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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* STEVEN DENNIS FLINN and  
NAOMI FELINA MONEYPENNY

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Appeal 2019-001219  
Application 14/497,645  
Technology Center 2100

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Before LINZY T. McCARTNEY, CARL L. SILVERMAN, and  
JOYCE CRAIG, *Administrative Patent Judges*.

McCARTNEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant<sup>1</sup> seeks review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1–3, 5–11, and 14–20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> Appellant identifies the real party in interest as ManyWorlds, Inc. Appeal Brief 3, filed June 27, 2018 (“Appeal Br.”).

## BACKGROUND

This patent application discloses “a system and method for adaptive probabilistic semantic-based applications implemented on a processor-based device.” Specification 1:16–18, filed September 26, 2014 (“Spec.”). Claim 1 illustrates the claimed subject matter:

1. A computer-implemented method comprising:

accessing automatically a first behavioral chain comprising a representation of a first user of a computer-implemented system, a first predicate, and a first object of the first predicate;

accessing automatically a first semantic chain comprising a first subject, a second predicate, a second object of the second predicate, and a first semantic chain weighting associated with the first semantic chain, wherein the first subject corresponds to the first object of the first predicate;

accessing automatically the first semantic chain weighting that is associated with the first semantic chain, wherein the first semantic chain weighting is automatically generated by a processor-based device from a statistical analysis of computer-implemented content;

linking automatically the first semantic chain and the first behavioral chain;

inferring automatically a preference of the first user of the computer-implemented system based, at least in part, on the linked first semantic chain and first behavioral chain and the first semantic chain weighting; and

selecting automatically a recommendation for delivery to the first user of the computer-implemented system, wherein the recommendation is selected based, at least in part, on the inferred preference.

Appeal Br. 72.

## REJECTIONS

Claims	35 U.S.C. §	References
1–3, 5–11, 14–20	101	
1–3, 5–11, 14, 15	102	Mohammed <sup>2</sup>
16–20	103	Mohammed, Berner <sup>3</sup>

## DISCUSSION

We have reviewed the Examiner’s rejections and Appellant’s arguments. We disagree with Appellant that the Examiner erroneously rejected claims 1–3, 5–11, and 14–20 under § 101. For this rejection, to the extent consistent with the analysis below, we adopt the Examiner’s reasoning, findings, and conclusions on pages 3–13 and 55–61 of the Final Office Action mailed April 30, 2018 (“Final Act.”) and pages 3–13 and 50–71 of the Examiner’s Answer mailed September 18, 2018 (“Ans.”). We agree with Appellant the Examiner erred in rejecting claims 1–3, 5–11, 14, and 15 under § 102 and claims 16–20 under § 103. We address these rejections in turn.

### Section 101 Rejection

Section 101 of the Patent Act provides that “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof” is patent eligible. 35 U.S.C. § 101. But the Supreme Court has long recognized an implicit exception to this section: “Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013)).

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<sup>2</sup> Mohammed et al. (US 2014/0025660 A1; January 23, 2014).

<sup>3</sup> Berner et al. (US 2013/0024464 A1; January 24, 2013).

To determine whether a claim falls within one of these excluded categories, the Court has set out a two-part framework. The framework requires us first to consider whether the claim is “directed to one of those patent-ineligible concepts.” *Alice*, 573 U.S. at 217. If so, we then examine “the elements of [the] claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 78, 79 (2012)). That is, we examine the claim for an “inventive concept,” “an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’” *Alice*, 573 U.S. at 217–18 (alteration in original) (quoting *Mayo*, 566 U.S. at 72–73).

The Patent Office has revised its guidance about this framework. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Revised Guidance”). Under the Revised Guidance, to decide whether a claim is directed to an abstract idea, we evaluate whether the claim (1) recites subject matter that falls within one of the abstract idea groupings listed in the Revised Guidance and (2) fails to integrate the recited abstract idea into a practical application. *See* Revised Guidance, 84 Fed. Reg. at 51, 54. If the claim is directed to an abstract idea, as noted above, we then determine whether the claim has an inventive concept. The Revised Guidance explains that when making this determination, we should consider whether the additional claim elements add “a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field” or “simply append[] well-understood,

routine, conventional activities previously known to the industry, specified at a high level of generality.” Revised Guidance, 84 Fed. Reg. at 56.

