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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BRENT D. RAMERTH, DOUGLAS R. DAVIDSON, and
JENNIFER LAUREN MOORE

Appeal 2018-007032
Application 12/976,849
Technology Center 2100

Before MAHSHID D. SAADAT, NORMAN H. BEAMER, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner’s decision to reject claims 1, 2, 4–16, and 18–26. We have jurisdiction under 35 U.S.C. § 6(b). We conducted an oral hearing on March 9, 2020. A transcript of the proceeding will be entered into the record in due course.

We affirm in part.

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. 2.

CLAIMED SUBJECT MATTER

The claims relate to techniques for automatically correcting or completing text. *See Spec.*, Abstr. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method of automatically correcting or completing text, comprising:
 - receiving entered text from a user and context data indicating a context in which the entered text is used, wherein the entered text is a word;
 - determining without user intervention, based on the word and the context data, a replacement candidate to replace the word, the determining including:
 - determining a statistically expected part of speech of the word; and
 - selecting the replacement candidate based at least in part on a determination that a part of speech of the replacement candidate matches the statistically expected part of speech of the word; and
 - providing the selected replacement candidate to the user as a suggested correction.

REJECTION

Claims 1, 2, 4–16, and 18–26 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Anderson (US 5,678,053, Oct. 14, 1997), Brun (US 2009/0204596 A1, Aug. 13, 2009), and Song (US 2009/0254819 A1, Oct. 8, 2009). Non-Final Act. 2–3.

ANALYSIS

We review the appealed rejections for error based upon the issues identified by Appellant and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Arguments not made are waived. *See id.*; 37 C.F.R. § 41.37(c)(1)(iv).

Claims 1, 2, 4–8, 11, 12, 15, 16, 18, and 20–26

Issue 1: Did the Examiner err in finding the combination of Anderson, Brun, and Song teaches or suggests “selecting the replacement candidate based at least in part on a determination that a part of speech of the replacement candidate matches the statistically expected part of speech of the word,” as recited in claim 1? *See* Appeal Br. 12–23.

The Examiner initially applies Brun to this limitation. Non-Final Act. 4–5. In the Appeal Brief, Appellant contends that “Brun’s technique is completely unrelated to selecting a ‘replacement candidate’ to replace user-inputted text.” Appeal Br. 15 (emphasis omitted). In the Answer, the Examiner clarifies that “Anderson discloses all the limitations except [the] limitations ‘statistically expected’ [for which the Examiner applies Brun] and ‘without user intervention’ [for which the Examiner applies Song].” Ans. 5; *see also id.* at 4. The Examiner further clarifies, “the ‘statistically expected’ [phrase] is [the] only limitation rejected by Brun.” *Id.* at 6. In Reply, Appellant contends we should reverse because (1) the Examiner’s rejection constitutes an improper new ground of rejection and because (2) Anderson fails to disclose the selecting limitation. Reply Br. 4–11.

Appellant’s argument that we should reverse due to a new ground of rejection is unpersuasive. Appellant overlooks our rule governing undesignated new grounds, which mandates that arguments against the failure to designate new grounds in the Answer are waived unless Appellant timely challenged the new grounds by petition to the Director. Specifically,

Any request to seek review of the primary examiner’s failure to designate a rejection as a new ground of rejection in an examiner’s answer *must* be by way of a petition to the Director under §1.181 of this title filed within two months from

the entry of the examiner's answer and before the filing of any reply brief. Failure of appellant to timely file such a petition will constitute a *waiver* of any arguments that a rejection must be designated as a new ground of rejection.

37 C.F.R. § 41.40(a) (emphasis added); *see also* MPEP § 1207.03(b) (“37 CFR 41.40 sets forth the *exclusive* procedure for an appellant to request review of the primary examiner's failure to designate a rejection as a new ground of rejection via a petition to the Director under 37 CFR 1.181.” (emphasis added)). Appellant only addressed this issue in the Reply Brief, as our review of Office records finds no indication that Appellant filed a petition under 37 C.F.R. § 1.181 to challenge the Examiner's alleged undesignated new ground(s) of rejection.² Accordingly, we treat any potential challenge as waived, and we now turn to the merits of the Examiner's findings.

The Examiner relies on Anderson's Figure 5 as teaching or suggesting the disputed limitation. *See* Ans. 4–6. Figure 5 is reproduced below:

² At the oral hearing, counsel for Appellant confirmed this to be the case.

