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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BRIAN EDMOND BREWINGTON,
BRIAN DANIEL SHUCKER, and ALEXEI GARIANOV

Appeal 2018-008977
Application 14/310,029
Technology Center 2600

Before JOHN A. JEFFERY, DENISE M. POTHIER, and JUSTIN BUSCH, *Administrative Patent Judges*.

BUSCH, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's decision to reject claims 1, 3, and 6–20, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

[1] We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Google Inc. Br. 3.

CLAIMED SUBJECT MATTER

According to the Specification, "[g]eographic information systems . . . allow a user to request geographic imagery associated with an object or location of interest. For instance, a user may request imagery associated with a particular store, location, landmark, etc." Spec. ¶ 2.

Appellant's claimed invention relates to identifying a viewpoint for displaying geographic imagery by (1) receiving data indicative of a request for geographic imagery associated with an object; (2) accessing a multi-resolution textual descriptors map for a geographic area that associates geographic text to one or more geographic locations in the geographic area at varying zoom levels relative to the geographic area; (3) determining a viewpoint for displaying geographic imagery associated with the object based on the multiresolution textual descriptions map; and (4) providing data for viewing geographic imagery associated with the object from the viewpoint. *Id.* ¶ 6.

Claim 1 is representative and reproduced below:

> 1. A computer-implemented method of identifying a viewpoint for displaying geographic imagery, the method comprising:
>
> receiving, by one or more computing devices, data indicative of a request for geographic imagery associated with an object;
>
> accessing, by the one or more computing devices, a multi-resolution textual descriptors map for a geographic area, the multi-resolution textual descriptors map associating a plurality of text objects from a corpus of geolocated text to one or more geographic locations in the geographic area, the multi-resolution textual descriptors map further assigning each of the plurality of text objects to one or more respective zoom levels of a plurality of varying zoom levels relative to the geographic area, wherein

> the multi-resolution textual descriptors map associates more specific text objects with more zoomed in levels of the plurality of varying zoom levels of the multi-resolution textual descriptors map;
>
> identifying one or more text objects in the multi-resolution textual descriptors map based at least in part on the data indicative of the request for geographic imagery associated with the object;
>
> determining, by the one or more computing devices, a viewpoint of the geographic area for displaying geographic imagery associated with the object based at least in part on the one or more identified text objects in the multi-resolution textual descriptors map, wherein the viewpoint comprises a geographic region and a zoom level associated with the one or more text objects determined at least in part from the multi-resolution textual descriptors map; and
>
> providing, by the one or more computing devices, data for viewing geographic imagery associated with the object from the viewpoint.

REJECTIONS

Claims 1, 3, 6, and 11–16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fong (US 2012/0019513 A1; Jan. 26, 2012) and Doubleday (US 2014/0306989 A1; Oct. 16, 2014). Final Act. 2–9.

Claim 7 stands rejected under 35 U.S.C. § 103 as being unpatentable over Fong, Doubleday, and Grandhi (US 2009/0204582 A1; Aug. 13, 2009). Final Act. 9–10.

Claims 8–10 and 17–20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fong, Doubleday, Grandhi, and Shane Ahern et al., *World Explorer: Visualizing Aggregate Data from Unstructured Text in Geo-Referenced Collections*, IN PROC. OF THE 7TH ACM/IEEE-CS JOINT CONF. ON DIGITAL LIBR. (2007). Final Act. 10–14.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments that the Examiner erred. In reaching this decision, we have considered all evidence presented and all arguments Appellant made. Arguments Appellant could have made, but chose not to make in the Brief, are deemed waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

