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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EDWIN ADRIAANSEN and BOB J.A. SCHIJVENAARS

Appeal 2019-000930
Application 14/094,682
Technology Center 2100

Before JAMES B. ARPIN, JON J. JURGOVAN, and
DAVID J. CUTITTA II, *Administrative Patent Judges*.

CUTITTA, *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, 2, 4–8, 10–14, and 16–21.² 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 Elsevier Inc. Appeal Br. 2.

² Claims 3, 9, and 15 are cancelled. Appeal Br., Claims Appendix 2, 4, 5.

CLAIMED SUBJECT MATTER

Invention

Appellant's claims relate to textually analyzing documents to determine a knowledge profile for each one of the documents, and using the knowledge profile as a basis for non-keyword based electronic searching "to retrieve[] the most relevant documents without relying on keywords."

Spec. ¶ 3.³

Exemplary Claim

Claims 1, 7, and 13 are independent. Independent claim 1 is exemplary of the claimed subject matter and is reproduced below with claim element labels added in brackets and limitations at issue in italics:

1. A computer-based method for textually analyzing one or more documents to determine a knowledge profile for each one of the one or more documents, the knowledge profile used as a basis for non-keyword based electronic searching, the method comprising:

[a] storing, by one or more computer processors, a fingerprint for each of the one or more documents, wherein:

[a1] *the fingerprint comprises one or more concepts from one document of the one or more documents and one or more relevance weights associated with the one or more concepts, and*

³ We refer to: (1) the originally filed Specification filed December 2, 2013 ("Spec."); (2) the Final Office Action mailed December 4, 2017 ("Final Act."); (3) the Appeal Brief filed May 2, 2018 ("Appeal Br."); (4) the Examiner's Answer mailed September 12, 2018 ("Ans."); and (5) the Reply Brief filed November 13, 2018 ("Reply Br.").

[a2] the one or more concepts provide a textual representation of one or more objects, classes, properties, and relations of the document;

[b] combining, by the one or more computer processors, fingerprints having a relationship, wherein the relationship comprises at least one of:

[b1] fingerprints that are from documents authored by the same author,

[b2] fingerprints that are published in the same publication, and

[b3] fingerprints that are from documents that are provided by the same organization; and

[c] using the fingerprints to form the knowledge profile that is used as the basis for non-keyword based electronic searching.

Appeal Br. 2 (Claims Appendix).

REFERENCES

The references⁴ relied upon by the Examiner are:

| Name | Reference | Date |
|-------------|--------------------|---------------|
| Ikeda | US 2003/0158828 A1 | Aug. 21, 2003 |
| Shamir | US 2003/0224344 A1 | Dec. 4, 2003 |
| Glass | US 2005/0060643 A1 | Mar. 17, 2005 |
| Essafi | US 2007/0271224 A1 | Nov. 22, 2007 |
| Jones | US 2008/0016040 A1 | Jan. 17, 2008 |
| Encina | US 2008/0140616 A1 | June 12, 2008 |
| Aumann | US 2011/0004606 A1 | Jan. 6, 2011 |

⁴ All citations to the references use the first-named inventor only.

REJECTIONS

The Examiner rejects claims 1, 2, 4–8, 10–14, and 16–21 under 35 U.S.C. § 101 as reciting patent-ineligible subject matter. Final Act. 2–6.

The Examiner rejects claims 1, 2, 4, 6–8, 10, 12–14, 16, and 18 under 35 U.S.C. § 103(a) as obvious over the combined teachings of Essafi, Encina, Shamir and Glass. *Id.* at 6–12.

The Examiner rejects claims 5, 11, and 17 under 35 U.S.C. § 103(a) as obvious over the combined teachings of Essafi, Encina, Shamir, Glass, and Ikeda. *Id.* at 12–14.

The Examiner rejects claim 20 under 35 U.S.C. § 103(a) as obvious over the combined teachings of Essafi, Encina, Shamir, Glass, and Jones. *Id.* at 14–15.