With these principles in mind, we turn to the § 101 rejection.

*Claim 1*

Abstract Idea

The Revised Guidance explains that the abstract idea exception includes “mental processes,” that is, acts that people can perform in their minds or using pen and paper. *See* Revised Guidance, 84 Fed. Reg. at 52 & nn.14–15. The Examiner determined that claim 1 recites subject matter that falls within this abstract idea grouping. *See, e.g.*, Final Act. 3–5 (comparing claim 1 to the patent-ineligible claims in *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016)); Ans. 50–53 (same); *see also* USPTO, October 2019 Update: Subject Matter Eligibility at 7, [https://www.uspto.gov/sites/default/files/documents/peg\\_oct\\_2019\\_update.pdf](https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf) (“October SME Update”) (explaining that the patent-ineligible claims in *Electric Power Group* are an example of claims that recite mental processes).

We agree. Claim 1 recites a method that includes (1) accessing a behavioral chain, a semantic chain, and a semantic chain weighting; (2) linking the behavioral and semantic chains; (3) inferring a user preference based on the linked chain and the semantic chain weighting; and (4) selecting a recommendation based on the inferred preference. *See* Appeal Br. 72. These limitations recite a series of results without meaningfully limiting how the method achieves the results. *See* Appeal Br. 72. These limitations are thus so broadly written that they encompass acts that people can perform in their minds or using pen and paper. *See, e.g.*, *CyberSource*

*Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1373 (Fed. Cir. 2011) (determining that a claim limitation “is so broadly worded that it encompasses literally *any* method for” performing the limitation, including “logical reasoning that can be performed entirely in the human mind”). For example, people can access a behavioral chain, a semantic chain, and a semantic chain weighting by reading this information from a database. *See, e.g., CyberSource*, 654 F.3d at 1372 (determining that a claim limitation that “requires ‘obtaining information about other transactions that have utilized an Internet address that is identified with the [ ] credit card transaction’—can be performed by a human who simply reads records of Internet credit card transactions from a preexisting database”). Even if these steps did not encompass mental processes, the steps would not make claim 1 patent eligible because they merely gather data. *See, e.g., CyberSource*, 654 F.3d at 1372 (“[E]ven if some physical steps are required to obtain information from the database (e.g., entering a query via a keyboard, clicking a mouse), such data-gathering steps cannot alone confer patentability.”).

People can also link behavioral and semantic chains in their minds or using pen and paper. The written description indicates that linking behavioral and semantic chains involves identifying an element shared by the chains and using that element to link the chains. *See, e.g., Spec. 56:24–57:14, 58:20–59:26*. For example, the written description discloses that the behavioral chain “User-Predicate(1)-Object(1)” and the semantic chain “Object(1)-Predicate(2)-Object(2)” both contain the “Object(1)” element. The written description explains that using this common element to link the chains results in the following composite chain: “User-Predicate(1)-Object(1)-Predicate(2)-Object(2).” *See Spec. 56:24–57:10*. People can

mentally recognize that a behavioral chain and a semantic chain share an element and use that element to append one chain to the other.

Similarly, people can mentally infer a user preference based on the linked chain and the semantic chain weighting. The written description discloses, for instance, drawing a weak inference that User(1) has an interest in Boston from the composite chain “User(1)-viewed-Object(1)-is about-Red Sox-is located-Boston” and a low weighting associated with one of the composite chain’s semantic chains. *See* Spec. 59:6–26. People can mentally draw this conclusion from the composite chain and the associated semantic chain weighting. Finally, people can mentally select a recommendation based on the inferred preference. As written, this step encompasses, for example, people choosing a recommendation from a list of recommendations based on the inferred preference. *See, e.g., CyberSource*, 654 F.3d at 1373. This step thus also encompasses acts that people can perform mentally.