CLAIMS 1, 3, 6, AND 11–16

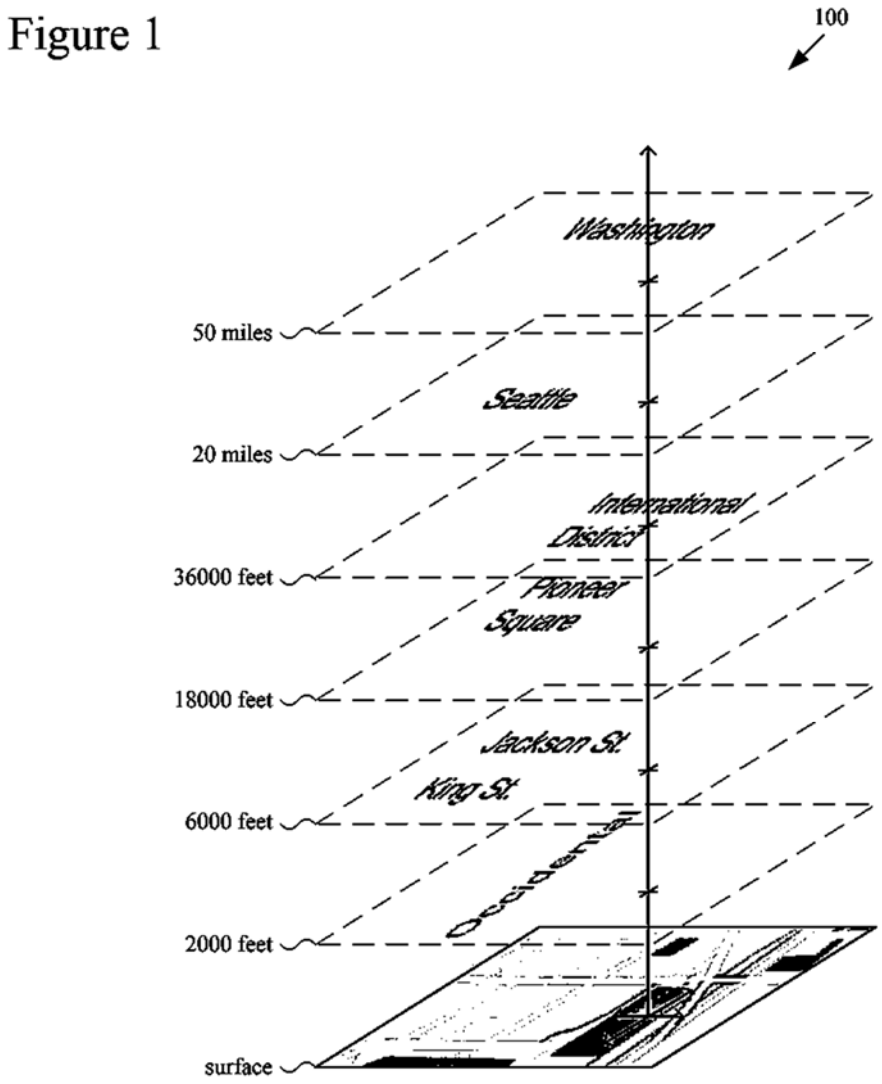
The Accessing Limitation

The Examiner finds Fong discloses many recited elements of claim 1 including, among other things, "accessing, by the one or more computing devices, a multi-resolution textual descriptors map for a geographic area, the multiresolution textual descriptors map associating a plurality of text objects from a corpus of geolocated text to one or more geographic locations in the geographic area" (hereinafter the "accessing limitation"). Final Act. 3 (citing Fong ¶¶ 29, 40, 58); Ans. 15–16 (additionally citing Fong ¶ 11).

Appellant's argument merely reproduces Fong's cited portions, summarizes Fong's passages the Examiner cites as disclosing "using the altitude associated with map metadata elements to determine what elements to place on a map" and "using map metadata elements associated with altitudes in 3D space," and concludes Fong does not disclose the accessing limitation. Br. 9–10 (citing Fong ¶¶ 25, 29, 40, 58).

We are not persuaded of error. These statements do not apprise us of Examiner error because Appellant fails to explain in sufficient detail why

Fong does not at least suggest[2] the accessing limitation. *See* Br. 10. Fong's Figure 1 is reproduced below.



Reproduction of Fong's Figure 1.

[2] We consider Appellant's statement that "the cited art fails to anticipate each and every element of independent claim 1" as harmless error because Appellant subsequently argues the cited art fails to "disclose, teach, or suggest," apparently recognizing that the rejection is based on obviousness, not anticipation.

Fong's Figure 1 "shows an example of map metadata (**100**) with different altitudes in 3D space. The map metadata (**100**) are text labels that appear above a surface layer with details of roads and other geographic features. Different metadata text labels have different altitudes associated with them in 3D space." Fong ¶ 29. Notably, Figure 1 illustrates "the highest altitude map metadata is a text label for Washington associated with an altitude of 50 miles." *Id.* ¶ 30. Moreover, Figure 1 illustrates map metadata text labels for Occidental at an altitude of 2000 feet, Jackson St. and King St. at an altitude of 6000 feet, Pioneer Square at an altitude of 18000 feet, International District at an altitude of 36000 feet, and Seattle at an altitude of 20 miles. *Id.* Fong, then, at least suggests accessing, by one or more computing devices, map metadata (100) (the claimed "multi-resolution textual descriptors map") for a particular geographic location in the state of Washington (the claimed "geographic area"), the map metadata (100) associating "Washington," "Seattle," "International District," "Pioneer Square," "Jackson St.," "King St.," and "Occidental" (the claimed "plurality of text objects from a corpus of geolocated text") to one or more geographic locations in the State of Washington.

Based on the record, the weight of the evidence favors the Examiner's position that Fong at least suggests the accessing limitation. *See In re Oetiker*, 977 F.2d 1443, 1445 (noting that "[i]n reviewing the examiner's decision on appeal, the Board must necessarily weigh all of the evidence and argument. . . . [T]he ultimate determination of patentability is made on the entire record.").

The Geographic Imagery and Viewpoint Limitations

The Examiner finds Doubleday discloses many recited elements of claim 1 including, among other things, "determining, by the one or more computing devices, a viewpoint of the geographic area for displaying geographic imagery associated with the object based at least in part on the one or more identified text objects in the multi-resolution textual descriptors map" (hereinafter the "geographic imagery limitation"), "wherein the viewpoint comprises a geographic region and a zoom level associated with the one or more text objects determined at least in part from the multi-resolution textual descriptors map" (hereinafter the "viewpoint limitation"), as recited in claim 1. Final Act. 6–7 (citing Doubleday ¶¶ 51, 55; Figs. 4–6).

