



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/602,685	09/04/2012	Mark Pike	26295-21136	7795
87851	7590	07/02/2020	EXAMINER	
Facebook/Fenwick Silicon Valley Center 801 California Street Mountain View, CA 94041			EZEWOKO, MICHAEL I	
			ART UNIT	PAPER NUMBER
			3682	
			NOTIFICATION DATE	DELIVERY MODE
			07/02/2020	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

fwfacebookpatents@fenwick.com
ptoc@fenwick.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARK PIKE, YUANKAI GE, CHAD LITTLE

Appeal 2018-007541
Application 13/602,685
Technology Center 3600

Before MICHAEL P. COLAIANNI, BARBARA A. BENOIT, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–6 and 8–20.² 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 Facebook, Inc. Appeal Br. 2.

² Claim 7 has been cancelled. Final Act. 2; Appeal Br. 17 (Claims Appendix).

CLAIMED SUBJECT MATTER

The claims are directed to computer-implemented methods for identifying, storing, and using the relative preferences of users for objects maintained in a social networking system. As background, the Specification indicates that a conventional social networking system allows users to express “a generalized preference for a product or service.” Spec. ¶ 3. The Specification gives an example of how multiple restaurant preferences can be identified but notes, however, that users cannot indicate how they prefer “the restaurants relative to each other,” which limits the accuracy of the information about the user in the system. *Id.*

In its detailed description of the invention, the Specification describes selecting a group of objects connected to a user (such as an object associated with a restaurant location where the user has checked-in and an object associated with a restaurant to which the user previously checked-in) and presenting the group with a prompt for the user to select an object from the group via a client device. Spec. ¶¶ 17, 20. The user’s selection is transmitted and stored in a social networking system as relative preference information, which modifies the information associated with the user. *Id.* ¶¶ 21–22. Examples of such modifications include changed ranking of advertisements and the user’s affinity for the objects in the group, which may permit the social networking system to make suggestions for dinner reservations or gift suggestions for the user to the user’s friends. *Id.* ¶¶ 22–23.

The Specification describes a social networking system shown in Figure 1, which is reproduced below. Spec. ¶¶ 17, 46.