The Examiner rejects claim 21 under 35 U.S.C. § 103(a) as obvious over the combined teachings of Essafi, Encina, Shamir, Glass, and Aumann. *Id.* at 15–16.

OPINION

We review the appealed rejections for error based upon the issues identified by Appellant and in light of Appellant’s arguments and evidence. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Arguments not made are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2017).

Rejection under 35 U.S.C. § 101

I. Principles of Law

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. However, the U.S. Supreme Court has long interpreted 35 U.S.C. § 101 to

include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *See, e.g., Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014).

In determining whether a claim falls within an excluded category, we are guided by the Court’s two-step framework, described in *Alice* and *Mayo*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine to what concept the claim is directed. *See Alice*, 573 U.S. at 219 (“On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”).

If the claim is directed to an abstract idea, we turn to the second part of the *Alice* and *Mayo* framework, in which “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (quotation marks omitted). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

The Office published revised guidance on the application of § 101. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) as revised by the recently issued October 2019 Patent

Eligibility Update (October 2019 Update) (together hereinafter “Guidance”).

Under the Guidance, in determining whether a claim falls within an excluded category, we first look to whether the claim recites:

(1) Step 2A — Prong One: any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity, such as a fundamental economic practice, or mental processes); and

(2) Step 2A — Prong Two: additional elements that integrate the judicial exception into a practical application (*see* MPEP⁵ § 2106.05(a)–(c), (e)–(h)).

See Guidance, 84 Fed. Reg. 54–55 (“Revised Step 2A”). Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to whether the claim (Step 2B):

(3) adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See id. at 56 (“*Step 2B: If the Claim Is Directed to a Judicial Exception, Evaluate Whether the Claim Provides an Inventive Concept.*”).

II. The Examiner’s § 101 Rejection

The Examiner determines that exemplary⁶ claim 1 is directed to a judicial exception: an abstract idea. Final Act. 2–6; Ans. 17–22. According

⁵ All Manual of Patent Examining Procedure (“MPEP”) citations herein are to MPEP, Rev. 08.2017, January 2018.

⁶ Appellant argues claims 1, 2, 4–8, 10–14, and 16–21 as a group with respect to the § 101 rejection. Appeal Br. 30. We, thus, select independent claim 1 as exemplary of the claims. *See* 37 C.F.R. § 41.37(c)(1)(iv).

to the Examiner, claim 1 is “directed towards storing and combining fingerprints of documents having a relationship for non-keyword based electronic searching” and therefore the claim recites an “abstract idea similar to ‘[c]reating an index and using that index to search for and retrieve data.’”⁷” Final Act. 5. The Examiner determines “[t]he claims disclose one or more computer processors, storage devices, and non-transitory processor-readable storage mediums storing instructions to perform the claimed processes of creating an index and using that index to search for and retrieve data” and “the mere recitation of ‘processors, storage devices and computer readable storage mediums’ is akin to adding the words ‘apply it’ with a computer in conjunction with the abstract idea. Such limitations are not enough to add significantly more to the abstract idea.” Final Act. 6.

III. Appellant’s Arguments

We summarize Appellant’s arguments in favor of eligibility as follows: (1) “[t]he independent claims of the present application clearly show that the fingerprints are used in a way that improves computer function, as the independent claims further recite the step of ‘using the fingerprints to form the knowledge profile that is used as the basis for non-keyword based electronic searching’” (Appeal Br. 32); (2) “[l]ike the claims upheld as subject matter eligible in *DDR Holdings*,⁸ the knowledge profile that is used as the basis for non-keyword based electronic searching as

⁷ Citing *Intellectual Ventures v. Erie Indemnity Co.*, 850 F.3d 1315 (Fed. Cir. 2017).

⁸ Citing *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir. 2014).

recited by the independent claims are necessarily rooted in computer technology” (*id.* at 34); and (3) “the Examiner merely stated that the claims are ‘well-understood, routine and conventional in the field,’ but does not provide a reasoning” as required by the “April 19, 2018 USPTO Memorandum⁹” (*id.*).