Because the accessing, linking, inferring, and selecting limitations discussed above encompass acts that people can perform in their minds or using pen and paper, claim 1 recites mental processes. *See CyberSource*, 654 F.3d at 1372 (determining that a claim is drawn to “unpatentable mental processes” because the claim recites “steps [that] can be performed in the human mind, or by a human using a pen and paper”); *see also* Revised Guidance, 84 Fed. Reg. at 52 & nn.14–15; October SME Update 7–9. Claim 1 recites mental processes even though the preamble of the claim recites that the claimed method is “computer-implemented.” *See, e.g., CyberSource*, 654 F.3d at 1375 (“That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in

*Gottschalk v. Benson.*”); *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1335 (Fed. Cir. 2015) (“Courts have examined claims that required the use of a computer and still found that the underlying, patent-ineligible invention could be performed via pen and paper or in a person’s mind.”); *see also* Revised Guidance, 84 Fed. Reg. at 52 n.14 (“If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes category . . . .”). Claim 1 therefore recites an abstract idea.

Because we determine that claim 1 recites an abstract idea, we next consider whether claim 1 integrates the abstract idea into a practical application. *See* Revised Guidance, 84 Fed. Reg. at 51. In doing so, we evaluate the claim as a whole to determine whether the claim “integrate[s] the [abstract idea] into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit.” Revised Guidance, 84 Fed. Reg. at 55; *see also* October SME Update 12 (discussing the practical application analysis). That is, we consider any additional elements recited in the claim along with the limitations that recite an abstract idea to determine whether the claim integrates the abstract idea into a practical application. *See* October SME Update 12.

The Examiner determined that claim 1 recites two additional elements: a “processor-based device” and that the method is “computer-implemented.” *See* Final Act. 5. The Examiner determined that these elements encompass “generic computer components” and that the claimed method simply uses these generic computer components to implement the abstract idea. *See* Final Act. 5.

We agree. Other than the recited abstract idea, claim 1 recites a “processor-based device” and that the method is “computer-implemented.” *See* Appeal Br. 72. The written description makes clear that the computer components used in the recited method are generic computer components. *See, e.g.*, Spec. 80:17–20 (explaining that the disclosed invention uses “standard PC workstation 956 [that] is connected to the server in a contemporary fashion, potentially through the Internet” and that “[i]t should be understood that the workstation 956 can represent any processor-based device, mobile or fixed, including a set-top box”), 80:23–26 (“The PC workstation 956 or servers 950 may embody, or be connected to, a portable processor-based device (not shown), such as a mobile telephony device, which may be a mobile phone or a personal digital assistant (PDA), or a wearable device such as a ‘smart watch.’”), Fig. 13 (showing computer hardware and network topologies used by the disclosed invention). Using generic computer components to implement an abstract idea generally does not integrate the abstract idea into a practical application. *See, e.g., Alice*, 573 U.S. at 223–24 (“[W]holly generic computer implementation is not generally the sort of ‘additional featur[e]’ that provides any ‘practical assurance that the process is more than a drafting effort designed to monopolize the [abstract idea] itself.’” (second and third alterations in original) (quoting *Mayo*, 566 U.S. at 77)); *see also Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1370 (Fed. Cir. 2015) (“Steps that do nothing more than spell out what it means to ‘apply it on a computer’ cannot confer patent-eligibility.”).

Thus, considering the additional elements along with the recited abstract idea, both individually and as an ordered combination, we determine

that claim 1 does not integrate the abstract idea into a practical application. Because claim 1 recites an abstract idea and does not integrate the abstract idea into a practical application, claim 1 is directed to an abstract idea. *See* Revised Guidance, 84 Fed. Reg. at 51.

Appellant’s arguments have not persuaded us otherwise. Appellant contends that the Examiner improperly characterized the abstract idea as “collecting information, analyzing it, and displaying certain results of the collection and analysis.” Appeal Br. 13. According to Appellant, this characterization “represents the type of gross generalization that” the Federal Circuit has “specifically cautioned against.” Appeal Br. 13.

We disagree. The Examiner determined that the recited accessing steps correspond to collecting information, the recited linking and inferring steps correspond to analyzing information, and the recited selecting step correspond to displaying certain results of the collecting and analyzing. *See* Final Act. 4–5. Given the broad wording of these steps and their functional, result-oriented nature, *see* Appeal Br. 72, we see no reversible error in the Examiner’s characterization of these steps. Although Appellant asserts that certain steps involve “much more” than the Examiner’s characterization of the steps, Appeal Br. 13, Appellant has not provided persuasive reasoning to support this assertion.