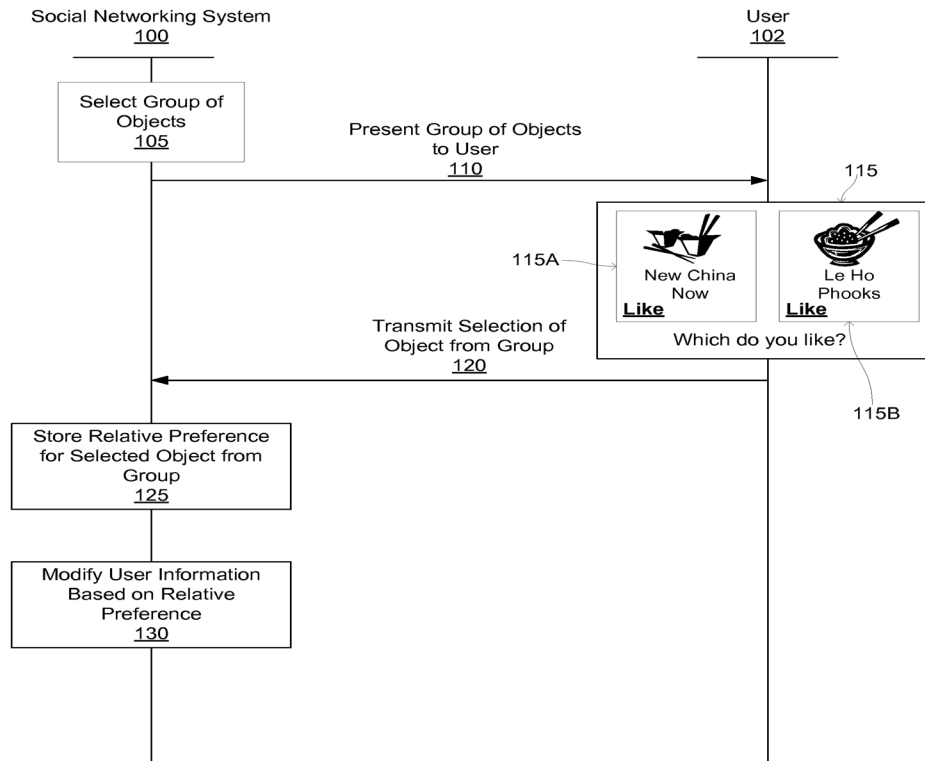


FIG. 1

Figure 1 above depicts an example of determining user relative preferences for objects maintained in social network system 100. Spec. ¶¶ 8, 14. Social network system 100 selects a group of objects (step 105) for user 102 and presents the group (step 110) with selection interface 115, which displays information 115A, 115B that is associated with each object along with a prompt for selecting an object in the group. *Id.* ¶¶ 17, 20. The selected object is transmitted (step 120) to social network system 100, which stores data describing the relative preference information (step 125). *Id.* ¶ 21. Based on the relative preference information, social network system 100 modifies information associated with user 102 (step 130). *Id.* ¶ 22.

The Specification also discusses ranking objects maintained in the social network system for selection and presentation to additional users. Spec. ¶¶ 23, 46–47.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A computer-implemented method comprising:

maintaining, by a social networking system, a plurality of user profiles associated with users of the social networking system, the plurality of user profiles including a user profile associated with a viewing user that includes relative preference information for objects selected by the viewing user;

maintaining, by the social networking system, a plurality of objects and edge objects in a database, the edge objects describing connections between the plurality of user profiles and the plurality of objects in the social networking system;

receiving an action performed by the viewing user, the action corresponding to a first object of the plurality of objects;

storing an edge object in the database between the user profile associated with the viewing user and the first object, the edge object having an edge object type corresponding to the action;

querying the database by the edge object type for the user profile associated with the viewing user, the query returning additional objects to which the action had previously been performed on by the viewing user;

identifying, from the additional objects, a second object based at least in part on the second object sharing one or more properties with the first object;

selecting, by a computer processor of the social networking system, a pair of objects for the user profile associated with the viewing user, the pair of objects including the first object and the second object;

presenting, via the user profile, the pair of objects together with a prompt to select the first object or the second object for display to the viewing user;

receiving a selection of an object from the pair of objects from the viewing user;

storing the selection as a relative preference for the viewing user with one or more additional relative preferences of the viewing user in the social networking system as relative preference information, the relative preference information identifying the viewing user's preference for a user selected object from each presented pair of objects and identifying an unselected object from each presented pair of objects over which the user selected object was selected by the viewing user;

associating the relative preference with the user profile associated with the viewing user;

ranking, by the computer processor, one or more objects including the pair of objects for presentation to an additional user connected to the viewing user via the social networking system based at least in part on the relative preference information;

selecting the user selected object instead of the unselected object from the pair of objects for presentation to the additional user based at least in part on the ranking and the relative preference information; and

presenting the user selected object from the pair of objects to the additional user via the social networking system.

Appeal Br. 14–15 (Appendix of Claims).

Claims 14 and 18 are similar independent claims, each of which also is directed to a computer-implemented method. Appeal Br. 14–15 (claim 1 reciting “a plurality of user profiles” and “presenting . . . the pair of objects,” among other limitations), 18–20 (claim 14 reciting “a user profile” and “presenting . . . the group of objects,” among other limitations), 20–22

(claim 18 reciting “presenting . . . multiple pairs of objects,” among other limitations).

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Rapaport et al. (I)	US 8,539,359 B2	Sept. 17, 2013
Juan et al.	US 2012/0166532 A1	June 28, 2012
Flinn et al.	US RE44,968 E	June 24, 2014
Rapaport et al. (II)	US 2012/0290950 A1	Nov. 15, 2012

REJECTIONS

Claims 1–6 and 8–20 stand rejected by the Examiner under 35 U.S.C. § 112(a) or 35 U.S.C. § 112 (pre-AIA), first paragraph, for lacking adequate written description. Final Act. 2–9.

