



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/508,994	07/24/2009	Akhil GUPTA	2011-0190US01	9072
74739	7590	09/28/2020	EXAMINER	
Potomac Law Group, PLLC (Oracle International) 8229 Boone Boulevard Suite 430 Vienna, VA 22182			HIGGS, STELLA EUN	
			ART UNIT	PAPER NUMBER
			2179	
			NOTIFICATION DATE	DELIVERY MODE
			09/28/2020	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

bgoldsmith@potomaclaw.com
eofficeaction@apcoll.com
patents@potomaclaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte AKHIL GUPTA and SWAMINATHAN SEKAR

Appeal 2019-002512
Application 12/508,994
Technology Center 2100

Before JOSEPH L. DIXON, ERIC S. FRAHM, and
SCOTT E. BAIN, *Administrative Patent Judges*.

DIXON, *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 1–6 and 8–21. Claim 7 has been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a) (2018). Appellant identifies the real party in interest as Oracle International Corporation. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to interactive store design interface based system to configure an online shopping portal that includes a plurality of sites. Abstract. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A non-transitory computer readable medium having instructions stored thereon to configure an online shopping portal comprising a plurality of sites that, when executed by a processor, cause the processor to configure the online shopping portal, the configuring comprising:

storing, in a memory, an online shopping portal including at least three hierarchical web sites, each web site having a plurality of pages, the plurality of pages including at least one catalog page and at least one product details page for a product, the product details page including a product description and a product price for a single product, wherein,

a first of the hierarchical websites comprises a parent configuration inherited at least in part by a second and third of the hierarchical websites, and

the second hierarchical website comprises a parent of the third hierarchical website, wherein configurations specific to the second hierarchical website are inherited at least in part by the third hierarchical website;

receiving a request to configure a site of the online shopping portal; providing a user interface (UI) shell that corresponds to the site, the UI shell including a component palette and a working area;

receiving a selection of a page from the plurality of pages of the site to configure;

providing UI content, based on a set of rules that determine business or functional relevance of UI content with respect to the selected page, within a plurality of UI content widgets in the component palette, the plurality of UI content widgets including one or more of:

a my profile UI content widget that includes at least one of a user name, address, and phone number,
a compare UI content widget that includes information for a user to compare two or more products listed on a catalog page,
a promotions UI content widget that includes hot offers related to a currently illustrated product on a product details page, and
a shopping cart UI content widget that includes one or more products to be purchased by the user, a quantity of each product, a price of each product, and a total cost of the products;

providing a plurality of placeholders in the working area, the placeholders configured to hold UI content in certain areas of the selected page;

receiving a drag-and-drop selection of one of the plurality of UI content widgets from the component palette to a placeholder from the working area;

displaying the selected UI content widget in the selected placeholder;

receiving a first modification for the first hierarchical website that is reflected in the second and third hierarchical websites and a second modification for the second hierarchical website that is reflected in the third hierarchical website.

REFERENCES

The prior art relied upon by the Examiner is:

Wong	US 6,343,275 B1	Jan. 29, 2002
Lee et al.	US 6,611,814 B1	Aug. 26, 2003
Sayed	US 2005/0246627 A1	Nov. 03, 2005
Matveyenko et al.	US 7,000,184 B2	Feb. 14, 2006
Facemire et al.	US 2006/0212822 A1	Sept. 21, 2006
Xie et al.	US 2007/0074108 A1	Mar. 29, 2007
Bennett et al.	US 7,366,721 B1	Apr. 29, 2008
Minsky et al.	US 2009/0043674 A1	Feb. 12, 2009

J. Pyles et al. (“SharePoint 2007: The Definitive Guide”; hereinafter SharePoint) pp. 1–794, Sept. 2007; cited on PTO-892, mailed 3/30/2016.

REJECTIONS²

Claims 1, 2, 7, 8, 10, 12–18, 20, and 21 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Pyles et al. (“SharePoint 2007: The Definitive Guide”; hereinafter SharePoint) in further view of Facemire, Minsky et al., and Lee et al.

Claims 3 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Share Point, Facemire, Minsky, and Lee as applied to claim 1 above, and in further view of Sayed.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Share Point, Facemire, Minsky, and Lee as applied to claim 1 above, and in further view of Wong.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Share Point, Facemire, Minsky, and Lee as applied to claim 1 above, and in further view Bennett.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Share Point, Facemire, Minsky, and Lee as applied to claim 1 above, and in further view of Chakrabarti.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Share Point, Facemire, and Minsky, as applied to claim 8 above, and in further view of Xie.

² The Examiner has withdrawn the patent eligibility rejection of the claims 1–6, 8–13, 20 and 21. Ans. 3.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over SharePoint, Facemire, Minsky, and Lee as applied to claim 17 above, and in further view of Matveyenko.

OPINION

35 U.S.C. § 103(a)

With respect to independent claims 1, 14, and 17, Appellant presents arguments to the claims as a group. Because independent claims 14 and 17 contain similar limitations to independent claim 1, we select independent claim 1 as the illustrative claim for the group and will address Appellant's arguments thereto.

With respect to illustrative independent claim 1, the Examiner relies upon the SharePoint reference to teach and suggest claimed structure of the hierarchy and inheritance of the Web pages/site and relies upon the other prior art references to teach and suggest the online shopping aspects of the claimed user interface. Final Act. 11–17. The Examiner finds that the permissions are inherited from the parent site, and the Examiner maintains that each of the subsites is a parent to its underlying child subsites from that subsite. Ans. 21. The Examiner provides no express support for this finding except “Table 5-1 and page 550.” Ans. 21; Final Act. 12. As a result, the Examiner concludes that the SharePoint reference teaches the claimed “a first of the hierarchical websites comprises a parent configuration inherited at least in part by a second and third of the hierarchical websites, and the second hierarchical website comprises a parent of the third hierarchical website, wherein configurations specific to the second hierarchical website are inherited at least in part by the third hierarchical website.” Ans. 22.