In any event, “[a]n abstract idea can generally be described at different levels of abstraction.” *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1240 (Fed. Cir. 2016). Selecting one level of abstraction over another does not necessarily affect the patentability analysis. *Cf. Apple*, 842 F.3d at 1240–41 (“As the Board has done, the claimed abstract idea could be described as generating menus on a computer, or generating a second menu from a first

menu and sending the second menu to another location. It could be described in other ways . . . . The Board’s slight revision of its abstract idea analysis does not impact the patentability analysis.”). That is the case here.

Regardless of the level of abstraction used to describe the abstract idea recited in claim 1, the result is the same—claim 1 recites mental processes. *Cf. Accenture Glob. Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1344 (Fed. Cir. 2013) (“Although not as broad as the district court’s abstract idea of organizing data, it is nonetheless an abstract concept.”).

Appellant also argues that claim 1 is patent eligible because the claim is allegedly analogous to the patent-eligible claims in the *McRO*,<sup>4</sup> *Core Wireless*,<sup>5</sup> *Enfish*,<sup>6</sup> and *Finjan*<sup>7</sup> decisions. *See* Appeal Br. 15–19. According to Appellant, like the claims in these decisions, claim 1 recites an improvement to a technological process and an improvement to computer technology. *See* Appeal Br. 15–19.

We disagree. In *McRO*, the claims incorporated “specific,” “limited” rules that improved computer animation. *McRO*, 837 F.3d at 1314–16. And in *Core Wireless*, the claims were “directed to a particular manner of summarizing and presenting information in electronic devices” and “disclose[d] a specific manner of displaying a limited set of information to the user.” *Core Wireless*, 880 F.3d at 1362, 1363. Here, instead of incorporating specific, limited rules or reciting particular, specific ways of

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<sup>4</sup> *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016).

<sup>5</sup> *Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356 (Fed. Cir. 2018).

<sup>6</sup> *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016).

<sup>7</sup> *Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299 (Fed. Cir. 2018).

displaying information, claim 1 recites a series of broadly worded, result-oriented functions without meaningfully limiting how the claimed invention performs those functions. *See* Appeal Br. 72. As for *Enfish* and *Finjan*, in *Enfish* the claims were “directed to a specific improvement to the way computers operate, embodied in [a] self-referential table.” *Enfish*, 822 F.3d at 1336. Similarly, in *Finjan*, the claims employed “a new kind of file that enable[d] a computer security system to do things it could not do before.” *Finjan*, 879 F.3d at 1305. Here, Appellant has not shown that the claimed invention changes the way computers operate, much less improves the way computers operate or creates a new file that it enables computers to do things that they could not do before. We therefore find Appellant’s comparison of claim 1 to the claims in these cases unpersuasive.

Appellant next contends that the invention recited in claim 1 does not preempt the abstract idea identified by the Examiner. *See* Appeal Br. 22. Even if this is true, that does not show that claim 1 is patent eligible. “While preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015). We thus find this argument unpersuasive.

#### Inventive Concept

Finally, we consider whether claim 1 has an inventive concept, that is, whether the claim has additional elements that “transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo*, 566 U.S. at 78, 79). This requires us to evaluate whether the additional claim elements add “a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the

field” or “simply append[] well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality.” Revised Guidance, 84 Fed. Reg. at 56.

As discussed above, the additional elements recited in claim 1 include a “processor-based device” and that the method is “computer-implemented.” See Appeal Br. 72. The written description indicates that the computer components used by the method recited in claim 1 are conventional computer components. See, e.g., Spec. 80:17–20, 80:23–26, Fig. 13. Whether we consider these additional elements individually or as an ordered combination, these elements do not transform the nature of claim 1 into a patent-eligible application. These elements are recited at a high level of generality, and there is no indication that these elements override the conventional use of known features or involve an unconventional arrangement or combination of elements. At bottom, claim 1 recites conventional computer components employed in a customary manner, which is not enough to provide an inventive concept. *Alice*, 573 U.S. at 223 (“[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.”).

Appellant argues that the Examiner failed to provide evidence that the features recited in the accessing, linking, and inferring limitations are well understood, routine, and conventional as required by *Berkheimer*<sup>8</sup> and a Patent Office memorandum<sup>9</sup> addressing *Berkheimer*. See Appeal Br. 13–15, 20–22.