Claims 1–3, 5, 6, 8–16, and 18–20 stand rejected by the Examiner under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Rapaport I, Juan, and Flinn. Final Act. 11–35.

Claims 4 and 17 stand rejected by the Examiner under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Rapaport I, Juan, Flinn, and Rapaport II. Final Act. 36–37.

ANALYSIS

A. Written Description Requirement Under Pre-AIA 35 U.S.C. § 112

We agree with Appellant’s arguments (Appeal Br. 5–8; Reply Br. 2–5) that claims 1–6 and 8–20 should not be rejected under 35 U.S.C. § 112(a) or 35 U.S.C. § 112 (pre-AIA), first paragraph, for lack of written description support for reasons detailed below. The test for the sufficiency of written

description “is whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.”

Ariad Pharm., Inc. v. Eli Lilly & Co., 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). The written description requirement is not met if the specification merely describes a “desired result.” *Id.* at 1349. “Whether a patent claim is supported by an adequate written description is a question of fact.”

AbbVie Deutschland GmbH & Co., KG v. Janssen Biotech, Inc., 759 F.3d 1285, 1297 (Fed. Cir. 2014) (citing *Ariad*, 598 F.3d at 1355).

The Examiner concludes claims 1–3, 5, 6, 8–16, and 18–20 lack adequate written description associated with certain claim elements because the Specification provides largely only *ipsissimis verbis* support for storing, scoring, or ranking relative preference information for presentation to additional users and provides inadequate elucidation on how to perform such actions. Ans. 7 (citing ¶¶ 21–23, 26, 36–37, and 45–48). The Examiner finds insufficient disclosure to demonstrate possession of the invention as claimed and indicates that Appellant, “has merely expressed a wish without sufficient detail for what essentially is a black box.” *Id.*

Appellant, however, contends that one of ordinary skill in the art of computer programming in a social networking context would have been convinced that the inventors “possessed the invention” based on sufficient details found in the Specification, which includes a general description of what relative preference information may be stored and specific examples for structures and locations such as an “edge store” and a “content store” to store relative preference information. Appeal Br. 6–7; Reply Br. 3 (citing ¶¶ 30, 34). Similarly, Appellant contends the Specification provides written

description support for ranking relative preference information for presentation to a viewing user or another connected user based upon affinity modification, which also is disclosed in a patent application that is incorporated by reference. Appeal Br. 7 (citing ¶ 35; Ser. No. 12/978,265); Reply Br. 4–5. Appellant further cites to several examples detailed in the Specification to support its position of sufficient written description. Appeal Br. 7 (citing ¶¶ 21–22, 35–36, 45–47).

Therefore, Appellant concludes the claims have adequate written description support in the Specification. Appeal Br. 6–7; Reply Br. 4–5. Based on the examples disclosed in the Specification and the numerous citations provided by Appellant, we agree with Appellant’s reasoning. Accordingly, we do not sustain the rejection of claims 1–6 and 8–20 under 35 U.S.C. § 112(a) or 35 U.S.C. § 112 (pre-AIA), first paragraph.

B. Obviousness Rejection Under Pre-AIA 35 U.S.C. § 103(a)

Claims 1–3, 5, 6, 8–16, and 18–20 stand rejected by the Examiner under pre-AIA 35 U.S.C. § 103(a) as being obvious over the combined teaching of Rapaport I (“Social Networking Driven Indexing System for Instantly Clustering People with Concurrent Focus on Same Topic into On-topic Chat Rooms and/or For Generating On-topic Search Results Tailored to User Preferences Regarding Topic”), Juan (“Contextually Relevant Affinity Prediction in a Social Networking System”), and Flinn (“Adaptive Self-modifying and Recombinant Systems”). Final Act. 11–35. Moreover, dependent claims 4 and 17 stand rejected by the Examiner under § 103(a) as being obvious over the combined teachings of Rapaport I, Juan, and Flinn, taken in view of Rapaport II (“Social-topical Adaptive Networking (STAN)

System Allowing for Group Based Contextual Transaction Offers and Acceptances and Hot Topic Watchdogging”). Final Act. 36–37.

