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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SATISH GUDIBOINA and KIRILL ULYANOV

Appeal 2018-009141
Application 15/172,755
Technology Center 2100

Before MAHSHID D. SAADAT, ALLEN R. MacDONALD, and
NABEEL U. KHAN, *Administrative Patent Judges*.

MacDONALD, *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 1–21.² 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(a). Appellant identifies the real party in interest as CBS Interactive Corp. Appeal Br. 2.

² As indicated by Appellant, Appeal 2014-001821 is related to the present appeal, where Appeal 2014-001821 is a previous appeal of Application 13/075,967, the parent application of the present application. Appeal Br. 2.

CLAIMED SUBJECT MATTER

Claim 1 is illustrative of the claimed subject matter (emphasis, formatting, and bracketed material added):

1. A method executed by one or more computing devices for efficiently locating data feeds, the method comprising:
 - [A.] *receiving*, by at least one of the one or more computing devices, *a universal resource identifier* from a client device, *wherein the universal resource identifier comprises a single string of characters entered as an address in the address bar of a web browser and wherein the single string of characters comprises a Uniform Resource Locator (URL) followed by a plurality of characters corresponding to one or more user-entered terms that are not part of the URL;*
 - [B.] parsing, by at least one of the one or more computing devices, the single string of characters to identify the URL and the one or more user-entered terms;
 - [C.] querying, by at least one of the one or more computing devices, an application programming interface corresponding to the URL for data feeds corresponding to the one or more user-entered terms;
 - [D.] generating, by at least one of the one or more computing devices, a webpage containing one or more links to content of the data feeds corresponding to the one or more user-entered terms; and
 - [E.] transmitting, by at least one of the one or more computing devices, the webpage to the client device.

Appeal Br. 17 (Claims Appendix).

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Hoffman	US 6,366,906 B1	Apr. 2, 2002
Kim	US 2002/0129014 A1	Sept. 12, 2002
Ratcliffe	US 2008/0005103 A1	Jan. 3, 2008
Auerbach	US 2008/0059419 A1	Mar. 6, 2008
Safo	US 2009/0077089 A1	Mar. 19, 2009
Pelenur	US 2011/0016108 A1	Jan. 20, 2011

REJECTION

A.

The Examiner rejects claims 1, 4, 6, 8, 11, 13, 15, 18, and 20 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Pelenur, Auerbach, and Safo. Final Act. 2–8.

Appellant separately argues claim 1. Appellant does not present separate arguments for claims 4, 6, 8, 11, 13, 15, 18, and 20. Thus, the rejections of these claims turn on our decision as to claim 1. Except for our ultimate decision, we do not discuss the § 103(a) rejection of claims 4, 6, 8, 11, 13, 15, 18, and 20.

B.

The Examiner rejects claims 5, 12, and 19 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Pelenur, Auerbach, Safo, and Ratcliffe. Final Act. 8–10.

Appellant's argument regarding claims 5, 12, and 19 amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguish them from the references. *See* 37 C.F.R. § 41.37(c)(1)(vii)

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(noting that an argument that merely points out what a claim recites is unpersuasive); *see also In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (“[T]he Board reasonably interpreted Rule 41.37 to require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art.”). Thus, the rejection of these claims turns on our decision as to claim 1. Except for our ultimate decision, we do not discuss the § 103(a) rejections of claims 5, 12, and 19 further herein.

C.

The Examiner rejects claims 2, 3, 9, 10, 16, and 17 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Pelenur, Auerbach, Safo, and Hoffman. Final Act. 10–12.

Appellant’s argument regarding claims 2, 9, and 16 amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguish them from the references. *See* 37 C.F.R. § 41.37(c)(1)(vii); *see also In re Lovin*, 652 F.3d at 1357. Thus, the rejection of these claims turns on our decision as to claim 1. Except for our ultimate decision, we do not discuss the § 103(a) rejections of claims 2, 3, 9, 10, 16, and 17 further herein.

D.

The Examiner rejects claims 7, 14, and 21 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Pelenur, Auerbach, Safo, and Kim. Final Act. 12–14.

Appellant’s argument regarding claims 7, 14, and 21 amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably

distinguish them from the references. *See* 37 C.F.R. § 41.37(c)(1)(vii); *see also In re Lovin*, 652 F.3d at 1357. Thus, the rejection of these claims turns on our decision as to claim 1. Except for our ultimate decision, we do not discuss the § 103(a) rejections of claims 7, 14, and 21 further herein.

OPINION

We have reviewed the Examiner’s rejections in light of Appellant’s arguments that the Examiner has erred.

A.

Appellant raises the following argument in contending that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a).

The combined teachings of the Pelenur, Auerbach and Sato fail to suggest “receiving a single string of characters entered as an address in the address bar of a web browser and wherein the single string of characters comprises a Uniform Resource Locator (URL) followed by a plurality of characters corresponding to one or more user-entered terms that are not part of the URL;” as claimed.

...

As [paragraphs 21 and 34] of Pelenur [explain], the systems and methods disclosed are for a user to provide a search query at a client device. However, this portion of Pelenur *does not suggest “receiving from a client device a string entered as an address in a web browser including the URL and one or more user-entered terms” as claimed*. Rather, one of skill in the art would understand that it refers to *conventional web searching, wherein a key word(s) is entered directly into a conventional search interface, unlike the claimed [limitation]*.

Paragraph 34 of Pelenur further clarifies that the reference’s teachings relating to a “search” *do not relate to a string entered as an address in a web browser including the URL and one or more user-entered terms*. Rather, paragraph 34 refers to using a conventional search engine, such as Google[.]

...

