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EXAMINER
LI, MICHAEL J

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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 NAOKI IWASAKI, SATOSHI NIWA,
TAKAHIRO KOSAKAI, and DAVID ROBERT GORDON

_____

Appeal 2019-001708
Application 14/327,148
Technology Center 2400

_____

Before DENISE M. POTHIER, BETH Z. SHAW, and
CARL L. SILVERMAN, *Administrative Patent Judges.*

SHAW, *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 1–20. *See* Final Act. 1. We have
jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[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 LLC,
Mountain View, California, the assignee of the entire right, title, and interest
to the above-identified application. Appeal Br. 4.

CLAIMED SUBJECT MATTER

The claims are directed to server-specified end-of-list actions. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method implemented in a client device for providing geographic content via a user interface of the client device, the method comprising:

generating, by one or more processors, a description of a geographic context of the client device;

providing, by the one or more processors, the description of the geographic context to a network server;

receiving, from the network server, in response to the provided description of the geographic context:

(i)   an ordered list of items, each item including respective geographic data selected at the network server in accordance with the geographic context, and

(ii)   an indication of an action to be automatically executed by a software application at the client device when a user reaches an end of the ordered list of items via the user interface;

presenting, by the software application, the ordered list of items to be presented to a user via the user interface of the client device; and

in response to an indication that the end of the ordered list of items is reached by the user, automatically executing, by the software application, the indicated action.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Perry et al.	US 2009/0006211 A1	Jan. 1, 2009
Petersen et al.	US 2010/0198814 A1	Aug. 5, 2010
Rogers et al.	US 2012/0272181 A1	Oct. 25, 2012
Corella et al.	US 2013/0262445 A1	Oct. 3, 2013

REJECTIONS

Claims 1, 4–10, 12–17, 19, and 20 are rejected under 35 U.S.C. § 103 as being unpatentable over Petersen and Rogers. Final Act. 4–21.

Claims 2, 3, 11, and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Petersen, Rogers, Corella, and Perry. Final Act. 21–27.

OPINION

Appellant argues the cited art fails to teach "an indication of an action to be automatically executed by a software application at the client device when a user reaches an end of the ordered list of items via the user interface," as recited in claim 1. Appeal Br. 13. In particular, Appellant argues Rogers does not teach "that it may be desirable for a ***network server*** to indicate what action a software application at a ***client device*** should execute at the end of a list." *Id.*

The Examiner finds that Petersen teaches a web interface provided by a Mobile Aggregate Profile ("MAP") server, and presented to a subscriber of a subscriber device, including presenting an aggregate profile window to the subscriber, where the subscriber may create an alert for a crowd by selecting a create an alert button, or create a filter by selecting a create a filter button. Final Act. 6; Ans. 4 (citing Petersen ¶¶ 255–258). Additionally, Petersen teaches that the history manager of the MAP server (Petersen ¶¶ 169–176]) obtains history objects, sorts the history objects, creates a list, and populates the list with relevant history objects. Ans. 5. We agree with the Examiner that the cited portions of Petersen reasonably teach the claim limitations of "an ordered list of items, each item including respective geographic data selected at the network server in accordance with the geographic context,"

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and "an indication of an action to be executed at the client device via the user interface." *Id.*

The Examiner relies on Rogers to teach the indication of an action of an ordered list to be executed at the client device occurs "when a user reaches an end of the ordered list of items." Ans. 5. In particular, the Examiner finds, and we agree, that Rogers provides a visual indication in a graphical user interface that a list boundary is or will soon be reached, such as a scroll animation effect or allowing the list wrapping to quickly jump to the end or beginning of the list, and indicates what the list will do when the user finishes the active transition. Ans. 5 (citing Rogers, ¶¶ 3, 20–24, 27–31). For example, in paragraph 23, Rogers explains:

> [s]uch indications of an impending list boundary, such as the end or beginning of the list, in a scroll animation may be accomplished via an algorithm that defines an animation effect based on the visible portions of the document or list (i.e., those portions that appear in the display window) or the remaining portion or fraction of the document or list.

Accordingly, we agree with the Examiner that the combination of Petersen and Rogers therefore teaches the disputed limitation of claim 1.

In the Reply Brief, Appellant argues that Rogers at most teaches providing a visual indication to a user and does not teach an indication of an action to be automatically executed by a software application. Reply Br. 2. Yet, Appellant provides insufficient evidence proving that the Specification or claims limit "indication of an action" in a way that, under a broad but reasonable interpretation, is not encompassed by Petersen and Rogers's cited teachings. Moreover, Appellant's arguments regarding Rogers's alleged individual shortcomings in this regard are unavailing because the Examiner

does not rely solely on Rogers alone for teaching this element, but rather the cited prior art collectively.