1. Rejection Based on Rapaport I, Juan, and Flinn

In rejecting claim 1 under § 103, the Examiner relies on the combined teaching of Rapaport I, Juan, and Flinn, but specifically relies on Rapaport I for disclosing a social networking system with the computer-implemented method steps including maintaining a plurality of objects and edge-objects in a database along with a plurality of user profiles for matching users to objects. Final Act. 11 (citing Rapaport I, cols. 132:13–62, 161:1–45, claim(s) 1–8, 59). The Examiner further relies on Rapaport I for disclosing method steps of receiving an action performed by a user, storing an edge object describing a connection between an object and a user corresponding to the action in a database, querying the database for additional objects related to the user and action, and selecting a pair of objects. Final Act. 11–13 (citing Rapaport I, Figs. 1A, 5A–B, cols. 132:13–62, 161:1–45, claim(s) 1–8, 59).

The Examiner relies on Flinn for suggesting the method step of presenting the pair of objects with a prompt to a user. Final Act. 13 (citing Flinn, Figs. 1–45, col. 8). The Examiner indicates that Flinn uses mechanisms of adaptive recommendation functions in order to facilitate the adaptive learning of a system to a user’s changing needs, which ameliorates problems of stale learning observed in prior learning systems. *Id.* The Examiner also relies on Flinn for suggesting the method step of storing the user’s selection as relative preference information, for instance by using a survey regarding sets of objects. *Id.*

The Examiner notes that the remaining method steps are disclosed in Juan, which teaches a supervised machine learning mechanism to train a predictor function with “farmed actions” to determine relative measures of affinity among sets of options provided to a user by presenting a statistically significant number of users with several action options and monitoring the user responses to said options. Final Act. 14–15 (citing Juan, Abstr., ¶¶ 4–7, 15, 21, 27–28, 36, 40).

The Examiner concludes:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rapaport to include relative preference information for objects and ranking of said objects. One would have been motivated to include said preference and ranking mechanisms to automatically provide a benefit to a user and a user’s friends, including an option to join a “cohesive”, social group.

Final Act. 15–16 (citing Juan, ¶¶ 15, 21, 27; Flinn, Abstr., col. 1:12–44).

Appellant contends that the Examiner’s citations to the prior art do not teach or suggest each and every claimed method step because the Examiner’s reliance on Flinn is misplaced. Appeal Br. 9–12; Reply Br. 5–9. Appellant acknowledges that Flinn generally discloses inferring preferences of a user and in some cases obtaining preferences based upon “explicit choices or designations made by the user” such as by a survey response. Appeal Br. 9 (citing Flinn, col. 8). But Appellant contends none of the cited references specifically teach or suggest the method step of presenting a pair of objects to the user with a selection prompt, as recited by claim 1. Appeal Br. 9–10; Reply Br. 5–6. Similarly, Appellant contends none of the cited references teach or suggest the method step of storing the user’s selection as relative preference information required by all independent

claims. Appeal Br. 10–11; Reply Br. 6–7. Rather, according to Appellant, Flinn focuses on “explicit preferences” and does not contain the concept of an “unselected object” so that “relative preferences” are not taught or suggested. Appeal Br. 12; Reply Br. 9.

In response to Appellant’s challenge that none of the cited references teach or suggest the method step of presenting a pair of objects to the user with a selection prompt, the Examiner continues to rely on Flinn for this limitation and maintains the finding:

Flinn, at least FIGs 1–45, COL 8, lines 1–67-COL 8, lines 1–67³ [discloses]: presenting, to a viewing user an explicit solicitation to elicit “explicit choices or designations made by the user”, through elicitation of a user’s “response to a survey” regarding “sets of objects”, through use of mechanisms of adaptive recommendation functions, in order to facilitate the adaptive learning of a system of a user’s changing needs, ameliorating problems of stale learning observant in prior learning systems”, the “pair of objects” congruent to the “set of objects” referenced in Flinn, wherein a survey which may encapsulate these objects would reasonably deduce the selection of one of the pair in the systems adaptive learning system, said Column 8 referring to “[a] response to a survey [being] ... one example where the explicit preferences ... may be identified by the adaptive system.”