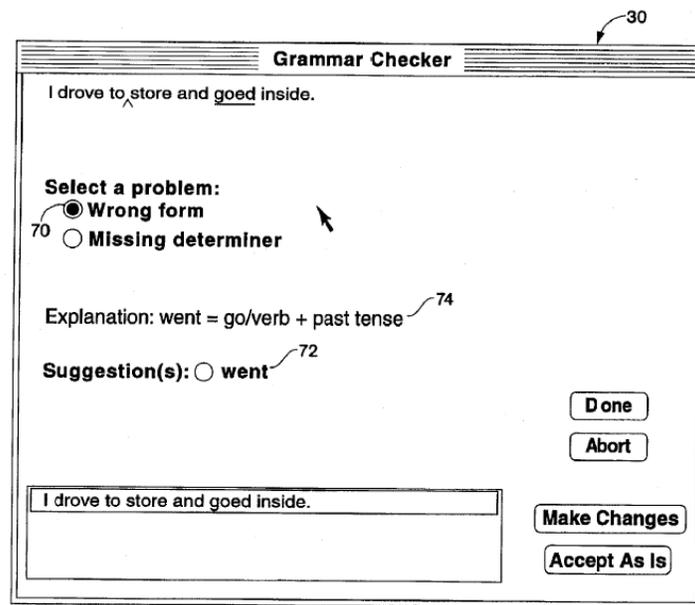


Fig. 5

Figure 5 depicts a computer screen “illustrating the selection of a request for the incorrect verb problem and an indication of a suggestion for the proper form of the verb.” Anderson, 3:19–22. The Examiner finds Anderson’s description of Figure 5 discloses the disputed limitation (apart from “statistically expected”), which states,

Referring now to FIG. 5, the user may click on the second problem with the sentence, namely the “Wrong Form” as illustrated by the filled-in circle 70, with a suggestion being made by the system as illustrated at 72. Note that an explanation of why the suggestion is made is provided at 74, e.g. “*went=go/verb+past tense.*”

Id. at 4:15–21 (emphasis added); Ans. 4–6. The Examiner further finds claim 1’s related limitation, “determining a . . . part of speech of the word,” is taught or suggested by Anderson’s Background section, which states, in context, “a sentence is first parsed as to its parts of speech, with a part of speech tag being provided to each of the words in a sentence. The sentence is then analyzed for proper grammatical usage of the words in the sentence,

and various infirmities of the sentence are detected.” Non-Final Act. 3, Anderson 1:16–21.

Appellant contends that Anderson fails to teach or suggest *how* the suggested word “went” (in Figure 5) is selected, “let alone that selecting ‘went’ involves ‘a **determination** that a part of speech of ‘went’ **matches** the . . . part of speech of ‘goed’ as required by claim 1.” Reply Br. 10. Appellant also contends “that the respective parts of speech of ‘goed’ and ‘went’ (e.g., verb) allegedly match does not teach or suggest that such match is **determin[ed]**.” *Id.* at 11. Rather, Appellant contends, “Anderson could suggest ‘went’ a variety of ways (e.g., using a rule associating ‘goed’ with went, using a dictionary of common misspellings, etc.) that do not involve making a **determination** that the part of speech of ‘goed’ **matches** the part of speech of ‘went.’” *Id.*

Appellant’s arguments are unpersuasive. Appellant’s very broad claims (and disclosure) do not describe how the replacement candidate is selected, so Appellants’ argument that Anderson fails to teach *how* to select holds little weight. Further, Anderson Figure 5 “illustrat[es] the *selection* of a request for the incorrect *verb* problem and an indication of a suggestion for the proper form of *the verb*.” Anderson, 3:19–22 (emphasis added). In other words, Anderson teaches or suggests selecting a replacement verb for an incorrect verb. Because Anderson is replacing one verb with another, Anderson teaches, or at the very least suggests to one of ordinary skill in the art, making a determination that a part of speech of the replacement verb candidate (e.g., “went”) matches the part of speech of the incorrect verb (“goed”). For example, Anderson states, “went=go/verb+past tense,” which at least suggests that Anderson’s system made a determination that “went” is

a verb, which matches the user’s incorrect “goed.” *See id.* at 4:15–21. The equals sign in this phrase also would have indicated matching to one of ordinary skill in the art. Moreover, Anderson explicitly teaches determining “parts of speech” and then analyzing words for grammatical infirmities. *Id.* at 1:16–21. “Among these infirmities are . . . improper auxiliary verb sequences [and] improper inflection of a verb as it relates to its tense.” *Id.* at 1:21–25.