IV. Our Review, Guidance, Step 1

We analyze the claims and the Examiner’s rejection in view of the Guidance, and we adopt the nomenclature for the steps used in the Guidance. As an initial matter, the claims must recite at least one of four recognized statutory categories, namely, machine, process, article of manufacture, or composition of matter. MPEP § 2106(I); *see* 35 U.S.C. § 101. Appellant’s independent claims 1, 7, and 13 recite a method (i.e., a “process”), a system (i.e., a “machine”), and a computer-readable storage medium (i.e., a “manufacture”), respectively. *Id.* Thus, the pending claims recite a recognized statutory category of § 101 and we turn to the two-step *Alice/Mayo* analysis applied in accordance with the Office Guidance.

V. Step 2A, Prong 1 in the Guidance (Alice/Mayo–Step 1) (Judicial Exceptions)

Next, we determine whether exemplary claim 1, being directed to a statutory class of invention, nonetheless falls within a judicial exception. Guidance, 84 Fed. Reg. 51. We agree with the Examiner that the steps in claim 1 recite an “abstract idea similar to ‘[c]reating an index and using that index to search for and retrieve data.’” Final Act. 3. Apart from additional

⁹ April 19, 2018 Memorandum to the Patent Examining Corps, entitled “Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*).”

elements discussed separately below, claim 1, at a high level, recites a “method for textually analyzing one or more documents to determine a knowledge profile” including the steps of “[a] storing a fingerprint for each of the one or more documents,” “[b] combining . . . fingerprints having a relationship,” and “[c] using the fingerprints to form the knowledge profile that is used as the basis for non-keyword based electronic searching.”

Claims Appendix 2. The fingerprint of claim 1 is recited as comprising “[a1] concepts from one document of the one or more documents and one or more relevance weights associated with the one or more concepts” and thus the claimed fingerprints are merely data. Claims Appendix 2; Spec. ¶ 53. Appellant’s Specification discloses that “[b] combining . . . fingerprints having a relationship,” can mean “averaging the fingerprints” and that the claimed “knowledge profile” is also stored data. Spec. ¶¶ 53, 17 (“The system memory 112 typically contains data such as Knowledge Profile data 107”).

Under a broadest reasonable interpretation, the series of steps covered by the asserted claims—“[a] storing a fingerprint,” “[b] combining . . . fingerprints having a relationship,” and “[c] using the fingerprints to form the knowledge profile”— could all be performed by humans without a computer. *Cf. CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1373 (Fed.Cir.2011) (“[C]omputational methods which can be performed entirely in the human mind are the types of methods that embody the ‘basic tools of scientific and technological work’ that are free to all men and reserved exclusively to none.”) (quoting *Gottschalk v. Benson*, 409 U.S. 63, 67, (1972)). Because claim 1 analyzes information by steps people may go through in their minds or with pen and paper, we conclude the claim recites

a mental process, as provided for in the Guidance. We, therefore, agree with the Examiner's determination that claim 1 recites an abstract idea.

VI. Step 2A, Prong Two in the Guidance
(Integration into a Practical Application)

Because claim 1 recites an abstract idea, we next determine whether the claim is directed to the abstract idea itself or whether it is, instead, directed to some technological implementation or application of, or improvement to, this idea, i.e., is integrated into a practical application. *See, e.g., Alice*, 573 U.S. at 223 (discussing *Diamond v. Diehr*, 450 U.S. 187 (1981)). We determine whether the recited judicial exception is integrated into a practical application of that exception by: (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception or exceptions; and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application. 84 Fed. Reg. 54–55. This evaluation requires an additional element or a combination of additional elements in the claim to apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the exception. *See id.*

Appellant argues “the fingerprints are used in a way that improves computer function, as the independent claims further recite the step of ‘using the fingerprints to form the knowledge profile that is used as the basis for non-keyword based electronic searching’” and “[t]his is because the knowledge profile that is formed from the fingerprints eliminates ‘variations in natural language.’” Appeal Br. 31–32. Additionally, Appellant argues that, “[l]ike the claims upheld as subject matter eligible in *DDR Holdings*,

the knowledge profile that is used as the basis for non-keyword based electronic searching as recited by the independent claims are *necessarily* rooted in computer technology.” *Id.* at 34.