Ans. 8; *see* Final Act. 13 (citing “Flinn, at least FIGs 1–45, COL 8, lines 1–67-COL 8, lines 1–67”) (emphasis omitted); *see also* Flinn, col. 9:1–67 (referring to Fig. 7 and disclosing, *inter alia*, “[a]s used herein, preferences (whether explicit **252** or inferred **253**) are distinguishable from interests

³ The Final Action and Answer each cite “Flinn, at least FIGs 1–45, COL 8, lines 1–67-COL 8, lines 1–67.” Ans. 8; Final Act. 13 (emphasis omitted). Because the Answer quotes “set of objects” from column 9, line 18, we understand the repeated typographical error to refer to “COL 8, lines 1–67-COL **9**, lines 1–67.”

(254) in that preferences imply a ranking (e.g. object A is better than object B) while interests do not necessarily imply a ranking”).

Additionally, in response to Appellant’s challenge that none of the cited references teach or suggest the method step of storing the user’s selection as relative preference information, the Examiner maintains the finding above and notes that the adaptive system of Flinn would learn or arrive at a “derivation of inferred preferences” based on the objects which were not selected from the “set of objects” based upon the disclosure of “tracking” inferred preferences. Ans. 9 (citing Flinn, Fig. 7, col. 14:1–15).

For the reasons discussed in detail below, we agree with Appellant’s arguments that Flinn fails to disclose, teach, or suggest the method steps of presenting a pair of objects to the user with a selection prompt and storing the user’s selection as “relative” preference information.

First, with regard to the presenting limitation in claim 1 that recites “presenting, via the user profile, the pair of objects together with a prompt to select the first object or the second object for display to the viewing user,” the Examiner relies on the express description of (i) “explicit choices or designations made by the user **200** during use of the adaptive system **100**” (Flinn, 8:55–57), (ii) a response to a survey as an example of identifying explicit preferences **252** in Flinn’s adaptive recommendation function (8:59–61), and (iii) making inferences and interpretations about the content within sets of objects **232** within structural aspect **210** used within the adaptive recommendations function (9:14–20; Figs. 1, 3A). Ans. 8; *see* Flinn, cols. 8:59–61 (“A response to a survey is one example where explicit preferences **252** may be identified by the adaptive system **100**.”), 9:14–20 (“The adaptive recommendations **250** may be augmented by automated inferences

and interpretations about the content within individual and sets of objects **232** using statistical pattern matching of words, phrases or representations, in written or audio format, or in pictorial format, within the content.”).

Therefore, Examiner finds that Flinn discloses, teaches, or suggests that user’s explicit preferences are elicited from “a user’s ‘response to a survey’ regarding ‘sets of objects,’ through use of mechanisms of adaptive recommendation functions” and finds the claimed “pair of objects” to be “congruent to the ‘set of objects’ referenced in Flinn.” Ans. 8.

In the portions relied on by the Examiner, however, Flinn describes the content of individual and “sets of objects” **232** as being used to augment adaptive recommendations **250** but does not teach or even suggest that sets of objects **232** as being related to user’s explicit preferences elicited from a user’s response to a survey. *See, e.g.*, Flinn, cols. 8:1–9:67, Figs. 1, 3A, 5. Thus, we find Flinn does not teach or suggest the required “response to a survey” regarding “sets of objects.” Reply Br. 6 (citing Ans. 8).

Accordingly, we do not agree with the Examiner that Flinn discloses, teaches, or suggests “presenting, via the user profile, the pair of objects together with a prompt to select the first object or the second object for display to the viewing user,” as recited by claim 1. Ans. 8.