Given all these teachings, we agree with the Examiner that Anderson teaches or suggests “selecting a replacement candidate based at least in part on a determination that a part of speech of the replacement candidate matches the . . . part of speech of the word.”

Issue 2: Did the Examiner err in finding the combination of Anderson, Brun, and Song teaches or suggests “determining . . . based on the word and the context data, a replacement candidate to replace the word,” as recited in claim 1? *See Appeal Br.* 23–26.

Appellant contends that even if Anderson’s “past tense of the word ‘goed’ were considered ‘context data,’” Anderson does not teach or suggest “determining the suggested word ‘went’ for the input ‘goed’ *based on* the past tense of the word ‘goed.’” *Appeal Br.* 25. “In other words,” Appellant contends, “Anderson at most teaches determining a replacement word ***based on the word to be replaced, not*** based on the ‘context data.’” *Id.* Appellant concedes that Anderson teaches “context data” in the Background, as quoted above. *Id.* (citing Anderson, 1:10–25). However, Appellant contends Anderson’s Background “merely teaches using ‘context’ to spot errors in a sentence.” *Id.* at 26. Appellant also contends Anderson’s Background is

unrelated to the “embodiment of suggesting corrected words cited by the Examiner.” *Id.*

The Examiner finds, and we agree, “Anderson discloses it is relate[d] to grammar checking systems . . . , and the context data include[s] parts of speech . . . and proper grammatical usage of the words in the sentence.”

Ans. 7; *see also* Non-Final Act. 3. The Examiner also finds “the Background section of Anderson is apparently a part of Anderson’s disclosure.” Ans. 7.

Anderson teaches, “[g]rammar checking systems . . . analyze a sentence for improper utilization [of] words based upon either spelling, *context*, or both.” Anderson, 1:10–13 (emphasis added). In those systems, “a sentence is first parsed as to its parts of speech, with a part of speech tag being provided to each of the words in a sentence. The sentence is then analyzed for proper grammatical usage of the words in the sentence.” *Id.* at 1:16–20. These “systems provide adequate interfaces so that the user can understand what is wrong with the sentence and understand how to correct it,” including “suggestions.” *Id.* at 1:26–32. In other words, Anderson’s grammar system “suggestions” teach or suggest determining a replacement candidate to replace a word. *See id.* Anderson’s grammar systems determine the suggestions based on the word and “context,” i.e., context data, for example, “parts of speech.” *See id.* at 1:16–20; Ans. 7. Anderson’s description of Figure 5 does just that—determining that “went” is a candidate to replace “goed” based on the word “goed” and the context of its part of speech (“went=go/*verb*+past tense”). *See id.* at 4:18–21 (emphasis added).

Anderson's Background is related to Anderson's main embodiments because far from rejecting the Background's "grammar systems," Anderson merely proposes a new user interface for such systems. *See id.* at 1:50–53 ("Rather than utilizing the highlighting system which is associated with all of the present grammar checking systems, in the Subject System wrong words are underlined and missing words are indicated by a caret or inverted V."). Accordingly, Appellant does not persuade us of Examiner error with respect to this limitation.

Issue 3: Did the Examiner err in finding the combination of Anderson, Brun, and Song teaches or suggests "without user intervention," as recited in claim 1? *See* Appeal Br. 26–28.

The Examiner finds that although Anderson does not explicitly disclose the claimed "without user intervention," Song does so. Non-Final Act. 5 (citing Song ¶ 67 ("the forming process of the string sets may be automatically performed without a user's intervention")). Appellant contends,

[i]ncorporating Song's technique of creating a misspelling correction dictionary would *not* allow Anderson to determine replacement words for user entered text "without user intervention" because Song's misspelling correction dictionary is created *before the user enters text*, and thus does not affect Anderson's operation *after the user enters text* (i.e., when allegedly "determining a replacement candidate.>").

Appeal Br. 27–28. Appellant further explains, "to the extent that Song teaches a misspelling correction dictionary as the Examiner alleges, combining such a feature with Anderson does not automate the system of Anderson in any manner such that text replacement is performed 'without user intervention.'" *Id.* at 28.

Appellant’s argument is unpersuasive. The Federal Circuit has consistently held,

the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

MCM Portfolio LLC v. Hewlett-Packard Co., 812 F.3d 1284, 1294 (Fed. Cir. 2015) (citation omitted). We do not view the Examiner’s proposed combination as bodily incorporating Song’s misspelling correction features into Anderson, but rather, Song’s concept of performing some correction “without user intervention.” *See* Non-Final Act. 5–6; Ans. 8–9.

