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EXAMINER
WONG, WILLIAM

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EMRE MEHMET KICIMAN, CHUN-KAI WANG,
SREEHARSHA KAMIREDDY, and SILVIU-PETRU CUCERZAN

Appeal 2018-008224
Application 12/761,666
Technology Center 2100

Before ELENI MANTIS MERCADER, JAMES R. HUGHES, and
LINZY T. McCARTNEY, *Administrative Patent Judges.*

HUGHES, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the
Examiner's decision rejecting claims 7–17, 19, and 28–35. Claims 1–6, 18,
and 20–27 have been canceled. *See* Final Act. 1–2.[2] We have jurisdiction
under 35 U.S.C. § 6(b).

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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 Microsoft
Technology Licensing, LLC. *See* Appeal Br. 2.
[2] We refer to Appellant's Specification ("Spec."), filed Apr. 16, 2010;
Appeal Brief ("Appeal Br."), filed Feb. 8, 2018; and Reply Brief ("Reply
Br."), filed Aug. 7, 2018. We also refer to the Examiner's Final Office

We REVERSE.

CLAIMED SUBJECT MATTER

The invention relates generally to "automatically providing personalized data based on a social networking participant's social networking data" (Spec. ¶ 5), and more specifically to systems and methods for personalizing a search engine home page for a social network participant with a collage of images posted by other social media participants (friends), and a hyperlink to information related to an image of the collage derived from social media participant comments corresponding to the image. *See* Spec. ¶ 5–6; Abstract. Claims 7, 19, and 29 are independent. Claim 7, reproduced below, is illustrative of the claimed subject matter:

> 7. A method comprising computing device acts, the computing device acts comprising:
>
> in response to receipt of an indication that a social network participant has requested a search engine home page:
>
>> identifying an image in social networking data of the social network participant, the social networking data uploaded to a social networking application, the image uploaded to the social networking application by a contact of the social network participant in the social networking application;
>>
>> identifying a named entity that corresponds to the image based upon comments to the image in the social networking data;
>>
>> personalizing the search engine home page for the social network participant, wherein personalizing the search engine home page comprises constructing a collage of images for inclusion on the search engine home page,

Action ("Final Act."), mailed June 16, 2017; and Answer ("Ans.") mailed June 7, 2018.

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wherein the collage of images comprises a portion of the image;

generating a hotspot for the search engine home page at a location of the portion of the image in the collage, wherein the hotspot, when activated, depicts a hyperlink that, when selected, causes a search engine corresponding to the search engine home page to execute a search for the named entity.

Appeal Br. 22 (Claims App.).

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Roseman et al. ("Roseman")	US 2009/0150388 A1	June 11, 2009
Macadaan et al. ("Macadaan")	US 2008/0209343 A1	Aug. 28, 2008
Arnold	US 2007/0233564 A1	Oct. 4, 2007
Armstrong et al. ("Armstrong")	US 2007/0162432 A1	July 12, 2007
Szeto	US 2007/0143264 A1	June 21, 2007
Goldberg et al. ("Goldberg")	US 2006/0143183 A1	June 29, 2006
Etkin	US 2006/0048059 A1	Mar. 2, 2006

REJECTIONS[3]

1.   The Examiner rejects claims 7–14, 16, 17, 19, and 28–35 under 35 U.S.C. § 103(a) as being unpatentable over Armstrong, Roseman, and

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[3] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284 (2011), amended 35 U.S.C. § 103, e.g., to rename 35 U.S.C. § 103's subsections. Because the present application has an effective filing date (Sept. 30, 2008) prior to the AIA's effective date for applications (March 16, 2013), this decision refers to the pre-AIA versions of 35 U.S.C. § 103, i.e., § 103(a).

Macadaan (or alternately and in further view of Szeto, Goldberg, and Etkin).
See Final Act. 7–18.

2.   The Examiner rejects claim 15 under 35 U.S.C. § 103(a) as being
unpatentable over Armstrong, Roseman, and Macadaan (or alternately and in
further view of Szeto, Goldberg, and Etkin) and further in view of Arnold.
See Final Act. 18–19.

OPINION

Obviousness Rejection of Independent Claims 7, 19, and 29

The Examiner rejects independent claim 7 (as well as independent
claims 19 and 29, and dependent claims 8–14, 16, 17, 28, and 30–35) over
Armstrong, Roseman, and Macadaan (or alternately and in further view of
Szeto, Goldberg, and Etkin). *See* Final Act. 7–13; Ans. 14–24. Appellant
contends the cited prior art references do not teach the disputed limitations
of claim 7. *See* Appeal Br. 6–20; Reply Br. 2. Specifically, Appellant
contends, *inter alia*, that "Armstrong and Roseman (or Szeto and/or Etkin)"
(Appeal Br. 11) do not teach or suggest the disputed feature of "in response
to receipt of an indication that a social network participant has requested a
search engine home page: . . . identifying a named entity that corresponds to
the image based upon comments to the image in the social networking data"
(Appeal Br. 11–12 (emphasis omitted)).

