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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* LUKE ST. CLAIR, DANIEL WEAVER, JOSHUA VAN
DYKE WATZMAN, and DANIEL SCHAFER

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Appeal 2018-002778
Application 14/064,079
Technology Center 2100

———————

BEFORE DEBRA K. STEPHENS, ADAM J. PYONIN, and
MICHAEL J. ENGLE, *Administrative Patent Judges.*

ENGLE, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Facebook, Inc. ("Appellant"[1]) appeals under 35 U.S.C. § 134(a) from
the Examiner's decision rejecting claims 1–20, 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.

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[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
Facebook, Inc. Appeal Br. 3.

TECHNOLOGY

The application relates to a "social-networking system" in which the "determination of the order for the content boards may be based on the cover feed interaction history, recency of content included in the content boards, popularity of the content, relevance of content to the user, or device-based events." Spec. Abstract.

ILLUSTRATIVE CLAIM

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

1. A method comprising:

by a computer server machine, receiving a cover feed interaction history from a client device associated with a user of a social-networking system;

by the computer server machine, retrieving, from a server-side data store, user information related to the user;

by the computer server machine, determining a ranking for each of a plurality of content boards in a queue of content boards associated with a cover feed interface based on the cover feed interaction history, the user information related to the user, and device information related to the client device, wherein each of the content boards occupies substantially an entire displayable region of the client device when displayed by the client device;

by the computer server machine, *downgrading, for at least one of the content boards in the queue that has been displayed by the client device, the ranking of the at least one of the content boards based at least in part on the display of the at least one of the content boards*; and

by the computer server machine, sending the ranking for each of one or more of the content boards in the queue to the client device.

REJECTION

Claims 1–20 stand rejected under 35 U.S.C. § 103 as obvious over Howes (US 2012/0023390 A1; Jan. 26, 2012), Chaudhri (US 2009/0021486 A1; Jan. 22, 2009), White (US 2010/0095208 A1; Apr. 15, 2010), and Du (US 2013/01177451 A1; May 9, 2013). Final Act. 2.

ISSUE

Did the Examiner err in finding Du teaches or suggests "downgrading, for at least one of the content boards in the queue that has been displayed by the client device, the ranking of the at least one of the content boards based at least in part on the display of the at least one of the content boards," as recited in claim 1?

ANALYSIS

Claim 1 recites "downgrading, for at least one of the content boards in the queue *that has been displayed* by the client device, the ranking of the at least one of the content boards *based at least in part on the display of the at least one of the content boards*."

The Examiner relies on Du paragraphs 60–61 for this limitation. Final Act. 4–5; Ans. 3–5. Appellant argues "the *Office Action* does not contain evidence or reasoning supporting the Examiner's assertion that *Du* discloses the ***based at least in part on the display of the at least one of the content boards*** limitation other than a conclusory statement." Appeal Br. 7.

We agree with Appellant. The Specification discloses "the social-networking system may determine an order for display of the content boards in the cover feed so as to ensure that the 'freshest' and most interesting content is promoted in the queue of content boards for display to the user."

Spec. ¶ 69. "For example, once the user has viewed particular content, the order of the content boards may be updated, so that fresh content is promoted in the queue ahead of previously-viewed content." *Id.* This is reflected in claim 1 downgrading content that has already been displayed.

Here, Du discloses "ranking and filtering, according to the user rank identifier." Du ¶ 60. The Examiner quotes Du as disclosing that "the web page server . . . <u>selects corresponding content for displaying</u>" and "may even <u>display content in a same web page</u> based on different user rank identifier." Ans. 5 (quoting Du ¶ 60). The Examiner then concludes: "In other words, Du expressly teaches that ranking and filtering is performed based on selected web content *to be displayed*." *Id.* (emphasis added). Thus, the Examiner relies on Du teaching downgrading based on content "to be displayed" (i.e., will display in the future), whereas the claimed "based . . . on *the* display of the at least one of the content boards" refers back to "at least one of the content boards in the queue that *has been displayed*" (i.e., was displayed in the past). The Examiner fails to sufficiently demonstrate that Du teaches or suggests downgrading based on such display of content.

Accordingly, we reverse the Examiner's rejection of independent claims 1, 11, and 17, and their dependent claims 2–10, 12–16, and 18–20.

## CONCLUSION

The Examiner's rejection of claims 1–20 under § 103 is reversed.

| Claims Rejected | Basis | References | Affirmed | Reversed |
|---|---|---|---|---|
| 1–20 | § 103 | Howes, Chaudhri, White, Du | | 1–20 |

## REVERSED