Issue 4: Did the Examiner impermissibly dissect the claim element “the replacement candidate” from the claim and evaluate it in isolation, and did the Examiner fail to consider the claim as a whole? *See* Appeal Br. 28–31.

Appellant contends,

claim 1 requires “selecting *the* replacement candidate [to replace *the* word],” where “the [*same*] word” is “entered text from a user.” Simply put, by virtue of antecedent basis, claim 1 *as a whole*, requires that “*the replacement candidate*” *be used to replace a user-entered word*. The Examiner has repeatedly failed to point to any alleged “replacement candidate” in Brun that satisfies this requirement, evidencing improper dissection of the claim element “the replacement candidate.”

Appeal Br. 29. Appellant also contends, “[f]urther, by alleging that Brun teaches that named entity types to be replaced are entered by a user (as discussed above in Section IV(C)(1)), the Examiner mapped two *completely*

different features in Anderson and Brun, respectively, to the *same* claim term ‘entered text from a user.’” *Id.* at 30.

Appellant’s arguments are unpersuasive at least because they do not address the Examiner’s specific findings and clarified reliance on Anderson for the “replacement candidate” claim element in the Answer. *See* Ans. 4–6 (discussed *supra*). In the Reply, Appellant contends the Answer provides no sufficient response to Appellant’s dissection argument. Reply Br. 19.

However, for similar reasons as we discuss above with respect to the first issue, we do not find this argument persuasive. *See* 37 C.F.R. § 41.40(a) (“Any request to seek review of the primary examiner’s failure to designate a rejection as a new ground of rejection in an examiner’s answer *must* be by way of a petition to the Director.”).

The Reply further contends that “[t]he *new mapping* of Anderson and Brun . . . *introduces even more impermissible claim dissection.*” Reply Br. 19. Appellant contends,

Although Brun teaches using statistical analysis in determining a part of speech of a word,[] such part of speech is *not* subsequently determined to match any part of speech of “the replacement candidate,” as required by claim 1. Rather, Brun merely teaches using such part of speech to check recognized named entities and to discover new named entities.[] The process of checking named entities and discovering new named entities *does not teach or suggest* “determin[ing]” any “match[]” between a such part of speech and a part of speech of “*the* replacement candidate [to replace a user entered word].”[] Accordingly, the Examiner's reliance on Brun for teaching “the statistically expected part of speech of the word” clearly evaluates the limitation in isolation, without considering claim 1 as a whole.

Id. at 20. We are not persuaded. Appellant views the Examiner’s rejection too myopically, as the Examiner applies Brun solely for the “statistically

expected” portion of the claim and Anderson for the remainder of the claim (other than “without user intervention”). *See* Ans. 4–6. Appellant’s arguments attacking the references in isolation do not persuasively rebut the underlying factual findings made by the Examiner, which are based upon the combined teachings and suggestions of the cited references. One cannot show non-obviousness by attacking references individually, where the rejections are based on combinations of references. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Issue 5: Did the Examiner err in combining Anderson and Brun? *See* Appeal Br. 31–36.

Appellant contends, “the proposed combination would result in annotating Anderson’s input text with [Brun’s] named entity type information *in addition to* annotating the text the same way a proofreader would to indicate errors.” Appeal Br. 34. For example, Appellant contends, “a human proofreader would *not* mark Anderson’s input text ‘I drove to store a goed inside’ with annotations confirming [Brun’s] named entity types.” *Id.* Accordingly, Appellant contends modifying Anderson with Brun would render Anderson unsatisfactory for its intended purpose or change its principle of operation. *Id.* at 31–34.

As we have repeatedly emphasized, the Examiner relies on Brun *only* for its “statistically expected” teachings, not for its “named entity” teachings. Ans. 6. Thus, Appellant again makes a bodily incorporation argument, which is not persuasive for reasons discussed *supra*.

Appellant also contends the Examiner failed to provide sufficient and clearly articulated reasoning to support combining Anderson and Brun. Appeal Br. 34–36. The Examiner responds,

Examiner respectfully disagrees, since the examiner provided some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness (“the words which make up the named entity have more than one context, and thus have usage outside the named entity context (Brun, ¶ [0006]) so there is often substantial ambiguity remaining after the lexical processing (Brun, ¶ [0063]).”) to modify Anderson’s teaching of determining part of speech of the word with statistical technique. Therefore, [A]ppellant’s argument “there is *no analysis or reasoning whatsoever* regarding this alleged *rationale* for the modification to Anderson” ([Appeal] Brief, page 35) does not have factual support and so is not persuasive.