Appellant contends the Examiner cites Armstrong as suggesting
"identifying a named entity that corresponds to the image" (Appeal Br. 11–
12 (emphasis omitted)) and "Roseman, Szeto, and/or Etkin" as suggesting
"based upon comments to the image in the social networking data" (Appeal
Br. 12 (emphasis omitted)). Appellant also contends the names
"ChattingChuck" and "Star Wars" shown in Figure 2 of Armstrong are not

"named entities" corresponding to an image in the social networking data of the social network participant (user). Specifically "ChattingChuck" "instead, . . . is the name of the co-user whose feed is subscribed to by the user" and "Star Wars" is text "in a journal entry . . . by 'ChattingChuck.'" Appeal Br. 12. Appellant further contends, with respect to "ChattingChuck" and "Star Wars," "[p]resenting text on a home page (without performing any process as to the meaning of such text) . . . cannot fairly be characterized as identifying a named entity, much less a named entity that corresponds to an image." Appeal Br. 13; *see* Appeal Br. 10–13.

Appellant additionally contends "Roseman describes recognizing named entities using natural language processing" (Appeal Br. 13), but "any photos or comments are displayed because they belong to the feed of 'ChattingChuck'" (not the converse)—"the text 'ChattingChuck' is <u>not</u> displayed based upon photos in photo albums or comments to journal or blog entries. Modifying Armstrong with the teachings of Roseman does not alter this function of Armstrong." Appeal Br. 14.

With respect to the alternately cited Etkin reference, Appellant contends "Etkin describes a dynamic relationship engine that . . . recognizes relationships between the community users" (Appeal Br. 14), and that "comments made by users . . . [are] considered when determining whether a relationship link is to be established between users" (Appeal Br. 15). "From the foregoing, then, . . . Etkin contemplates use of comments to images to determine whether a relationship link should be established between two users." "[C]ombining . . . Armstrong with . . . Etkin would result in the comments of Armstrong being reviewed by the dynamic relationship engine of Etkin to ascertain whether a relationship link should be established

between 'ChattingChuck' and whoever posted the comments," which is "not germane to the display of the text 'ChattingChuck' on the page of Armstrong." Appeal Br. 15.

We agree with Appellant that the Examiner-cited portions of Armstrong and Roseman (or alternately Armstrong and Etkin) do not describe identifying a named entity corresponding to an image based upon comments to the image in the social networking data as recited in claim 1. *See* Appeal Br. 10–16. The Examiner-cited portions of Armstrong describe displaying entity names, but those names do not correspond to social media images ("an image in social networking data"). *See* Armstrong ¶¶ 56–62. The Examiner-cited portions of Roseman describe recognizing text (identifying entities) and recommending content based on the recognized information, but there is not any indication that the recommendations include the recognized text (names) or that the recommendations (including the recognized text) are displayed. *See* Roseman ¶¶ 23, 24, 26–29, 31, 34–36. The alternately cited references (Szeto and Etkin) do not cure the deficiencies of the Armstrong-Roseman combination. *Cf.* Final Act. 8–13; Appeal Br. 6–16.

Consequently, we are constrained by the record before us to find that the Examiner erred in finding that the combination of Armstrong and Roseman with Macadaan (and/or Szeto and/or Etkin and/or Goldberg) renders obvious Appellant's claim 7. Independent claims 19 and 29 include limitations of commensurate scope. Claims 8–14, 16, 17, 28, and 30–35 depend on and stand with claims 7, 19, and 29, respectively.

Obviousness Rejections of Claim 15

The Examiner rejects claim 15, which depends from claims 7, as obvious in view of Armstrong, Roseman, Macadaan (and/or Szeto, and/or Etkin, and/or Goldberg), and further in view of Arnold. *See* Final Act. 18–19. The Examiner does not suggest, and we do not find, that the additional cited Arnold reference cures the deficiencies of Armstrong and Roseman (and/or Szeto and/or Etkin) (*supra*). Therefore, we reverse the Examiner's obviousness rejection of dependent claim 15 for the same reasons set forth with respect to claim 7 (*supra*).

CONCLUSION

For the reasons discussed above, we determine that claims 7–17, 19, and 28–35 are not obvious in view of the cited prior art.

Appellant has shown that the Examiner erred in rejecting claims 7–17, 19, and 28–35 under 35 U.S.C. § 103.

We therefore reverse the Examiner's rejection of claims 7–17, 19, and 28–35.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
7–14, 16, 17, 19, 28–35	103	Armstrong, Roseman, Macadaan, Szeto, Goldberg, Etkin		7–14, 16, 17, 19, 28–35
15	103	Armstrong, Roseman, Macadaan, Szeto, Goldberg, Etkin, Arnold		15
Overall Outcome				7–17, 19, 28–35

REVERSED