Additionally, the Examiner finds that:

SharePoint teaches that any changes applied to a parent site are reflected in the corresponding child site. Specifically, SharePoint states “The child list content type can be customized for its specific container (i.e., list or library) without affecting the parent content type. *If the parent content type is changed, the child can inherit these changes* if desired. If there are any attributes that the child list content type shares with the parent, these changes can be inherited, which will override all child attributes” (emphasis added). Accordingly, SharePoint having taught perpetuating changes applied to a parent site to be applied to a child site and further teaches that child sites can have multiple subsites, it would have been obvious that any modifications applied to a child site can be applied to the child’s corresponding subsite in a similar manner.

Ans. 22–23.

Appellant argues that the Examiner’s finding that “each child site can have additional child sites underneath it, thus making them a ‘parent’ to their underlying child sites, and further teaches passing permissions/master page (i.e., configurations) from a parent website to be inherited by its corresponding child site” is contrary to the explicit disclosure in SharePoint. Reply Br. 7. Appellant further argues that this stems from a use of terminology that is inconsistent the reference where the Examiner’s distortion of this clear disclosure from SharePoint is a product of impermissible hindsight bias. Reply Br. 7.

The Examiner identifies “content types” in the Final Action addressing the “receiving a first modification for the first hierarchical website . . .” step. Ans. 13–14; *see also* Ans. 22–23.

Appellant argues that the portion of page 210 of Share Point refers to content types, not parent sites and subsites where SharePoint discloses:

[c]ontent types can be defined in a list or library and can consist of multiple item types or document types. This is very useful because document libraries and lists can now contain multiple document and item types. For example, your HR department has multiple documents that they would like to make available so that users can come and create a new document from these document type templates. When users navigate to the document library, they can use the New command within the toolbar of the document library and create a new document from the chosen document type. The major advantage of using document types is that they may contain unique document properties and policies that are specific to this document. Content types such as this can, for example, be associated with a workflow so when a user creates a new document from this content type, a workflow can be initiated.

See SharePoint 210.

Appellant argues that

If the Examiner is alleging that the inheritance of content types is somehow affiliated with the inheritance of subsites from their parent site, *this analysis has not been made explicit in the Answer or Office Action*. Indeed, it is not clear how the inheritance of content types could be affiliated with the inheritance of a one-top level site collection to arrive at the above-noted functionality of claim 1.

Reply Br. 8–9 (emphasis added).

“On appeal to the Board, an applicant can overcome a rejection by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.” *In re Kahn*, 441 F.3d 977, 985–86 (Fed. Cir. 2006) (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of

Appeal 2019-002512
Application 12/508,994

unpatentability. If that burden is met, the burden of coming forward with evidence or argument shifts to the applicant.

After evidence or argument is submitted by the applicant in response, patentability is determined on the totality of the record, by a preponderance of evidence with due consideration to persuasiveness of argument.

In re Oetiker, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

“A rejection based on section 103 clearly must rest on a factual basis. . . .” *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967). “The Patent Office has the initial duty of supplying the factual basis for its rejection. It may not . . . resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis.” *Id.*

“Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor.” *Para-Ordnance Mfg. v. SGS Importers Int’l*, 73 F.3d 1085, 1087 (Fed. Cir. 1995) (citing *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1551, 1553 (Fed. Cir. 1983)). “The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.” *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (citing *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984)). “It is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” *Fritch*, 972 F.2 at 1266 (citing *In re Gorman*, 933 F.2d 982, 987 (Fed. Cir. 1991)).

Here, we cannot agree with the Examiner that a preponderance of the evidence supports the Examiner’s factual findings and conclusion of

obviousness.³ Rather, we agree with the Appellant that the Examiner’s rejection is based upon hindsight with an attempt to reconstruct Appellant’s claimed invention from the broad disclosure of the Sharepoint reference in combination with the secondary prior art references. Therefore, we do not sustain the Examiner’s obviousness rejection of illustrative independent claim 1 and independent claims 14 and 17 which contain similar limitations along with their respective dependent claims.

CONCLUSION

The Examiner’s obviousness rejections are reversed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 2, 8, 10, 12–18, 20, 21	103(a)	Share Point, Facemire, Minsky, Lee		1, 2, 8, 10, 12–18, 20, 21
3, 9	103(a)	Share Point, Facemire, Minsky, Lee, Sayed		3, 9
4	103(a)	Share Point, Facemire, Minsky, Lee, Wong		4
5	103(a)	Share Point, Facemire, Minsky, Lee, Bennett		5

³ We note that the Sayed reference discusses “parent-child relationships may involve the presumption of inheritance wherein properties belonging to the ‘parent element’ can also be presumed to belong to the ‘child element.’” *See* Sayed ¶¶ 71–72. We leave it to the Examiner to further consider this reference which addresses creating and maintaining a website.

Appeal 2019-002512
Application 12/508,994

6	103(a)	Share Point, Facemire, Minsky, Lee, Chakrabarti		6
11	103(a)	Share Point, Facemire, Minsky, Lee, Xie		11
19	103(a)	Share Point, Facemire, Minsky, Lee, Matveyenko		19
Overall Outcome				1-6 and 8- 21

REVERSED