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<sup>8</sup> *Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018).

<sup>9</sup> USPTO, Memorandum on Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision

We disagree. For the reasons discussed above, the accessing, linking, and inferring limitations form part of the abstract idea. The relevant question is not whether the *abstract idea* involves well-understood, routine, and conventional activities, but rather whether the *additional elements* do. *See, e.g., Bridge & Post, Inc. v. Verizon Commc'ns, Inc.*, 778 F. App'x 882, 892 (Fed. Cir. 2019) (“At *Alice* step two we assess ‘whether the claim limitations *other than* the invention’s use of the ineligible concept to which it was directed were well-understood, routine, and conventional.’” (quoting *BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018)); *BSG Tech*, 899 F.3d at 1290 (“[T]he relevant inquiry is *not* whether the claimed invention as a whole is unconventional or non-routine. . . . It has been clear since *Alice* that a claimed invention’s use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention ‘significantly more’ than that ineligible concept.” (first emphasis added)). Because the accessing, linking, and inferring limitations form part of the abstract idea, the Examiner was not required to show that these limitations are well understood, routine, and conventional.

#### Conclusion

We have reviewed Appellant’s remaining arguments and have found them unpersuasive. For at least the above reasons, we agree with the Examiner that claim 1 is directed to an abstract idea and lacks an inventive concept. We thus sustain the Examiner’s rejection of claim 1 under § 101.

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(*Berkheimer v. HP, Inc.*) (Apr. 19, 2018), available at <https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF>.

*Claims 2, 3, 5–11, and 14–20*

For claims 2, 3, 5–11, and 14–20, Appellant reproduces the claims (including the limitations included in any parent claims) and contends that the claims are patent eligible for largely the same reasons Appellant asserts that claim 1 is patent eligible. *See* Appeal Br. 22–45. Of note, Appellant argues that limitations recited in these claims include more than the abstract idea identified by the Examiner and thus the Examiner should have provided evidence that these limitations involve well-understood, routine, and conventional activities as required *Berkheimer* and a related Patent Office memorandum. *See* Appeal Br. 22–45.

We disagree. Like claim 1, independent claims 8 and 16 recite broad, result-oriented limitations that lack any meaningful limits on how they are performed. *See* Appeal Br. 73–75. These limitations therefore also encompass mental processes. *See, e.g., CyberSource*, 654 F.3d at 1373.<sup>10</sup> The same is true of the limitations recited in dependent claims 2, 3, 5–7, 9–11, 14, 15, and 17–20. *See* Appeal Br. 72–76. Indeed, the limitations recited in these dependent claims simply narrow the abstract idea recited in the independent claims. *See* Appeal Br. 72–76. This is not enough to make the dependent claims patent eligible. *See, e.g., SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1169 (Fed. Cir. 2018) (determining that the dependent claims at issue add limitations that “simply provide further narrowing of what are still mathematical operations” and thus “add nothing outside the abstract realm”). As a result, contrary to Appellant’s arguments, the Examiner was

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<sup>10</sup> In addition, the “access” limitations recited in these claims simply gather data. *See* Appeal Br. 73–75. Gathering data generally does not make a claim patent eligible. *See, e.g., CyberSource*, 654 F.3d at 1372.

not required to provide evidence that these limitations involve well-understood, routine, and conventional activities. *See, e.g., Bridge & Post*, 778 F. App'x at 892; *BSG Tech*, 899 F.3d at 1290. For these reasons, and the reasons discussed above for claim 1, we find Appellant's arguments unpersuasive and thus sustain the Examiner's rejection of claims 2, 3, 5–11, and 14–20 under § 101.

### Section 102 Rejection

#### *Claim 1*

Claim 1 recites “accessing automatically the first semantic chain weighting that is associated with the first semantic chain, wherein the first semantic chain weighting is automatically generated by a processor-based device from a statistical analysis of computer-implemented content.” Appeal Br. 72. Appellant contends that the Examiner has not shown that Mohammed discloses this limitation because the parts of Mohammed cited by the Examiner do not disclose automatically generating the first semantic chain weighing “from a statistical analysis of computer-implemented content.” *See* Appeal Br. 47–48. Appellant argues that the cited parts of Mohammed “only teach[] statistics with respect to *user behaviors* related to content, but not to a statistical application to the *content itself*,” Appeal Br. 49, and the written description distinguishes user behaviors from content, *see* Appeal Br. 47–48.