According to the Examiner, however, the claims do not offer any ‘technological improvement’” that would integrate the recited abstract ideas into a practical application. *See* Ans. 19. Specifically, the Examiner states,

It is not clearly recited how the “knowledge profile/fingerprint” improves accuracy. The focus of the claims is directed towards the construction of said knowledge profile by combining fingerprints having a relationship, not how it is used for improving the accuracy. Appellant alleges that the knowledge profile formed from the fingerprints eliminates “variations in natural language” such that keywords do not need to be relied upon when conducting a search, however, after careful re-consideration, examiner respectfully understands that the claim language is not focused on this improvement.

Ans. 19. We agree with the Examiner. We are not persuaded claim 1 integrates the abstract idea into a practical application by “improv[ing] computer function.” Appeal Br. 32. Claim 1 recites “one or more computer processors” performing a “computer-based method.” But the improvement recited in the claim does not improve the programmed processor itself. Instead, the alleged improvement recited in the claim is an improvement to the abstract idea, i.e., a mental process used for non-keyword based electronic searching of documents. Although the computer is programmed to execute steps to perform the abstract idea discussed above, the execution of the claimed programming is simply the generic function of a computer.

In describing the problem to be addressed by Appellant’s invention, the Specification indicates “[w]hat is needed is a searching method that retrieves the most relevant documents without relying on keywords.”

Spec. ¶ 3. Thus, the problem described by the Specification is a document searching problem, not a computing problem. Furthermore, although the claimed invention further addresses the problem that “the known methods are too slow and inaccurate to provide relevant search results” (*id.*), as claimed, this merely “rel[ies] on a computer to perform routine tasks more quickly or more accurately [which] is insufficient to render a claim patent eligible.” *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015) (citing *Alice*, 573 U.S. at 225). As such, we are not persuaded claim 1 “improves computer functioning by causing the computer to more accurately search when using the knowledge profile.” Reply Br. 5.

We are also not persuaded that claim 1 is “*necessarily* rooted in computer technology.” Appeal Br. 34. As discussed above, the claim broadly recites a mental process that is used to “textually analyz[e]” documents,” to retrieve “the most relevant documents without relying on keywords.” Spec. ¶ 3, claim 1. Analyzing documents, as broadly claimed, is not a computer problem.

Additionally, none of the remaining indicia of integration identified by the January 2019 Guidance are present in the claim. Guidance, 84 Fed. Reg. 55; *see* MPEP § 2106.05(a)–(c), (e)–(h). For example, the claims do not recite a particular machine and, instead, generically recites “one or more computer processors.” Nor do the claims recite the “[t]ransformation and reduction of an article ‘to a different state or thing.’” *Bilski*, 561 U.S. 593, 604 (2010); MPEP § 2106.05(c). Further, the additional elements are not applied in any meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the

claim as a whole is more than a drafting effort designed to monopolize the exception.

We, therefore, determine claim 1 is not directed to a specific asserted improvement in computer-related technology or otherwise integrated into a practical application and thus is *directed to* a judicial exception.

VII. Step 2B in the Guidance (Alice/Mayo, Step 2) (Inventive Concept)

Having concluded that the claim recites a judicial exception but does not integrate the exception into a practical application, we next turn to whether the claim provides an “inventive concept,” i.e., whether the additional elements beyond the exceptions, individually and in combination, amount to “significantly more” than the exceptions themselves. Guidance, 84 Fed. Reg. 56. To determine whether the claim provides an inventive concept, the additional elements are considered—individually and as an ordered combination—to determine whether they (1) add a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field or (2) simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. *Id.*

The Examiner determines claim 1’s “mere recitation of processors . . . is akin to adding the words apply it with a computer in conjunction with the abstract idea. Such limitations are not enough to add significantly more to the abstract idea.” Final Act. 5 (internal quotation marks omitted). We agree with the Examiner.

