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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte THOMAS R. GRUBER, HARRY J. SADDLER,
LIA T. NAPOLITANO, EMILY CLARK SCHUBERT, and
BRIAN CONRAD SUMNER

Appeal 2018-001405
Application 13/913,423
Technology Center 2600

BEFORE MAHSHID D. SAADAT, CARL L. SILVERMAN, and
MICHAEL J. ENGLE, *Administrative Patent Judges*.

ENGLE, *Administrative Patent Judge*.

DECISION ON APPEAL

Apple Inc. (“Appellant”¹) appeals under 35 U.S.C. § 134(a) from the Examiner’s decision to reject claims 1–32, which are all of the claims pending in the application. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ We use the word “Appellant” to refer to “Applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Apple Inc. Appeal Br. 3.

TECHNOLOGY

The application relates to “a user interface . . . such as a virtual assistant [that] is automatically adapted for hands-free use.” Spec. ¶ 9.

ILLUSTRATIVE CLAIM

Claim 1 is illustrative and reproduced below with certain limitations at issue emphasized:

1. A method for providing information through a speech-enabled dialogue interface, comprising:

identifying a plurality of data items for presentation to a user, the plurality of data items associated with a domain-specific item type and sorted according to a particular order;

based on the domain-specific item type, generating a speech-based overview of the plurality of data items;

for each of the plurality of data items, generating a respective speech-based, item-specific paraphrase for the data item based on respective content of the data item; and

providing, to a user through the speech-enabled dialogue interface, the speech-based overview, followed by the respective speech-based, item-specific paraphrases for at least a subset of the plurality of data items in the particular order.

REJECTIONS

Claims 1, 11, 21, 31, and 32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nachman (US 2010/0169097 A1; July 1, 2010).
Final Act. 3–5.

Claims 2, 3, 12, 13, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nachman and Roy (US 2010/0121637 A1; May 13, 2010). Final Act. 5.

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Claims 4, 6, 7, 14, 16, 17, 24, 26, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nachman and Byrne (US 7,920,682 B2; Apr. 5, 2011). Final Act. 7–11.

Claims 5, 15, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nachman, Byrne, and Shaw (US 2011/0116610 A1; May 19, 2011). Final Act. 11.

Claims 8, 9, 18, 19, 28, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nachman and Clipsham (US 2007/0241885 A1; Oct. 18, 2007). Final Act. 12.

Claims 10, 20, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nachman, Clipsham, and Byrne. Final Act. 14.

ANALYSIS

Claims 1, 11, 21, 31, and 32 (Anticipation)

Independent claims 1, 11, and 21 recite “for each of the plurality of data items, generating a respective speech-based, item-specific *paraphrase* for the data item.”

The Examiner relies on Nachman as disclosing this limitation. Final Act. 4. Nachman discloses “an interface to traverse a list via audible mapping.” Nachman ¶ 1. In particular, Nachman discloses several techniques for audibly reciting a list. For example, in some embodiments, each item in a list is given “a fixed length of time” (e.g., 3 seconds) and each item is fit into that fixed length of time by either “truncating the recitation of the list item” (e.g., stop reading after 3 seconds) or “time-compressing the audible indicator to be a specified length of time” (e.g., reading the item at a faster speed to fit within 3 seconds). *Id.* ¶¶ 28, 30.

The Examiner finds that “by providing partial recitations[,] Nachman is essentially providing paraphrases” because “a partial recitation is a ‘restatement of a passage in another form’ or a ‘rewording’ of the passage.” Ans. 4, 5.

Although we apply the broadest reasonable interpretation during examination, “[a]bove all, the broadest reasonable interpretation must be *reasonable* in light of the claims and specification.” *PPC Broadband, Inc. v. Corning Optical Commc’ns RF, LLC*, 815 F.3d 747, 755 (Fed. Cir. 2016). Here, we agree with Appellant that a “*verbatim recitation* of the text of items in the list, either full or partial [e.g., truncated after 3 seconds],” “does not fall within the plain dictionary meaning of ‘paraphrase’—‘a restatement of a text or passage giving the meaning *in another form*, as for clearness; rewording.” Reply Br. 12. Stopping playback of an item in a list after 3 seconds is neither “restating” nor “rewording.”

The Examiner also relies on inherency. In particular, because the Specification discloses that “the overview paraphrases the list of items” (Spec. ¶ 194), the Examiner determines that “any overview necessarily contains a paraphrase” and hence is inherent. Ans. 5. At a high level, an overview *of a list* may well paraphrase *that list*. However, the independent claims here require an “item-specific paraphrase” for “each” *data item*. Thus, even if the overview inherently paraphrased the claimed “plurality” (i.e., the group as a whole), that fails to address the claims’ further requirement that each data item have its own item-specific paraphrase.

Accordingly, we do not sustain the Examiner’s rejection of independent claims 1, 11, and 21, and their dependent claims 31 and 32.

*Claims 2–10, 12–20, and 22–30
(Obviousness)*

The obviousness rejections of the remaining dependent claims do not cure the deficiencies discussed above.

Accordingly, we do not sustain the Examiner’s rejections of claims 2–10, 12–20, and 22–30.

DECISION

The Examiner’s rejections are reversed, as summarized by the table below:

Claims Rejected	Statute	References	Affirmed	Reversed
1, 11, 21, 31, 32	§ 102	Nachman		1, 11, 21, 31, 32
2, 3, 12, 13, 22, 23	§ 103	Nachman, Roy		2, 3, 12, 13, 22, 23
4, 6, 7, 14, 16, 17, 24, 26, 27	§ 103	Nachman, Byrne		4, 6, 7, 14, 16, 17, 24, 26, 27
5, 15, 25	§ 103	Nachman, Byrne, Shaw		5, 15, 25
8, 9, 18, 19, 28, 29	§ 103	Nachman, Clipsham		8, 9, 18, 19, 28, 29
10, 20, 30	§ 103	Nachman, Clipsham, Byrne		10, 20, 30
OVERALL				1–32

REVERSED