Second, with regard to the storing limitation in claim 1 that recites “storing the selection as a relative preference for the viewing user with one or more additional relative preferences of the viewing user in the social networking system as relative preference information, the relative preference information identifying the viewing user’s preference for a user selected object from each presented pair of objects and identifying an unselected object from each presented pair of objects over which the user selected

object was selected by the viewing user,” the Examiner relies on the same description from Flinn, as discussed above, and further relies on the express description of (i) a block diagram of a public information framework used by an adaptive system (Fig. 7), and (ii) privacy control **1152a** that allows the user “to enable or disable non-private cues **1150** and signals **1160** from being used to infer preferences and interests. The adjusted level of privacy may be with regard to the tracking of, or the forming of inferences from, the cues **1150** or the signals **1160**” (14:1–7). Ans. 8–9; *see* Flinn col. 14:1–15, Fig. 7. Therefore, the Examiner finds that Flinn discloses, teaches, or suggests that a system “which having learned which of the objects were not selected from the ‘set of objects’ is able to learn or arrive at a ‘derivation of inferred preferences’ by . . . ‘tracking’ of said preferences.” Ans. 8–9.

In the portions relied on by the Examiner discussed above with respect to the presenting limitation and also relied on for the storing limitation, the Examiner asserts that Flinn’s “mechanisms of adaptive recommendation functions” teach or suggest presenting, to a viewing user an elicitation of explicit choices or designations made by the user. Final Act. 13–14. We agree with Appellant that the Examiner has insufficiently explained how Flinn’s description teaches or suggests the recited relative preference information that identifies the selected object and the object that was not selected. Appeal Br. 11.

In response to Appellant’s argument, the Examiner specifically points to Flinn’s tracking of preferences noted above. Ans. 9 (describing Flinn col. 14:1–15, Fig. 7). In the portions relied on by the Examiner, however, Flinn describes a public information framework and privacy control **1152a** for tracking or forming inferences from cues **1150** or signals **1160** from user

200 but does not describe identifying which objects were not selected from a set or sets of objects in order to derive, track, or infer preferences. *See, e.g.*, Flinn, col. 14:1–15, Fig. 7. Moreover, we agree with Appellant that Flinn does not teach or suggest a system that would “learn or arrive at a ‘derivation of inferred preferences’” based on learning “which of the objects were not selected.” Reply Br. 7 (citing Ans. 8–9).

In response to Appellant’s argument, the Examiner also points to Flinn’s Figure 26 and portions of columns 46 and 47 as depicting the use of collaborative or fuzzy networks to store explicit preferences. Ans. 9–10. That Flinn describes inferences being derived from saved content objects and from affinities of the saved objects to other content or topic objects does not, without more explanation, teach or suggest the specific type of storing required by the claim—storing a user selection as a relative preference that identifies the user’s selected object and an unselected object from the presented objects. *See* Ans. 10. Storing preference information is not sufficient to teach or suggest the relative preference required by the claim—identifying the user’s selected object and an unselected object from the presented objects. *See* Ans. 10. Thus, we agree with Appellant that the descriptions in Flinn of fuzzy networks on which the Examiner relies are insufficient to teach or suggest an identification of “an unselected object . . . over which the user selected object was selected,” as recited by the claim. *See* Reply Br. 8–9.

For these reasons, we do not agree with the Examiner that Flinn discloses, teaches, or suggests “storing the selection as a relative preference for the viewing user with one or more additional relative preferences of the viewing user in the social networking system as relative preference

information, the relative preference information identifying the viewing user's for a user selected object from each presented pair of objects and identifying an unselected object from each presented pair of objects over which the user selected object was selected by the viewing user,” as recited by claim 1. Ans. 8.

For these reasons, we also do not sustain the Examiner's obviousness rejection of claim 1 under 35 U.S.C. § 103 as unpatentable over the combined teaching of Rapaport I, Juan, and Flinn.

