

For at least the above reasons, we agree with the Examiner that claim 1 is “directed to” an abstract idea and does not recite an “inventive concept.” Accordingly, we sustain the Examiner’s rejection of claim 1 and the remaining claims which fail to include additional elements that add significantly more to the abstract idea, under 35 U.S.C. § 101.

REJECTION UNDER 35 U.S.C. § 112

The Examiner finds the claims recite features that were not described in the Specification to satisfy the written description requirement as outlined below:

- *“a social network server that establishes a social network framework . . . facilitates a chat session . . . display(s) the at least one inquiry in the chat session [and] . . . display(s) a graphical indicator . . . that identifies the determined user as the SME”* (claim 1) and *“initiating a chat session . . . facilitated by an electronic social network server”* (claims 8 and 15). There are only two mentions of a server in the specification: paragraph 42, “The network may comprise ... edge servers” and paragraph 43, “The computer readable program instructions may execute ... entirely on the remote computer or server.” There is no mention of a separate server which performs the functions listed above for the social network server.
- *“facilitates a chat session”* (claim 1) and *“initiating a chat session”* (claims 8 and 15). Now here in the specification is a chat session facilitated or initiated. The embodiment of the invention described in Fig. 2 and paragraphs 35-36 assumes that the session exists: “At operation 208, users of the system are notified of the inquiries.” The embodiment of the invention described in Fig. 3 and paragraphs 37-38 (which differs from the claimed invention in that SMEs are identified before the inquiries are broadcast and the comments are rated) generates “a social network-based communication framework” at

operation 304. However, nowhere in the specification is the social network-based communication framework synonymous with “chat session.”

- “to display the at least one inquiry in the chat session” (claim 1), and “displaying the at least one inquiry in the chat session” (claims 8 and 15). Nowhere in the specification is there a teaching or suggestion of displaying the inquiry in the chat session.
- “network dashboard module configured to ... commands the social network server to display the at least one inquiry in the chat session” (claim 1). See above “social network server.”
- “to dynamically display a graphical indicator in the chat session that identifies the determined user as the SME” (claim 1) and “displaying a graphical indicator in the chat session that identifies at least one user as the SME” (claims 8 and 15). “In at least one embodiment, an alert such as, for example, a sound alert, graphical indicator, etc., may indicate a positive and/or negative ranking applied to a respective user,” paragraph 19, is the closest the specification comes to supporting this claim element. However, in this case, the graphical indicator may be applied to any user, not just designating the SME.

Final Act. 8–9.⁶

Appellants contend the Examiner erred in rejecting the claims under 35 U.S.C. § 112, first paragraph because their disclosure “describes an electronic computer processor that is in electrical communication with a social network server.” Br. 15 (citing Spec. ¶¶ 10, 19, and 42). Appellants further point to the disclosure for describing “an electronic computer processor that establishes a social network framework and that facilitates a chat session.” *Id.* (citing Spec. ¶¶ 14, 19). With respect to the recited

⁶ The Examiner withdraws this rejection with respect to the “facilitate a chat session” limitation. *See* Ans. 7.

displaying the inquiry in the chat session and the graphical indicator, Appellants argue the originally filed disclosure describes the necessary display components or modules. Br. 15–16 (citing Spec. ¶¶ 19, 26, 33, 35, and 36).

In response to Appellants’ contention, the Examiner further finds, based on the broadest reasonable interpretation of the term “social network server” as “a computer linked to a network which manages a social network,” the disclosure fails to define or describe the recited “social network server.” Ans. 6. Similarly, the Examiner explains that the disclosure does not include the specific claim terms outlined in the rejection. Ans. 7–8.

To satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context is whatever is now claimed. *See Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563–64 (Fed. Cir. 1991). Here, although the term “social network server” that “facilitates a chat session” is not used in the Specification, we agree with Appellants that the cited portions of the Specification “provide[] support that conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention.” Br. 15. In fact, there is no requirement that the Specification include the exact words to satisfy the written description requirement, as long as one skilled in the art would conclude that the inventor had possession of the claim features. “[T]he description requirement does not demand any particular form of disclosure, or that the specification recite the claimed invention *in haec verba*.” *Ariad Pharms.*,

Inc. v. Eli Lilly & Co., 598 F.3d 1336, 1352 (Fed. Cir. 2010) (*en banc*) (citation omitted). Rather, “the test for sufficiency is whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.” *Ariad*, 598 F.3d at 1351.

Appellants’ Specification describes a network that includes servers and a network dashboard module serving as a chat control. *See* Spec. ¶¶ 10–12, 14, 19, 42. Appellants’ Specification also describes a network dashboard module for displaying the inquiry in the chat session and the ratings provided for the user comments as well as a graphical indicator that identifies the user determined to be the SME. *See* Spec. ¶¶ 19, 26, 33, 35, and 36. Consistent with Appellants’ arguments (Br. 14–17), we agree with Appellants that the Specification provides written description support for the limitation because these descriptions would reasonably convey to a person of ordinary skill in the art that Appellants had possession of the claimed subject matter as of the filing date. Therefore, we do not sustain the Examiner’s rejection of claim 8 under 35 U.S.C. § 112, first paragraph, for lack of written description.

