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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* SARANGKUMAR JAGDISHCHANDRA ANAJWALA

Appeal 2018-001660  
Application 14/072,344  
Technology Center 2100

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Before ERIC B. CHEN, JUSTIN BUSCH, and BETH Z. SHAW,  
*Administrative Patent Judges.*

SHAW, *Administrative Patent Judge.*

DECISION ON APPEAL<sup>1</sup>

Appellant<sup>2</sup> seeks our review under 35 U.S.C. § 134(a) of the Examiner’s Final Rejection of claims 1–14 and 21–26, which represent all the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

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<sup>1</sup> Throughout this Decision we have considered the Appeal Brief filed September 13, 2017 (“App. Br.”), Reply Brief filed December 4, 2017 (“Reply Br.”), the Examiner’s Answer mailed October 23, 2017 (“Ans.”) and the Final Office Action mailed July 14, 2017 (“Final Act.”).

<sup>2</sup> Appellant identifies Avaya Inc. as the real party in interest. App. Br. 2.

## INVENTION

Appellant's invention is directed to user interfaces for communications and suggesting predictive actions for communications.

Spec. ¶ 1.

Claim 1 is illustrative and reproduced below:

1. A method comprising:
  - receiving, at a communications server, an incoming call directed at a first device associated with a user;
  - identifying, via a processor of the communications server, a caller associated with the incoming call;
  - retrieving, by the communications server and based on an identity of the caller in the incoming call, an action performed by the user on a different second device when a previous call with the caller was received by or connected with the second device, wherein the action performed by the user on the second device is to launch a first computer application on the second device;
  - providing, by the communications server, a selectable user interface object to perform the action of launching the first computer application for presentation to the user via a user interface of the first device based on the action performed by the user on the second device; and
  - upon receiving a selection of the selectable user interface object from the user, performing the action by the communications server of launching the first computer application on the first device.

## REJECTIONS

The Examiner rejected claims 1–3, 5, 7–11, 14, 21, 22, 25, and 26 under 35 U.S.C. § 101 as directed to patent ineligible subject matter. Final Act. 8–10.

The Examiner rejected claims 1, 2, 5, 10, and 11 under 35 U.S.C. § 103(a)<sup>3</sup> as being unpatentable over Balasaygun et al. (US 2010/0228560 A1, published Sept. 9, 2010; hereinafter “Balasaygun”) and Chu et al. (US 2013/0173513 A1, published July 4, 2013; hereinafter “Chu”). Final Act. 10–16.

The Examiner rejected claims 3, 4, 6, 9, 12, 13, and 21–24 under 35 U.S.C. § 103 as unpatentable over Balasaygun, Chu, and Ananthakrishnan et al. (US 2012/0278727 A1, published Nov. 1, 2012; hereinafter “Ananthakrishnan”). Final Act. 16–25.

The Examiner rejected claims 7, 8, and 14 under 35 U.S.C. § 103 as unpatentable over Balasaygun, Chu, and Olincy et al. (US 2011/0151852 A1, published June 23, 2011; hereinafter “Olincy”). Final Act. 26–28.

The Examiner rejected claims 25 and 26 under 35 U.S.C. § 103 as unpatentable over Balasaygun, Chu, Ananthakrishnan, and Olincy. Final Act. 28–29.

## CONTENTIONS AND ANALYSIS

We have reviewed Appellant’s arguments in the Briefs, the Examiner’s rejection, and the Examiner’s response to Appellant’s arguments.

### *The Section 101 Rejection*

The Examiner finds that claims 1–3, 5, 7–11, 14, 21, 22, 25, and 26 are directed to the abstract idea of “generat[ing] tasks based on rules to be completed upon the occurrence of an event.” Final Act. 8. The Examiner

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<sup>3</sup> Although the Final Rejection refers to 35 U.S.C. § 102(a)(1), we understand the rejection to be an obviousness rejection under 35 U.S.C. § 103(a).

further finds that the claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because “the limitations are merely instructions to implement the abstract idea on a computer and require no more than a generic computer to perform generic computer functions.” *Id.* at 9.

Appellant argues the Examiner erred because (1) the claims are not directed to an abstract idea because the claims do not fall within a judicially created category that qualifies as an abstract idea, and (2) the claims add “significantly more” than the exception. App. Br. 10–15.

The first step in the *Alice* inquiry in this case asks whether the focus of the claims is on the specific asserted improvement in computer capabilities or, instead, on a process that qualifies as an “abstract idea” for which computers are invoked merely as a tool. *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016).