We agree with Appellant. The Examiner found that Mohammed discloses the disputed limitation because Mohammed describes using various information to generate an ontology graph that has scores and weights supposedly equivalent to the recited semantic chain weightings. *See* Final Act. 16. The Examiner found that Mohammed discloses that the

information used to generate the ontology graph includes application data that contains “statistical data about application usage,” Final Act. 17, and that “[u]sage data may include information regarding the types of content a user consumes,” Ans. 74 (emphasis omitted) (quoting Mohammed ¶ 48).

First, the Examiner has not shown that Mohammed discloses using application data (and its accompanying statistical data regarding application usage) to generate semantic chain weightings. Although the cited parts of Mohammed generally disclose generating an ontology graph using information that includes application data, *see* Mohammed ¶ 92, the Examiner has not shown that Mohammed discloses using the *application data itself* to generate the semantic chain weightings included in the ontology graph, *see* Final Act. 16–17. The Examiner has thus not shown that the cited parts of Mohammed disclose “wherein the first semantic chain weighting is automatically generated by a processor-based device from a statistical analysis of computer-implemented content.”

Second, even if the Examiner had shown that Mohammed discloses using application data to generate semantic chain weightings, claim 1 requires generating these weightings from statistical analysis of computer-implemented *content*. The cited parts of Mohammed disclose that application data includes statistical analysis of *application usage*, *see* Mohammed ¶ 89, and the written description distinguishes user behaviors such as application usage from content, *see, e.g.*, Spec. 5:26–7:10. The Examiner’s reliance on Mohammed’s disclosure that “usage data” includes “information regarding the types of content a user consumes” does not remedy this deficiency because Mohammed discloses that application data is a type of “usage data,” not that application data includes “information

regarding the types of content a user consumes.” *See* Mohammed ¶ 48. We therefore agree with Appellant that the Examiner has not shown that Mohammed discloses the disputed limitation.

For the above reasons, on this record, we do not sustain the Examiner’s anticipation rejection of claim 1 and claims 2, 3, and 5–7, which depend from claim 1.

#### *Claim 8*

Claim 8 recites “access the first semantic chain weighting associated with the first semantic chain, wherein the first semantic chain weighting associated with the first semantic chain comprises a probability that the first semantic chain is applicable for interpreting specified content.” Appeal Br. 73. Appellant contends that the Examiner has not shown that Mohammed discloses this limitation because the parts of Mohammed relied on by the Examiner disclose scores and weights, not a probability that first semantic chain is applicable for interpreting content. *See* Appeal Br. 57–58.

We agree with Appellant. The Examiner found that Mohammed discloses the recited probability because Mohammed discloses scores and weights that can depend on “confidence in reliability of [a] data source” and may be associated with nodes in an ontology graph. *See* Ans. 81–82. But the cited parts of Mohammed disclose that these scores and weights “reflect[] a strength of an association between nodes” and make no mention of using the scores and weights as probabilities for interpreting specified content. *See* Mohammed ¶¶ 73–74. We thus agree with Appellant that the Examiner has not shown that Mohammed discloses this limitation.

For the above reasons, on this record, we do not sustain the Examiner's anticipation rejection of claim 8 and claims 9–11, 14, and 15, which depend from claim 8.

#### Section 103 Rejection

The Examiner's obviousness rejection of claim 16 suffers from the same flaws as the Examiner's anticipation rejection of claim 8. We therefore do not sustain the Examiner's obviousness rejection of claim 16 and its dependent claims, claims 17–20.

#### CONCLUSION

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>References</b>	<b>Affirmed</b>	<b>Reversed</b>
1–3, 5–11, 14–20	101		1–3, 5–11, 14–20	
1–3, 5–11, 14, 15	102	Mohammed		1–3, 5–11, 14, 15
16–20	103	Mohammed, Berner		16–20
<b>Overall Outcome</b>			1–3, 5–11, 14–20	

Because we affirm at least one ground of rejection for each claim on appeal, we affirm the Examiner's decision. *See* 37 C.F.R. § 41.50(a)(1). No 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