Thus, *Pelenur fails to teach or suggest the claimed limitation of “receiving a single string of characters entered as an address in the address field of a web browser and wherein the single string of characters comprises a Uniform Resource Locator (URL) followed by a plurality of characters corresponding to one or more user-entered terms that are not part of the URL[.]”*

Paragraphs 34 and 36 of Pelenur . . . also *fail to disclose parsing the string to identify the URL and the one or more user-entered terms*. As shown above, paragraph 34 discloses receiving a conventional search query, *not a string including a URL and one or more user-entered terms that are not part of the URL*. Thus Pelenur *cannot teach parsing what it does not receive*. Likewise, paragraph 36 of Pelenur discloses in greater detail a system configured to parse search results, not a system configured to parse a received string as claimed[.]

...

The additional prior art of record fails to cure these deficiencies of Pelenur. Similar to Pelenur, Sato discloses various webpages that include search functions within the page. However, *nowhere does Sato teach or suggest “receiving a single string of characters entered as an address in the address bar of a web browser and wherein the single string of characters comprises a Uniform Resource Locator (URL) followed by a plurality of characters corresponding to one or more user-entered terms that are not part of the URL;” or the claimed parsing*. For example, Figure 7 of Sato teaches a conventional search interface.

...

Sato clearly shows a browser having an address bar, *but teaches entering a search string in a conventional search field, not in the address bar*.

Auerbach is cited as teaching the claimed element of “receiving . . . a universal resource identifier . . ., wherein the universal resource identifier comprises a single string of characters entered as an address in the address bar of a web browser and wherein

the single string of characters comprises a Uniform Resource Locator (URL) followed by a plurality of characters corresponding to one or more user-entered terms that are not part of the URL” The Examiner cites paragraphs [0066] and 0080 of Auerbach at teaching this element.

...

Even the Examiner’s allegation only states that a URL of a website that the user wishes to visit on the Internet can be entered into an address bar. This is how every browser works. A user types an address into an address bar and they are taken to a website. *Auerbach is silent with respect to entering into an address bar “a universal resource identifier ... , wherein the universal resource identifier comprises a single string of characters entered as an address in the address bar of a web browser and wherein the single string of characters comprises a Uniform Resource Locator (URL) followed by a plurality of characters corresponding to one or more user-entered terms that are not part of the URL” as recited in independent claims 1, 8, and 15.*

...

In the Advisory Action . . . the Examiner states [“http://homestarrunner.com” corresponds to the URL and “main8.html” corresponds to the user-entered terms that are not part of the URL].

However, *the “main8.html” is part of the “URL, i.e. it points to a page destination at the domain in the URL. “main8.html” are not user entered terms that are not part of the URL” as recited in the claims* and are not used for “querying ... an application programming interface corresponding to the URL for data feeds corresponding to the one or more user-entered terms” as recited in the claims. <http://homestarruner.com/main.html> is merely a conventional URL that designates a specific page address.

Appeal Br. 5–13 (Appellant’s emphasis omitted; panel’s emphasis added);
see also Reply Br. 1–3.

We are not persuaded the Examiner erred. We agree with the Examiner that Pelenur discloses an online search system configured to

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receive a query including one or more keywords (*e.g.*, “Bailout”) and a content source represented by a “plusbox,” such as domain or website (*e.g.*, “www.nytimes.com”), where the aforementioned keywords and domain/website respectively teach or suggest the claimed “Uniform Resource Locator (URL)” and “one or more user-entered terms that are not part of the URL.” *See* Final Act. 3 (citing Pelenur ¶¶ 21, 34); *see also* Ans. 4 (citing Pelenur ¶ 73, Figs. 3A, 3B). We further agree with the Examiner that Auerbach discloses a search engine system configured to provide search results in response to user-entered input in an address bar of a browser in order to locate desired content, where the user inputs a stream of characters including a URL. *See* Final Act. 4 (citing Auerbach ¶¶ 66, 80, Figs. 3, 6); *see also* Ans. 4–5 (citing Auerbach ¶¶ 66, 80, Figs. 3, 5, 6). Thus, Auerbach teaches a computer system that has a structure and is capable of receiving a single string of characters entered as an address in an address bar of a web browser comprising a URL followed by a plurality of characters corresponding to one or more user-entered terms that are not part of the URL. *See In re Schreiber*, 128 F.3d 1473, 1477–78 (Fed. Cir. 1997) (functional language does not confer patentability if prior art structure has capability of functioning in the same manner). In light of these respective disclosures of Pelenur and Auerbach, we agree with the Examiner that the combination of Pelenur and Auerbach (along with Safo) teaches or suggests “receiving, . . . a universal resource identifier . . . wherein the universal resource identifier comprises a single string of characters entered as an address in the address bar of a web browser and wherein the single string of characters comprises a Uniform Resource Locator (URL) followed by a plurality of characters corresponding to one or more user-entered terms that are not part of the URL,” as recited in claim 1.

CONCLUSION

The Examiner has not erred in rejecting claims 1–21 as being unpatentable under 35 U.S.C. § 103(a).

The Examiner’s rejection of claims 1–21 and as being unpatentable under 35 U.S.C. § 103(a) is **affirmed**.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 4, 6, 8, 11, 13, 15, 18, 20	103(a)	Pelenur, Auerbach, Safo	1, 4, 6, 8, 11, 13, 15, 18, 20	
5, 12, 19	103(a)	Pelenur, Auerbach, Safo, Ratcliffe	5, 12, 19	
2, 3, 9, 10, 16, 17	103(a)	Pelenur, Auerbach, Safo, Hoffman	2, 3, 9, 10, 16, 17	
7, 14, 21	103(a)	Pelenur, Auerbach, Safo, Kim	7, 14, 21	
Overall Outcome			1–21	

TIME PERIOD FOR RESPONSE

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