Appellant argues claim 1 should be addressed consistent with *Berkheimer v. HP Inc.*, 881 [F.3d] 1360 (Fed Cir 2018), which addressed whether certain claim limitations represent well-understood, routine

conventional activity. Appeal Br. 34–35. According to Appellant, “the Examiner merely stated that the claims are ‘well-understood, routine and conventional in the field,’ but does not provide a reasoning for why it could be readily concluded that the claim elements are widely prevalent or in common use in the relevant industry.” *Id.* at 34.

That *Berkheimer* is applicable precedent is undisputed. Appellant, however, fails to point out which “claim elements” are not well-understood, routine, or conventional, whether under *Berkheimer* or any other authority. *See* Appeal Br. 34–35; *see also* Reply Br. 2–6. We decline to speculate as to which “certain claim limitations” Appellant refers.

Further, other than the recited abstract idea discussed above, the claim recites “one or more computer processors.” Claims Appendix 2. As the Examiner finds, that language recites a “generic computer” that, alone or in combination, “do[es] not show any inventive concept in applying the abstract idea.” Final Act. 5; Ans. 21 (“Applying a generic computer as a tool being used to perform the abstract idea is just linking the abstract idea to a particular environment and therefore cannot be considered to be significantly more than the abstract idea itself.”). In addition, the Examiner relies on the Specification to support the finding that the computing components recited in the claim, i.e., “one or more computer processors,” are generic components that do not transform the claim into a patent-eligible invention. Ans. 21 (citing Spec. ¶¶ 15, 22). The Specification supports the Examiner’s finding, stating that “one skilled in the art will appreciate that the system and method disclosed herein can be implemented via a general-purpose computing device in the form of a computer 101.” Spec. ¶ 15. Thus, we conclude that claim 1 does not provide an inventive concept

because the additional elements, considered individually, do not provide significantly more than the recited judicial exception.

Neither does Appellant direct our attention to anything in the Specification that indicates the claimed components, as an ordered combination, perform anything other than well-understood, routine, and conventional processing functions, such as retrieving, manipulating, generating, or storing data. *See Content Extraction and Transmission LLC v. Wells Fargo Bank, National Ass'n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014) (“collecting data, . . . recognizing certain data within the collected data set, and . . . storing that recognized data in a memory.”); *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378 (Fed. Cir. 2017) (holding that considering claims reciting data retrieval, analysis, modification, generation, display, and transmission as an “ordered combination” reveals that they “amount to ‘nothing significantly more’ than an instruction to apply [an] abstract idea” using generic computer technology) (internal citation omitted). In short, consistent with our reviewing court’s determinations in these cases, claim 1 does no more than use generic hardware to implement the claimed abstract idea.

We, thus, conclude that claim 1 does not provide an inventive concept because the additional elements recited in claim 1 do not provide significantly more than the recited judicial exception. Accordingly, claim 1 does not recite patent-eligible subject matter. Because claim 1 is argued as exemplary of the other claims, we also conclude that independent claims 7 and 13 and dependent claims 2, 4–6, 8, 10–12, 14, and 16–21 do not recite patent-eligible subject matter. Therefore, we sustain the rejection of claims

1, 2, 4–8, 10–14, and 16–21 under 35 U.S.C. § 101 as directed to patent-ineligible subject matter.

Rejections under 35 U.S.C. § 103(a)

The Examiner finds the combination of Essafi, Encina, Shamir and Glass teaches or suggests “the fingerprint comprises one or more concepts from one document of the one or more documents and one or more relevance weights associated with the one or more concepts,” as recited in claim 1. Specifically, the Examiner relies on Essafi’s disclosure of a weight of a concept in a document. Final Act. 7 (citing Essafi ¶ 209); Ans. 24–25. The paragraph from Essafi cited by the Examiner discloses in full:

A fingerprint of a document can then be formed by the signature vectors of each concept of the dictionary 5. The signature vector is constituted by the documents where the concept c, is present and by the positions and the weight of said concept in the document.

Essafi ¶ 209 (bolding omitted).