Appellant argues independent claims 1, 14, and 18 together. *See* Appeal Br. 10, 12. Independent claims 14 and 18 recite similar limitations to those discussed above with respect to independent claim 1. *See id.* All three independent claims require “presenting via the user profile” objects with a prompt to select the first or the second object.⁴ The Examiner rejected this limitation, however, by relying on Juan instead of Flinn for claims 14 and 18, which Appellant does not address. *See, e.g.,* Appeal Br. 10, Final Act. 26 (citing Juan, ¶¶ 5–7, 14–15, 21, 27–28, 36, 40), Final Act. 31 (citing Juan, ¶¶ 5–7, 14–15, 21, 27–28, 36, 40). Moreover, in contending the Examiner erred in rejecting the similar presenting limitations in independent claims 14 and 18, Appellant relies on its argument that *Flinn* does not teach or suggest the similar presenting limitations. Appeal Br. 10 (“Independent claims 14 and 18 recite similar elements, and the corresponding rejections of these claims under 35 U.S.C. § 103 are similarly

⁴ Claim 14 recites, “presenting, via the user profile, the group of objects to the user with a prompt to select the first object or the second object” and claim 18 recites, “presenting, via the user profile, multiple pairs of objects selected form [*sic*] the plurality of pairs of objects to the viewing user with a prompt to select the first object or the second object.” Appeal Br. 19, 21.

improper and should be similarly reversed.”). Because Appellant does not acknowledge—much less persuasively address—the Examiner’s reliance on Juan for the presenting limitations in claims 14 and 18, we do not agree that these rejections should be reversed on this basis.

All three independent claims also contain similar ‘storing the selection’ step limitations.⁵ Because the Examiner rejected this limitation by relying on Flinn, we do not sustain the rejections of these independent claims 14 and 18 for the same reasons discussed above with respect to the ‘storing the selection’ step limitation of independent claim 1. *See* Appeal Br. 12, Final Act. 26–27 (citing Flinn, Figs. 1–45, Col. 8), Final Act. 31–32 (citing Flinn, Figs. 1–45, Col. 8).

Accordingly, we do not sustain the Examiner’s obviousness rejection of claims 1–3, 5, 6, 8–16, 18–20 under 35 U.S.C. § 103 as unpatentable over Rapaport I, Juan, and Flinn.

⁵ Claim 14 recites, “storing the selection as a relative preference for the user with one or more additional relative preferences of the viewing user in the social networking system as relative preference information, the relative preference information identifying the user's preference for a user selected object from each presented group of objects and identifying at least one unselected object in each presented group of objects over which the user selected object was selected by the viewing user” and claim 18 recites, “storing the selection as a relative preference for the viewing user with one or more additional relative preferences of the viewing user in the social networking system as relative preference information, the relative preference information identifying, for each pair of objects, the viewing user's preference for the user object selected from the pair of objects by the viewing user and identifying an unselected object in the pair of objects over which the user selected object was selected by the viewing user.” Appeal Br. 19, 21-22.

2. Rejection Based on Rapaport I, Juan, Flinn, and Rapaport II

The Examiner's rejection of dependent claims 4 and 17 under 35 U.S.C. § 103 relies on the combined teachings of Rapaport I, Juan, Flinn, and Rapaport II. The Examiner relies on Rapaport II for its teachings related to selecting advertisements based on bid amounts. Final Act. 36 (citing Rapaport II, ¶¶ 25, 785-86, 788-89).

Because Rapaport II does not remedy the deficiencies of Flinn, we do not sustain the obviousness rejections of claims 4 and 17 under 35 U.S.C. § 103 as unpatentable over Rapaport I, Juan, Flinn, and Rapaport II for the same reasons described above.

CONCLUSION

The Examiner's rejections of claims 1-6 and 8-20 are REVERSED.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	References/Basis	Affirmed	Reversed
1-6, 8-20	112	Written Description		1-6, 8-20
1-3, 5, 6, 8-16, 18-20	103	Rapaport I, Juan, Flinn		1-3, 5, 6, 8-16, 18-20
4, 17	103	Rapaport I, Juan, Flinn, Rapaport II		4, 17
Overall Outcome				1-6, 8-20

REVERSED