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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EUSTUS DWAYNE NELSON

Appeal 2019-001986
Application 14/644,172
Technology Center 3600

Before MICHAEL J. FITZPATRICK, WILLIAM A. CAPP, and
LISA M. GUIJT, *Administrative Patent Judges*.

GUIJT, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–9.¹ We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

CLAIMED SUBJECT MATTER

¹ Appeal is taken from the Final Office Action dated February 16, 2018.

Claim 1, reproduced below as the sole independent claim on appeal, is also exemplary of the subject matter on appeal.

1. A method for presenting documents, the method comprising:
 - receiving over a computer network a stream of document references from at least one source into a collection;
 - receiving at least one user bookmark for a bookmarked document;
 - designating at least one deemphasized document reference from said collection, said deemphasized document reference relating to a document identified as less interesting;
 - removing said at least one deemphasized document reference from said collection if said at least one deemphasized document reference is not associated with a user bookmark;
 - identifying groups of document references having a defined similarity from said collection; and
 - presenting said groups of document references having a defined similarity on a display, wherein said groups of document references having a defined similarity contains [sic] a reference to said bookmarked document.

THE REJECTIONS

- I. Claims 1–7 stand rejected under 35 U.S.C. § 103 as unpatentable over Srikrishna (US 2014/0081961 A1; published Mar. 20, 2014) and Malla (US 2012/0126102 A1; published Aug. 23, 2012).
- II. Claim 8 stands rejected under 35 U.S.C. § 103 as unpatentable over Srikrishna, Malla, and Ramnath Krishnan (US 2013/017052 A1; published July 4, 2013).
- III. Claim 9 stands rejected under 35 U.S.C. § 103 as unpatentable over Srikrishna, Malla, and Jang (US 2013/0311869 A1; published Nov. 21, 2013).

ANALYSIS

Rejection I

Regarding independent claim 1, the Examiner finds that Srikrishna discloses the claimed step of “*removing* at least one deemphasized document reference from said collection if said at least one deemphasized document reference is not associated with a user bookmark.”² Final Act. 6 (citing Srikrishna ¶¶ 89, 105, 106). In support, the Examiner finds that Paragraph 104 of Srikrishna discloses that “the word groups from **one or more interest document(s) are automatically selected by first starting with the list of all word groups, eliminating those (documents) which have a reference (bookmark) corpus.**” Ans. 3. Alternatively, the Examiner finds that Srikrishna discloses that ““computer(s) use the interest document(s) to automatically identify word groups that are then used in computerized filtering of documents,’ which is well known in the art, as ‘removing’ documents from the group.” Ans. 4 (citing Srikrishna ¶ 39).

² The Examiner acknowledges that Srikrishna does not disclose receiving a *bookmark*, as claimed, or a defined similarity containing a reference to a *bookmarked* document, as claimed. Final Act. 7. The Examiner relies on Malla for disclosing that bookmarks are used to mark popular websites for the user. *Id.* (citing Malla ¶¶ 29, 62, 63, 71). The Examiner’s proposed modification of Srikrishna is unclear to us, in that the Examiner does not explain how Malla’s bookmarks, which are used to mark popular websites for the user, are incorporated into the system of Srikrishna. *See, e.g.*, Final Act. 7 (“It would have been obvious . . . to have further modified Srikrishna by the teachings of Malla to enable improved ways for users to utilize the information they have gathered by being able to access, search, share, rate this information and integrated this in current internet technologies.” (Citing Malla ¶ 11).

Appellant argues that Srikrishna fails to disclose removing document references from the collection. Appeal Br. 6. Appellant submits that the Examiner “conflates two distinct concepts (‘document references’ conflated with ‘word groups’).” *Id.*

We are persuaded by Appellant’s argument. To the extent the Examiner identifies the subscription corpus as the collection, wherein documents within the subscription corpus are ranked according to groups of words, we cannot find support for the Examiner’s finding that *documents* are removed from the subscription corpus, for example, due to a low ranking pursuant to Paragraph 104 of Srikrishma, as relied on by the Examiner *supra*. Paragraph 104 of Srikrishma states, in relevant part:

In one embodiment, to create a subscription corpus automatically, due to a large number of word groups from an interest corpus, relevance engine 130 does not use search results for all word groups generated from the interest corpus that result from block 326. Instead, in one embodiment, the word groups from one or more interest document(s) are automatically selected by first starting with the list of all word groups, eliminating *those* which have a reference groups count less than some predetermined threshold (10^4), sorting the remaining word groups based on weight, and selecting the top N of the word groups remaining in the list (for example $N=20$). These top N word groups are then provided to block 329 for invoking a document crawler to perform N web searches using the N word groups, and the results of these searches (and optionally hyperlinked document therefrom) are used to form a subscription corpus for use by the document relevance ranker block 350.

Srikrishma ¶ 104 (emphasis added). We agree with Appellant that this passage discusses the elimination of “those,” meaning “word groups”—*not* “documents” as interpreted by the Examiner *supra*. Further, we do not agree with the Examiner that the disclosure of “filtering” the subscription

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documents necessarily requires *removing* documents from the collection. Rather, filtering, as used in Srikrishma, appears to mean *ranking* documents within a collection according to word groups.

Accordingly, we do not sustain the Examiner's rejection of independent claim 1, and claims 2–7 depending therefrom.

Rejections II and III

The Examiner's reliance on Ramnath and on Jang fail to cure the deficiency in the Examiner's finding with respect to Srikrishna *supra*. Accordingly, we do not sustain the Examiner's rejection of claims 8 and 9.

DECISION

We REVERSE the Examiner's rejections of claims 1–9 under 35 U.S.C. § 103.

REVERSED