Ans. 13; *see* Non-Final Act. 4–6. We agree with the Examiner. Appellant’s argument is incorrect because the Examiner did supply a sufficiently articulated rationale to modify Anderson with Brun.

Issue 6: Did the Examiner err in combining Anderson and Song? *See* Appeal Br. 36–41.

Appellant also contends that combining Anderson and Song would change Anderson’s principle of operation and render Anderson unsatisfactory for its intended purpose. Appeal Br. 38. In particular, Appellant contends that Anderson allows user control of text correction because “for the input sentence ‘I drove to store and goed inside,’ the word suggestion ‘went’ is presented for the word ‘goed’ and that the corrected sentence ‘I drove to store and went inside’ is presented if the user selects the ‘Make Changes’ button 78.” *Id.* (citing Anderson, 4:21–24, Fig. 6). Appellant concludes “modifying Anderson with Song so that Anderson automatically corrects text, ‘without user intervention’” would change Anderson’s principle of operation and render Anderson unsatisfactory for its intended purpose by “disabling a user’s ability to control text correction.” *Id.* at 38–39 (emphasis omitted).

Appellant’s argument is unpersuasive. The Examiner finds, and we agree, “the step in claim 1 that Song modifies . . . Anderson is ‘determining . . . a replacement candidate . . .,’ not allowing user control of text correction.” Ans. 14. In other words, modifying Anderson to determine a replacement candidate without user intervention would cause Anderson’s system to determine that “went” in Figure 5 is a replacement candidate to replace “goed” without user intervention, not prevent the user from then selecting the “Make Changes” button in Figure 5 or 6. Appellant’s argument is also not commensurate with the scope of the claim because the claim does not recite “automatically correct[ing] text.” *See* Appeal Br. 38–39. Rather, after determining the replacement candidate, the claim merely provides the selected replacement candidate to the user as a *suggested* correction. Anderson works in the same way—determining a replacement candidate and providing it to the user as a suggested correction (*see* Figure 5, “went = go/verb + past tense”). Moreover, Anderson itself suggests to one of ordinary skill in the art determining replacement candidates “without user intervention,” as Anderson’s grammar checking *system*—not a human—detects infirmities in a sentence and “provide[s] adequate interfaces so that the user can understand what is wrong with the sentence and understand how to correct it.” *See* Anderson, 1:26–28.

Accordingly, we sustain the Examiner’s rejection of claim 1.

Appellant’s arguments regarding the rejection of independent claims 15 and 20 rely on the same arguments as for claim 1, and Appellant does not argue separate patentability for the dependent claims except 9, 10, 13, 14, and 19, which we address in detail below. *See* Appeal Br. 41–55. We

therefore also sustain the Examiner's rejection of claims 2, 4–8, 11, 12, 15, 16, 18, and 20–26. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Claims 9, 10, and 19

Dependent claim 9 recites “wherein determining the replacement candidate includes using the context data to assign to the replacement candidate a score indicating a degree of confidence that the replacement candidate should be suggested.” Appellant contends the cited references fail to teach or suggest the subject matter of claim 9. Appeal Br. 41–47.

The Examiner initially finds that Brun discloses this limitation by teaching a “method for detection of named entities that uses a statistical verification model to calculate . . . confidence measurement[s].” Non-Final Act. 10 (citing Brun ¶ 9). In the Answer, the Examiner clarifies that “Anderson discloses the replacement candidate,” and “Brun discloses assigning a confidence measurement to each segment.” Ans. 16 (citing Brun ¶ 9). The Examiner further finds, “Brun discloses context data, indicated at ‘parsed’ and ‘a predefined grammar.’” *Id.* (referring to Brun ¶ 9).

Appellant contends that “even assuming that ‘a predefined grammar’ constitutes ‘context data’ . . ., nowhere does Brun . . . disclose or suggest using the predefined grammar to determine the confidence score of text segments.” Reply Br. 33; *see also* Appeal Br. 43. “Rather,” Appellant contends, “paragraph [0009] of Brun merely teaches using a predefined grammar to remove ill-formed segments,” not “using the predefined grammar to determine the confidence measurement of a segment.” Reply Br. 33.