REJECTIONS UNDER 35 U.S.C. § 103

In rejecting claim 1, the Examiner finds

Tabrizi teaches a social networking-based web analytics data processing system having subject matter expert (SME) cognitive capability, comprising various modules including electronic hardware controllers configured to perform the method of claim 8 (col. 24, line 21– col. 33, line 62, noting especially col. 24, lines 21–50, col. 24, line 23 – col. 25, line 5). The remainder of claim 1 substantially repeats the subject matter of

claim 8 above and is therefore rejected using the same art and rationale as applied in the rejection of claim 8.

Final Act. 14.

Appellants do not dispute the rejection of independent claim 8 and contend the Examiner's rejection of claim 1 is in error because "the Examiner has based the rejection of claim [1] upon claim 8" and "subject matter expert (SME) identification module' and it's corresponding operation of 'identif[y]ing a SME based on at least one of social networking information, community expertise ranking and project stakeholder recognitions,' *is not recited in claim 8.*" Br. 17. Appellants specifically argue the Examiner's reliance on Ting is improper because the strength of the positive feedback of Ting is not the same as the disputed claim limitation. Br. 17-18. Regarding claims 2, 3, 9, 10, 16, and 17, Appellants contend the Examiner erred in relying on Tabrizi because "Tabrizi, however, does not teach or remotely suggest the roles of the at least one user are updated based on a number of positive rankings, the roles being extracting data from at least one of a social network profile and webpage of the at least one user." Br. 18.

In response, the Examiner finds

Claim 8 recites the similar limitation "identifying a subject matter expert (SME) among the at least one user based on a number of positive rankings" which was rejected using Tabrizi, the primary prior art. Since the positive rankings occur in the chat session of the social network, those rankings are social networking information and since most social networks are considered communities, the positive rankings could be considered community expertise ranking. Therefore, the same art and rationale used in rejection of the "identifying" element based on positive rankings in claim 8 can be applied claim 1 which substantially repeats the subject matter by reciting "to

identify a SME based on at least one of social networking information community expertise ranking and project stakeholder recognitions[.]”

Ans. 9. We agree with the Examiner’s findings and analysis and observe that the cited portions of Tabrizi in columns 17 and 18 teach identifying the expert based on expert’s recognition or reputation. Tabrizi 17:46–53.

Regarding claims 2, 3, 9, 10, 16, and 17, the Examiner finds the following:

Appellant does not define the word “role” in either the specification or the claims. The usual and customary definition of the word includes “the purpose or influence of someone or something in a particular situation” (<http://www.macmillandictionary.com/dictionary/american/role#role> 4). Additionally, the Examiner does not “contend that col. 11, line 59–col. 8, line 2 on Tabrizi describes Appellant’s feature of updating the roles of the at least one user based on a number of positive rankings” as asserted by the Appellant. Rather that citation teaches “determining roles of the at least one user in response to extracting data from at least one of a social network profile, a community profile and a project profile,” as noted below.

Ans. 10. As such, the Examiner characterizes “either or both of the level of public engagement and the social impact,” as the claim term “role,” which is taught by Tabrizi. *See* Ans. 10 (citing Tabrizi col. 5, 17, and 18).

Based on a review of Tabrizi, we are unpersuaded by Appellants’ contention that Tabrizi’s disclosure of “the level of the expert’s public engagement” or participation is different from the claimed “role of the at least one user” or how the role is updated based on positive rankings. As further pointed out by the Examiner (Ans. 11), Tabrizi teaches the expert’s communication skills (e.g., reputation for explaining complex topics) may

be evaluated, which causes ratings to be assigned to the expert and become available as the social profile of the user. *See* Tabrizi 5: 56–61, 17:48–65.

Therefore, Appellants’ arguments have not persuaded us of error in the Examiner’s position with respect to the rejection of independent claims 1 and 8, as well as dependent claims 2, 3, 9, 10, 16, and 17. We, therefore, sustain the 35 U.S.C. § 103 rejection of claims 1–3, 8–10, 16, and 17, as well as the remaining claims, which are not argued separately.

DECISION

We affirm the Examiner’s rejection of claims 1–20 under 35 U.S.C. § 101.

We reverse the Examiner’s rejections of claims 1–20 under 35 U.S.C. § 112, first paragraph.

We affirm the Examiner’s rejection of claims 1–20 under 35 U.S.C. § 103(a).

Because we have affirmed at least one ground of rejection with respect to each claim on appeal, the Examiner’s decision is affirmed. *See* 37 C.F.R. § 41.50(a)(1).

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