In finding Essafi’s weight teaches the claimed relevance weights, the Examiner finds Appellant’s Specification “fails to describe what exactly relevance is. [The] Specification only recites ‘relevance weights’, however, this is broad in concept as it fails to explain that the weights are relevant to what exactly. Based on the broadest reasonable interpretation, Essafi teaches said limitation.” Ans. 24.

Appellant disputes the Examiner’s factual findings and claim interpretation, arguing “a person having ordinary skill in the art would instantly recognize that the term ‘relevance weight’ clearly refers to differing degrees of relevance; i.e., one relevance weight may be more closely related to a particular topic than another relevance weight.” Appeal

Br. 8 (citing Spec. ¶ 77); Reply Br. 6–7.

We agree with Appellant that the Examiner’s decision to ignore the word “relevant” in the claim renders the Examiner’s claim interpretation unreasonably broad. Each word of the claim must have meaning. An interpretation that would render a word in the claim redundant or meaningless is rarely, if ever, correct. Although Appellant’s Specification does not specifically define the word, the Specification, absent any analysis by the Examiner, does support Appellant’s interpretation that a relevance weight “refers to differing degrees of relevance.” Spec. ¶¶ 45, 51, 53, 77. Moreover, any interpretation that fails to give weight to “relevance,” deprives the word in this claim term of its normal meaning; thus, the “relevance weight” does not include just any weight, but rather refers to a specific type of weight relating to relevance. *Ex parte Givens*, 2009-003414, at 3 (PTAB Aug. 6, 2009) (designated informative).

In view of our interpretation, we find persuasive Appellant’s argument that “Essafi, in merely stating a weight without explaining what that weight is, . . . does not teach or suggest ‘one or more relevance weights’ as recited in the claims of the present application.” Reply Br. 7. Because we agree with at least one of the dispositive arguments advanced by Appellant for claim 1, we do not reach the merits of Appellant’s other arguments.

Accordingly, based on the record before us, we do not sustain the Examiner’s 35 U.S.C. § 103(a) rejection of independent claim 1, and, for the same reasons, the rejections of dependent claims 2, 4–6, 20, and 21, which depend from claim 1. Independents claim 7 and 13 include a substantially similar limitation. Claims Appendix 3, 4. We, therefore, do not sustain the Examiner’s 35 U.S.C. § 103(a) rejection of independent claims 7 and 13,

and, for the same reasons, the rejections of dependent claims 8, 10–14, and 16–18, which depend from claim 7 or 13.

CONCLUSION

We affirm the Examiner’s patent eligibility rejections of claims 1, 2, 4–8, 10–14, and 16–21 under 35 U.S.C. § 101.

We reverse the Examiner’s rejections of claims 1, 2, 4–8, 10–14, and 16–18, 20, and 21 under 35 U.S.C. § 103(a).

DECISION SUMMARY

In summary, because we affirm at least one rejection of each pending claim, we affirm the Examiner’s rejection of claims 1, 2, 4–8, 10–14, and 16–21:

| Claims Rejected | 35 U.S.C. § | References/Basis | Affirmed | Reversed |
|---------------------------------|--------------------|---------------------------------------|-------------------------|---------------------------------|
| 1, 2, 4–8, 10–14, 16–21 | 101 | Eligibility | 1, 2, 4–8, 10–14, 16–21 | |
| 1, 2, 4, 6–8, 10, 12–14, 16, 18 | 103(a) | Essafi, Encina, Shamir, Glass | | 1, 2, 4, 6–8, 10, 12–14, 16, 18 |
| 5, 11, and 17 | 103(a) | Essafi, Encina, Shamir, Glass, Ikeda | | 5, 11, and 17 |
| 20 | 103(a) | Essafi, Encina, Shamir, Glass, Jones | | 20 |
| 21 | 103(a) | Essafi, Encina, Shamir, Glass, Aumann | | 21 |
| Overall Outcome | | | 1, 2, 4–8, 10–14, 16–21 | |

Appeal 2019-000930
Application 14/094,682

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