Similar to Appellant's argument regarding Fong's alleged deficiencies, Appellant's argument regarding Doubleday merely reproduces Doubleday's cited portions, summarizes Doubleday's passages the Examiner cites as disclosing "adjusting displayed content length as a function of map scale [map zoom level]," then concludes Doubleday does not disclose the geographic imagery limitation or the viewpoint limitation. Br. 11 (citing Doubleday Abstract; ¶¶ 3, 18, 51–52, 55).

We are not persuaded of error. Appellant's statements do not apprise us of Examiner error because Appellant fails to explain in sufficient detail why Doubleday does not at least suggest the geographic imagery and viewpoint limitations. *See id.* Doubleday's user interface adjusts displayed content length as a function of map scale. Doubleday ¶ 51; Figs. 4–6. Doubleday's Figure 2 illustrates a flow diagram for adjusting displayed content length as a function of map scale. *Id.* ¶ 35. Doubleday's server retrieves content items, such as advertisements, that are associated with a

geographic location based on a received geographic search query. *Id.* ¶ 36. Doubleday's server then retrieves a map that encompasses the geographic location associated with the content items. Doubleday's retrieved map is zoomed-in to the greatest extent possible while still encompassing the geographic location associated with the content items. *Id.* ¶¶ 37, 51–53; Fig. 4. Doubleday, then, at least suggests the geographic imagery and viewpoint limitations because Doubleday suggests determining, by one or more computing devices, a location (e.g., Doubleday's geographic area meeting the search results) and a zoom level (e.g., the greatest extent possible to display all retrieved content) (e.g., collectively, Doubleday's location and zoom level, therefore teaching the claimed "viewpoint of the geographic area") for displaying geographic imagery associated with a search result of a geographic location (the claimed "object") based at least in part on identified content items (the claimed "text objects").

Moreover, the Examiner finds Fong *alternatively* teaches or suggests the geographic imagery limitation. *See* Ans. 5–6, 16–17. We emphasize the Examiner's alternative reliance on these two references, for the teachings of Fong are technically cumulative to the teachings of Doubleday at least with respect to the geographic imagery limitation. *See* MANUAL OF PATENT EXAMINING PROCEDURE (MPEP) § 1207.03(a)(II) (9th ed. Rev. 08.2017, Jan. 2018) (Item 3 dealing with relying on fewer than all references in support of an obviousness rejection). We see no error in the Examiner's reliance on Fong as at least suggesting the geographic imagery limitation. *See* Ans. 5–6 (citing Fong ¶¶ 11, 40, 58), 16–17 (additionally citing Fong ¶ 51). Nor has Appellant submitted a reply brief to respond to these

alternative findings. Appellant's arguments thus do not address—let alone persuasively rebut—the Examiner's reliance on Fong as at least suggesting the geographic imagery limitation. *See generally* Br.

Based on the record, the weight of the evidence favors the Examiner's position that each of Doubleday and Fong at least suggest the geographic imagery limitation and Doubleday, alone or in combination with Fong, at least suggests the viewpoint limitation. *See Oetiker*, 977 F.2d at 1445.

Conclusion

Appellant's arguments do not persuade us of error in the rejection of claim 1. Accordingly, we sustain the rejection of (1) independent claim 1; (2) independent claim 13, which was argued relying on the arguments made for claim 1, *see* Br. 13; and (3) claims 3, 6, 11, 12, and 14–16, which ultimately depend from one of claims 1 and 13, and were not separately argued with particularity, *see id.* at 13–14.

CLAIM 7

We sustain the Examiner's obviousness rejection of claim 7. Final Act. 9–10. Despite nominally arguing this claim separately, Appellant alleges only that the additionally cited reference, Grandhi, fails to cure the purported deficiencies of claim 1. Br. 14. We are not persuaded by these arguments for the reasons previously discussed.

CLAIMS 8–10 AND 17–20

We also sustain the Examiner's obviousness rejection of claims 8–10 and 17–20. Final Act. 10–14. Although Appellant nominally argues these claims separately, Appellant reiterates arguments similar to those made in connection with claim 1, and contends that the additionally cited references,

Grandhi and Ahern, do not cure Fong's and Doubleday's purported deficiencies. *See* Br. 16–17. We are not persuaded of error in these rejections for the reasons previously discussed.

CONCLUSION

In summary:

Claims Rejected	Basis	Affirmed	Reversed
1, 3, 6, 11–16	§ 103 Fong, Doubleday	1, 3, 6, 11–16	
7	§ 103 Fong, Doubleday, Grandhi	7	
8–10 and 17–20	§ 103 Fong, Doubleday, Grandhi, Ahern	8–10 and 17–20	
Overall Outcome		1, 3, 6–20	

AFFIRMED