Despite Appellant's arguments to the contrary (Appeal Br. 15–16), we see no error in the Examiner's proposed combination. The Examiner determines that it would have been obvious to one of ordinary skill in the art to combine the MAP system of Petersen with the user interface method of Rogers to provide a user interface method executed on a computing device that provides an intuitive response to user inputs that enables efficient navigation through end boundaries of lists and provides an elegant mechanism of indicating the edge of a list, allowing list wrapping to quickly jump to the end or beginning of the list, and indicating what the list will do when the user finishes the active transition, where the combination of elements according to known methods would yield a predictable result. Ans. 8–9 (citing Rogers ¶¶ 3, 20). Upon reviewing the record before us, we find that the Examiner's suggestion for the proposed modification in the prior art suffices as an articulated reason with some rational underpinning to establish a prima facie case of obviousness. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

The ordinarily skilled artisan, being "a person of ordinary creativity, not an automaton," would be able to fit the teachings of the cited references together like pieces of a puzzle to predictably result in the claimed system. *Id*. at 420–21. Such a combination is an obvious predictable variation of known elements. "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR*, 550 U.S. at 416. "If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability." *Id.* at 417.

Because Appellant has not demonstrated that the Examiner's proffered combination would have been "uniquely challenging or difficult for one of ordinary skill in the art," we agree with the Examiner that the proposed modification would have been within the purview of the ordinarily skilled artisan. *Leapfrog Enters., Inc. v. Fisher-Price, Inc*., 485 F.3d 1157, 1162 (Fed. Cir. 2007) (citing *KSR*, 550 U.S. at 418).

Accordingly, we are not persuaded of error in the Examiner's obviousness rejection of claim 1. We sustain the rejection of claim 1, and independent claims 12 and 17, which were argued together with claim 1. For the same reasons, we sustain the rejection of dependent claims 2 and 3, for which Appellant presents the same arguments. *See* Appeal Br. 17.

With respect to dependent claim 4, Appellant argues

It is not clear in what sense the historical request relates to "the action to be executed at the client device when the user reaches the end of the ordered list of items" recited in claim 4; nor is it clear how "historical aggregate profile data" can be construed as "an additional list of items or additional map data for displaying a digital map," when claim 1 clearly recites that "each item including respective geographic data selected at the network server in accordance with the geographic context."

Appeal Br. 18.

Claim 4 depends from claim 1 and further recites:

the action to be executed at the client device when the user reaches the end of the ordered list of items includes requesting, by the one or more processors from the network server, at least one of an additional list of items or additional map data for displaying a digital map.

The Examiner explains that by making a historical request with the target profile, the user can learn whether people matching the target profile are historically located at a point of interest or area of interest. Ans. 13. We

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agree with the Examiner (Ans. 13) that Figures 15A through 18 of Petersen illustrate the grid 122 (Figure 18) that provides graphical information indicative of aggregate profiles for grid locations returned by the MAP server 12 in response to a historical request, which teaches the disputed limitation of claim 4. The Examiner further proposes to combine this teaching with the Rogers. See Final Act. 11. Accordingly, we sustain the rejection of dependent claim 4.

Dependent claim 8 recites that the action to be executed by the client device, when the user reaches the end of the ordered list of items, includes a plurality of different tasks to be performed by the client device, each task corresponding to a different function of an application executed by the client device. Appellant argues that Petersen indicates that various actions are carried out by the MAP server, not the client device. Appeal Br. 18. We are not persuaded by this characterization of Petersen, because as the Examiner explains, the MAP application is executed on the mobile device. Ans. 14–15; *see also* Petersen ¶ 248–252 ("list screen 198-3 that is presented to the user 20-1 via the GUI 198 in response to selecting the list button 204"). Appellant also argues that the tasks have not been "specified by the MAP server" of Peterson. Appeal Br. 18. However, claim 8 does not require tasks to be "specified" by a particular server. Accordingly, we sustain the rejection of dependent claim 8. For the same reasons, we sustain the rejection of dependent claim 9, for which Appellant offers the same or essentially the same arguments. We also sustain the rejection of the remaining dependent claims, for which Appellant presents no additional arguments.

CONCLUSION

The Examiner's rejections are affirmed.

We affirm the rejection of claims 1, 4–10, 12–17, 19, and 20 under 35 U.S.C. § 103 as being unpatentable over Petersen and Rogers.

We affirm the rejection of claims 2, 3, 11, and 18 under 35 U.S.C. § 103 as being unpatentable over Petersen, Rogers, Corella, and Perry.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 4–10, 12–17, 19–20	103	Petersen, Rogers	1, 4–10, 12–17, 19–20	
2, 3, 11, and 18	103	Petersen, Rogers, Corella, Perry	2, 3, 11, and 18	
Overall Outcome			**1–20**	

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