Claim 1 recites:

A method comprising:

receiving, at a communications server, an incoming call directed at a first device associated with a user;

identifying, via a processor of the communications server, a caller associated with the incoming call;

retrieving, by the communications server and based on an identity of the caller in the incoming call, an action performed by the user on a different second device when a previous call with the caller was received by or connected with the second device, wherein the action performed by the user on the second device is to launch a first computer application on the second device;

providing, by the communications server, a selectable user interface object to perform the action of launching the first computer application for presentation to the user via a user interface of the first device based on the action performed by the user on the second device; and

upon receiving a selection of the selectable user interface object from the user, performing the action by the communications server of launching the first computer application on the first device.

Claims 1, 10, and 21 deal with a communications server determining the identify of a caller on an incoming call directed to a first device, and based on the identity, determining an action performed on a second device (where in a previous call, the user launched a computer application), providing a user interface object to perform an action of launching the computer application on the first device, and then launching the computer application based on a selection from the user.

In *Enfish*, the Federal Circuit found “the plain focus of the claims is on an improvement to computer functionality itself, not on economic or other tasks for which a computer is used in its ordinary capacity.” 822 F.3d at 1336. Accordingly, the court found that the claims at issue in *Enfish* were not directed to an abstract idea within the meaning of *Alice*. *Id.* Rather, they found the claims were “directed to a specific improvement to the way computers operate, embodied in the self-referential table.” *Id.*

In this case, as in *Enfish*, the focus of the claims is on an improvement to computer functionality itself, not on economic or other tasks for which a computer is used in its ordinary capacity. As Appellant points out, the focus of the claims, i.e., on launching of the computer application on two different devices, is not a function that can be performed mentally. Accordingly, we conclude that Appellant’s claims are patent eligible because they are not directed to an abstract idea within the meaning of *Alice*. Instead, they are directed to a specific improvement to the way computers operate.

The Specification describes a system that “can identify a set of 5 different predictive actions, and present the best predictive action or the N-best list of predictive actions.” Spec. ¶ 8. The system can learn a user’s communication patterns and can apply the learned patterns to predict what the user is likely to do for a particular communication event and/or context. *Id.* ¶ 31. The system generates, highlights, or provides a simple way for the user to launch those actions. *Id.*

Moreover, like the court in *Enfish*, we are not persuaded that the invention’s ability to run on a general-purpose computer dooms the claims. *See Enfish*, 822 F.3d at 1338–39. Unlike the claims at issue in *Alice*, the claims here are directed to an improvement in the functioning of a computer. In contrast, the claims at issue in *Alice* add conventional computer components to well-known business practices. *See Enfish*, 822 F.3d at 1338–39 (citing *Alice*, 134 S. Ct. at 2358–60). This is not “a situation where general-purpose computer components are added post-hoc to a fundamental economic practice or mathematical equation.” *Id.* at 1339. Rather, the claims are directed to a specific implementation of a solution to a problem in software. Accordingly, we find the claims at issue are not directed to an abstract idea.

We note that, because the claims are narrowly directed to launching a first computer application for presentation to a user via a user interface of the first device based on an action performed by the user on a second device, any preemption is appropriately limited to Appellant’s alleged contribution to the art and does not extend to launching applications generally.

Because the claims are not directed to an abstract idea under step one of the *Alice* analysis, we do not need to proceed to step two of that analysis. *Enfish*, 822 F.3d at 1339.

For these reasons, we do not sustain the rejection of claims 1–3, 5, 7–11, 14, 21, 22, 25, and 26 under 35 U.S.C. § 101.

### *The Obviousness Rejection*

#### Claim 1

Appellant argues “Balasaygun does not state that buddy list is changed for every received call.” App. Br. 18. However, the claims do not require an action for “every received call,” but rather, for “an incoming call.” As the Examiner explains, and we agree, Balasaygun teaches various user actions that can be measured across devices, e.g., a first device or a second device, and their communication with a server. Ans. 7; Balasaygun Fig. 1 and ¶¶ 35–36, 40, 42, and 54–56. These different communication devices can receive calls and take into account the contact information of the particular caller. This information can then be used to create a buddy list on the different communication devices. *See id.* Chu allows for the pre-launching of specific applications based on previous interactions with said application(s), and with the previous launching and interactions of the application(s) being associated with the caller. *Id.*; *see* Chu Figs. 4A–4B and ¶¶ 19 and 52–53. Therefore, Balasaygun or Chu receive and record actions taken during a call and present the information to the user in the form of the buddy list or automatically launch the particular application in response to the incoming call. Balasaygun discloses suggested action menus and buddy list reorganization actions that one of ordinary skill in the art

would recognize equates to the selectable interface object to perform the predictive action of Chu.

