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Cuenot, Forsythe & Kim, LLC 20283 State Road 7 Ste. 300 Boca Raton, FL 33498			TAPP, AMELIA L	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MOHAMED FATHY DEYAB, HISHAM E. ELSHISHINY,
AHMED M. M. RAGHEB SALEM, and AHMED M. A. NASSAR

Appeal 2019-001009
Application 15/076,287
Technology Center 2100

Before JENNIFER L. McKEOWN, JAMES W. DEJMEK, and
SCOTT E. BAIN, *Administrative Patent Judges*.

McKEOWN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's decision to reject claims 18–35, which constitute all the claims pending in this application. Claims 1–17 are cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ IBM Corporation (“Appellant”) is the applicant as provided in 37 C.F.R. § 1.46 and is identified as the real party in interest. App. Br. 1.

STATEMENT OF THE CASE

Appellant's disclosed and claimed invention relates to

Text is intelligently annotated by first creating a topic map summarizing topics of interest of the user. A data structure is created. The topic map is used to create two linked user dictionaries, a topic dictionary reflecting topic names and a traversal dictionary reflecting the knowledge structure of a topic. Actions may be linked with topic types. When the text to be annotated is being read, the topic data structure of the topics found in the text are automatically instantiated using the dictionaries and any actions previously linked to topic types. Instantiated topic data structures are automatically attached to the text being annotated. A user GUI may be created to allow the user to access and interact with the text annotations.

Abstract.

Claim 18 are illustrative of the claimed invention and reads as follows:

18. A computer-implemented method for annotating a text to be read by a user, comprising:
reading the text to identify occurrences of topics of interest associated to the user;
creating a topic data structure, for each topic of interest associated to the user and found within the text, using stored topic information;
attaching the created topic data structure to the text as an annotation to a corresponding topic found in the text; and
creating a graphical user interface for the text that allows the user to access the annotation upon reading the text on a display device.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Wasson	US 2005/0108630 A1	May 19, 2005
Walther	US 7,599,950 B2	Oct. 6, 2009
Glushnev	US 7,222,067 B2	May 22, 2007
Rojer	US 2007 /0043745 A1	Feb. 22, 2007

REJECTIONS

The Examiner rejected claims 18, 19, 21–22, 24, 25, 26–28, 30, 31, and 32–34 under nonstatutory double patenting over claims 1–4 of US Patent No. 9, 292, 483. Final Act. 3–4.

The Examiner rejected claims 18-20, 22, 24–26, 28, 30-32, and 34 under 35 U.S.C. § 103 as unpatentable over Wasson and Walther. Final Act. 5–10.

The Examiner rejected claims 21, 27, and 33 under 35 U.S.C. § 103 as unpatentable over Wasson, Walther, and Glushnev. Final Act. 10–11.

The Examiner rejected claims 23, 29, and 35 under 35 U.S.C. § 103 as unpatentable over Wasson, Walther, and Rojer. Final Act. 11–12.

ANALYSIS

THE NON-STATUTORY DOUBLE PATENTING REJECTION

Claims 18, 19, 21–22, 24, 25, 26–28, 30, 31, and 32–34

Because Appellant presents no arguments pertaining to the Examiner’s non-statutory double patenting rejection, we summarily sustain the rejection. *See* MPEP § 1205.02, 8th ed., Rev. 8, July 2010 (“If a ground

of rejection stated by the examiner is not addressed in the appellant's brief, that ground of rejection will be summarily sustained by the Board.”).

THE OBVIOUSNESS REJECTION BASED ON WASSON AND WALTHER

Claims 18–20, 22, 24–26, 28, 30–32, and 34

Based on the record before us, we are not persuaded that the Examiner erred in concluding that claims 18–20, 22, 24–26, 28, 30–32, and 34 are unpatentable over Wasson and Walther.

Appellant asserts that the Examiner incorrectly finds that Wasson teaches “reading the text to identify occurrences of topics of interest associated to the user.” App. Br. 8–9. Specifically, Appellant maintains that the claimed reading the text does not include reading annotations to text. According to Appellant, Wasson obtains topics of interest from annotations, not the text itself, and, therefore Wasson does not teach or suggest the recited reading limitation. App. Br. 9–10. Appellant distinguishes that “‘text’ refers to ‘the main body of a book or other piece of writing, as distinct from other material such as notes, appendices, and illustrations’” whereas an “‘annotation’ is a ‘note by way of explanation or comment added to a text or diagram.’” As such, Appellant maintains that “the annotations of Wasson are not ‘text,’ as that term is construed consistently with Appellant[’s] specification.” App. Br. 10.

We find these arguments unpersuasive. Notably, Wasson expressly teaches reading the original text of a document, not just the annotations. For example, Wasson discloses assigning attributes, such as other interesting attributes, to parts of *the text*. Wasson ¶ 138. Wasson explains that a “text passage” may be “a document, sentence, query, or any other text string.”

Wasson ¶ 139. Moreover, Wasson describes that the annotators may operate on “*the original document text* when generating annotations.” Wasson ¶ 184. As such, we are not persuaded that Wasson fails to teach or suggest reading of the text as argued by Appellant.

Appellant next argues that Wasson fails to teach or suggest the claimed creating a topic data structure, for each topic of interest associated to the user and found within the text, using stored topic information. App. Br. 12. According to Appellant, “the claimed invention requires that the creation of the topic data structure (i.e., as the annotation) occurs after the topics of interest are identified.” Reply Br 6. Wasson, Appellant asserts, discloses that “the alleged topics of interest are necessarily identified after the text is annotated (i.e., the annotation is created before the topics are identified).” Reply Br 6. Additionally, Appellant points out that Wasson’s topic information is not “user-specific.” Reply Br. 7.

We disagree. As discussed above, Wasson reads to the original text to identify “other interesting attributes.” See Wasson ¶¶ 128, 139, 184. Although Wasson’s generated annotations may be *further* processed or analyzed, this does not detract from the Wasson’s reading of the original text document to generate the annotations. See Wasson ¶ 184. As the Examiner further explains, Wasson does not expressly teach attributes associated with a user, however, this limitation is obvious in view of Walther. Final Act. 5–6 (noting that Walther at col. 27, ll. 15–30 teaches identifying user interests). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 426 (CCPA 1981); *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Accordingly, based on the record before us, we affirm the rejection of claims 18–20, 22, 24–26, 28, 30–32, and 34 as unpatentable over Wasson and Walther.

THE REMAINING OBVIOUSNESS REJECTIONS

Claims 21, 23, 27, 29, 33, and 35

As discussed above, we are not persuaded that the Examiner erred in rejecting the independent claims as unpatentable over Wasson and Walther. Appellant does present separate arguments of patentability as to dependent claims 21, 23, 27, 29, 33, and 35. *See App. Br. 13–15.* Accordingly, based on the record before us, we affirm the rejection of claims 21, 23, 27, 29, 33, and 35 as unpatentable over the cited combinations of prior art.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
18, 19, 21–22, 24, 25, 26–28, 30, 31, and 32–34		Obviousness-type Double Patenting	18, 19, 21–22, 24, 25, 26–28, 30, 31, and 32–34	
18–20, 22, 24–26, 28, 30–32, and 34	103	Wasson and Walther	18–20, 22, 24–26, 28, 30–32, and 34	
21, 27, and 33	103	Wasson, Walther, and Glushnev	21, 27, and 33	
23, 29, and 35	103	Wasson, Walther, and Rojer	23, 29, and 35	
Overall Outcome			18–35	

AFFIRMED