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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
13/229,554 09/09/2011 Daniel Rosenstein 333795.01 9814

69316 7590 02/04/2019
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Table with 1 column: EXAMINER

CHUANG, JUNG-MU T

Table with 2 columns: ART UNIT, PAPER NUMBER

2179

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

02/04/2019

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DANIEL ROSENSTEIN, BRIAN D. REMICK,
MARK SIEVERT LARSEN, ALLISON A. O'MAHONY,
JASON M. CAHILL, CARMEN ZLATEFF,
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IGNATIUS SETIADI, CHUN-KIT J. CHAN,
RONALD L. WESSELS, MICHAEL F. PALERMITI, and
RACHEL K. POPKIN

Appeal 2018-005012
Application 13/229,554¹
Technology Center 2100

Before CARLA M. KRIVAK, ERIC B. CHEN, and
JEREMY J. CURCURI, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

¹ According to Appellants, the real party in interest is Microsoft Technology Licensing, LLC. App. Br. 1.

Appellants' invention is directed to a content user experience "that may be used to browse, view, search and sort content such as photos and videos from remote devices associated a user account, which may include devices that are particular to a user as well as devices that are part of a network service, such as a social network. In this way, a user may interact with content that is local to a device as well as content that is associated with the user from other devices or services and may be cached locally on the device to provide a variety of different scenarios, such as offline access." Spec. ¶ 17; Abstract.

Claims 1, 11, and 17 are independent. Appellants' main argument is with respect to claim 11, which is reproduced below and is exemplary of the subject matter on appeal (argued limitation is italicized).

11. A method implemented by one or more computing devices, the method comprising:
 - obtaining metadata, from a plurality of sources of different types of content, that describes content and specifies a hierarchy used by a respective said content source to arrange content;*
 - constructing an aggregate view of the content using the metadata as corresponding to the hierarchies at the respective said content sources;
 - displaying the aggregate view in a user interface as having representations of the content accessible via the hierarchies, at least one said representation being selectable to cause corresponding said content to be retrieved via a network connection from a corresponding said source; and
 - receiving an input indicating that a change is to be made to a different aggregate view of the representations; and responsive to receiving the input, either:
 - displaying the representations of the different aggregate view by obtaining additional metadata from the respective said content sources, when a size of the

representations of the different aggregate view will be enlarged compared to a size of the representations of the aggregate view; or

displaying the representations of the different aggregate view without obtaining additional metadata from the respective said content sources, when a size of the representations of the different aggregate view will be smaller compared to a size of the representations of the aggregate view.

REJECTIONS and REFERENCES

The Examiner rejected claims 11 and 12 under 35 U.S.C. § 103(a) based upon the teachings of Davis (US 2007/0033225 A1, pub. Feb. 8, 2007), DiMaria (US 2007/0288478 A1, pub. Dec. 13, 2007), and O’Connell Jr. (US 2014/0189557 A1, pub. July 13, 2014).

The Examiner rejected claims 1–3 and 8 under 35 U.S.C. § 103(a) based upon the teachings of Davis and O’Connell.

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) based upon the teachings of Davis, Gill (US 2006/0080401 A1, pub. Apr. 13, 2006), and Zhang (*Network-Aware Data Caching and Prefetching for Cloud-Hosted Metadata Retrieval*, <http://dl.acm.org/citation.cfm?id=2534700> (last visited January 1, 2017))

The Examiner rejected claims 4–7 under 35 U.S.C. § 103(a) based upon the teachings of Davis, O’Connell, and Svendsen (US 2009/0265416 A1, pub. Oct. 22, 2009).

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) based upon the teachings of Davis, and Arrouye (US 2008/0040359 A1, pub. Feb. 14, 2008).

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) based upon the teachings of Davis, O’Connell, Arrouye, and Battat (US 2007/0033279 A1, pub. Feb 8, 2007).

The Examiner rejected claims 13–16 under 35 U.S.C. § 103(a) based upon the teachings of Davis, DiMaria, O’Connell, and Svendsen.

The Examiner rejected claims 17–19 under 35 U.S.C. § 103(a) based upon the teachings of Davis, Park (US 8,266,115 B1, issued Sept. 11, 2012), and Holcombe (US 2010/0030607 A1, pub. Feb. 4, 2010).

ANALYSIS

Appellants’ main contention is the Examiner erred in finding the cited references teach or suggest the claimed limitation “obtaining metadata, from a plurality of sources of different types of content, that describes content and specifies a hierarchy used by a respective content source to arrange content.” App. Br. 8, 11, 12, 15. Particularly, Appellants contend “[n]owhere does Davis disclose that metadata specifies a hierarchical structure of any kind,” including specifying a hierarchy used by a content source to arrange content, as claimed. App. Br. 10, 12, 15.

The Examiner finds Davis teaches and suggests the disputed limitation as evidenced by Davis’ paragraphs 9, 10, 40–60, 71–75, 86, and 87, and Figures 2C–2F, 3E–3G, and 5. Final Act. 6–7, Ans. 4–5. The Examiner finds Davis’ paragraphs 72 and 73 and Figures 3E–3F teach a locally rendered hierarchical collection structure. Final Act. 6–7; Ans.4. *See, e.g.*, Davis ¶ 71 “FIG. 3E illustrates a fundamental hierarchical collection structure 328 of media objects as a media collection.” *See also* ¶¶ 72, 75, and 87 “the media object is collectively organized in a playlist, the

playlist is parsed *locally* at system **100**” (emphasis added). Further, Figures 2A–2F of Davis also display the hierarchical content at a media device, contrary to Appellants’ assertions (specifying a hierarchy used by a content source). Final Act. 6–8; Ans. 4–5.

Additionally, the Examiner finds DiMaria “teaches a navigation system deployed in a client in Fig. 1B and [0066]-[0077] with local metadata database 150, local information architecture 142 with trees 154 and hierarchies 152...” also teaching and suggesting the disputed limitation. Ans. 6. Appellants do not address these findings.

The Examiner has provided fact findings together with reasoning having a rational underpinning in making the obvious rejection. Appellants, for the most part, state Davis does not specify a hierarchy and the “hierarchical structures are not provided to the media device in any manner.” Reply Br. 4; *see also* App. Br. 9–10. As noted above, Davis does indeed disclose this limitation.

For the above reasons, we are not persuaded of Examiner error. On this record, we are not persuaded the Examiner’s reading of the claims on the cited combination of references is overly broad, unreasonable, or inconsistent with the Specification. We find the weight of the evidence supports the Examiner’s ultimate legal conclusion of obviousness, and therefore sustain the Examiner’s rejection of claims independent claims 1, 11, and 17, and dependent claims 2–10, 12–16, and 18–20.

DECISION

The Examiner’s decision rejecting claims 1–20 under 35 U.S.C. § 103(a) is affirmed.

Appeal 2018-005012
Application 13/229,554

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