Accordingly, we sustain the rejection of independent claim 1 as unpatentable over Balasaygun and Chu. For the same reasons, we sustain the rejection of independent claim 10, for which Appellant presents the same or essentially the same arguments as claim 1. App. Br. 20. We also sustain the rejection of dependent claims 3, 11, and 22, for which Appellant states in the Reply Brief, “[t]he Appellant agrees with the Examiner's arguments that the cited references disclose claims 3, 11, and 22.” Reply Br. 10.<sup>4</sup>

Dependent claim 4

With respect to dependent claim 4, the Examiner finds Ananthakrishnan explicitly takes into account the capabilities of two devices when transmitting or opening particular files or documents, and certain capabilities can affect how the files may be transferred. Ans. 9; *see* Ananthakrishnan ¶ 80. We agree with the Examiner that the claim language does not require that the first and second applications be completely different applications, only that they are on separate devices, so long as those devices have different software or hardware capabilities or limitations. *Id.* at 9–10.

Appellant makes a conclusory, unsupported argument that Ananthakrishnan does not disclose the sent instructions are “device-

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<sup>4</sup> For purposes of this appeal, we understand Appellant to agree with the Examiner that the references teach only the disputed elements additionally recited in claims 3, 11, and 22—otherwise, Appellant would be withdrawing the arguments with respect to claims from which these claims depend.

specific.” Reply Br. 11. We disagree because Ananthakrishnan teaches that communications device 100 may have “different capabilities than communications device 200,” and

upon determining the compatible features, the compatible communications features are transferred with the non-compatible features being re-negotiated as needed, using for example, SIP protocols, and further including the renegotiation of codecs as needed, the adding or subtracting of media paths, and optionally the maintaining of call control information on communications device 100 while transferring the compatible features, such as audio information, to device 200.

Ananthakrishnan ¶ 78. Appellant provides insufficient evidence to show the Specification or claims limit “device-specific” in a way that, under a broad but reasonable interpretation, does not encompass Ananthakrishnan’s description of different capabilities between the communications devices as well as various examples of non-compatible features being transferred. Accordingly, we sustain the rejection of dependent claim 4.

#### Dependent claim 21

Claim 21 depends from claim 1 and recites, in part, “wherein the first computer application is one of a word processing application, a call recording application, or a spreadsheet application.” Appellant argues that claim 1 recites specific types of applications and Ananthakrishnan does not disclose or suggest that the call record file is accessed by a word processing, a call recording, or a spreadsheet application. App. Br. 25, 26. Appellant also argues that Ananthakrishnan does not disclose that the application is launched on a second device that is provided to a first device. *Id.* at 26.

The Examiner finds, and we agree, that the claim requires an action to launch a first computer application, “wherein the first computer application is one of a word processing application, a call recording application, or a spreadsheet application.” Ans. 10. We also agree that Ananthakrishnan explicitly teaches such exchanging applications, and that an application or file can be related to call records as well as various documents that can be opened related to those call records. *Id.* (citing Ananthakrishnan ¶ 20 (“in general any data, application or information, or communication management could be exchanged between the devices”), ¶ 65). Furthermore, Ananthakrishnan explicitly teaches that a document editing application is one that can be opened when the call is received. *Id.* ¶ 85.

In the Reply Brief, Appellant argues Ananthakrishnan does not teach a call being received when the document is transferred. Reply Br. 11. However, the Examiner relies on Balasaygun, not Ananthakrishnan, as teaching that claim limitation. *See* Final Act. 22–23. Ananthakrishnan is relied on to teach “wherein the first computer application is one of a word processing application, a call recording application, or a spreadsheet application.” *Id.* (emphasis omitted).

For these reasons, we sustain the rejection of dependent claim 21.

#### Dependent Claims 9 and 26

Dependent claim 9 recites “wherein the multiple predictive actions are performed during the incoming call by multiple different devices of the user.” Dependent claim 26 recites similar limitations.

In the Final Office Action, the Examiner finds Ananthakrishnan teaches this limitation in Figures 1–3 and paragraphs 32 and 94–97. Final

Act. 19. We agree with Appellant, however, that these cited portions of Ananthakrishnan do not appear to teach the disputed limitation. The Examiner does not respond to Appellant's arguments in the Answer. Based on this record, we agree with Appellant that the Examiner has not shown where the references teach "wherein the multiple predictive actions are performed during the incoming call by multiple different devices of the user." Therefore, we do not sustain the rejection of dependent claims 9 and 26.

#### CONCLUSION

We do not sustain the rejections of claims 1–3, 5, 7–11, 14, 21, 22, 25, and 26 under § 101.

We sustain the rejections of claims 1–8, 10–14, and 21–25 under § 103.

We do not sustain the rejection of claims 9 and 26 under § 103.

#### DECISION

The decision of the Examiner to reject claims 1–8, 10–14, and 21–25 is affirmed.

The decision of the Examiner to reject claims 9 and 26 is reversed.

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-IN-PART