We agree with Appellant. Brun discloses that “*a statistical verification model* is used to calculate the confidence measurement,” not that Brun uses the parsed and predefined grammar (the Examiner’s “context data”) to calculate the confidence measurement. Brun ¶ 9 (emphasis added). As claim 9 requires “using the context data to assign . . . a score indicating a degree of confidence,” Appellant persuades us the Examiner erred.

We note the Examiner has not relied on any of the other cited references to teach or suggest this element. Accordingly, we do not sustain the Examiner’s rejection of claim 9 and its dependent claim 10. As claim 19 recites a similar limitation as claim 9, we also do not sustain the Examiner’s rejection of claim 19.

Claims 13 and 14

Dependent claim 13 recites, “further comprising generating the statistical model.” Appellant contends the cited references fail to teach or suggest claim 13. Appeal Br. 47–54. Claim 13 depends from claim 12, which recites, “further comprising using a statistical language model, the word, and the context data to determine the statistically expected part of speech of the word.”

The Examiner initially finds that Brun discloses generating a statistical verification model to calculate a confidence measurement or score. Non-Final Act. 15 (citing Brun ¶¶ 9, 51, 67). The Examiner also finds Song discloses generating a statistical word-based correction model. *Id.* (citing Song ¶¶ 7, 8).

Appellant contends that Brun does not teach or suggest “generating *the* statistical model” because although Brun teaches *using* a “statistical

verification model,” Brun is silent regarding whether this model is “generated.” Appeal Br. 49. Appellant also contends Brun and Song fail to teach or suggest the disputed limitation because none of the alleged “statistical model[s]” cited by the Examiner are used to “determine the statistically expected part of speech of the word,” as recited in claim 12. *Id.* at 48–49 (emphasis omitted). Rather, Appellant contends, the Examiner applies the cited “statistical verification model” to “calculate the confidence measurement.” *Id.* at 49 (citing Non-Final Act. 15). Appellant also contends that Song’s “models” are “used to *automatically correct text*,” not “determine the statistically expected part of speech of the word.” *Id.* at 52.

In the Answer, the Examiner clarifies that “[a]s a whole, [the] cited portions of Brun and Song reference[d] in the rejection teach[] generating the statistical model.” Ans. 20–21. Responding to Appellant’s claim 12 depending argument, the Examiner finds that Brun discloses the disputed limitations in paragraph 63:

Some words may have more than one label for example the word master may be a verb and a noun. The lexical layer generally operates on tokens individually, without taking into account the surrounding context, that is, the surrounding tokens. Accordingly, there is often substantial ambiguity remaining after the lexical processing, which can be at least partially resolved, e.g., by statistical or other techniques.

Ans. 21–22 (citing Brun ¶ 63). The Examiner also finds that Song “discloses generating [a] word-based correction model and an alphabet-based correction model, by using context statistics or based on alphabet conversion statistics.” *Id.* at 22.

In Reply, Appellant reiterates that “the mere existence of a statistical model does *not* teach or suggest . . . generating the statistical model.” Reply

Br. 42. Appellant contends that Brun merely teaches that “a statistical verification mode is *used*.” *Id.* at 41 (emphasis added). Appellant argues similarly against Song. *Id.* at 45–47.

As to Appellant’s argument that the mere disclosure of a statistical model does not teach or suggest generating a statistical model, we disagree. Statistical models do not merely appear; one of ordinary skill in the art would have understood statistical models must be generated, for example, by a human or computer. And neither claim 13 nor Appellant’s Specification specifies *how* to generate the statistical model. Thus, under the broadest reasonable interpretation, we agree with the Examiner that one of ordinary skill in the art would have viewed Brun and/or Song as at least *suggesting* generating a statistical model.

Further, Appellant’s arguments regarding the dependency of claim 13 on claim 12 are also unpersuasive for similar reasons as stated above with respect to claim 1. Claim 12 only adds “a statistical language model” to claim 1’s word and context data as criteria for determining the statistically expected part of speech of the word. As Appellant does not persuade us that Brun’s “statistical techniques” do not teach or suggest the “statistically expected” aspect of claim 1 (*see supra*; Brun ¶ 9), Appellant does not persuade us that claim 12’s “statistical language model” distinguishes over Brun’s “statistical verification model.”

Accordingly, we sustain the Examiner’s rejection of claim 13 and its dependent claim 14.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 2, 4–16, 18–26	103	Anderson, Brun, Song	1, 2, 4–8, 11–16, 18, 20–26	9, 10, 19

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED IN PART