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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROY SHEINFELD

Appeal 2019-003202
Application 14/569,937
Technology Center 2100

BEFORE: ALLEN R. MACDONALD, JEREMY J. CURCURI, and
BARBARA A. BENOIT, *Administrative Patent Judges*.

CURCURI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant appeals from the Examiner's decision to reject claims 1–20.¹ 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). Appellant identifies HARMON.IE R&D LTD. as the real party in interest. Appeal Br. 3.

CLAIMED SUBJECT MATTER

The claims are directed to “providing contextual content from cloud and web sources based on analyses of calendar data existing on user devices.” Spec. ¶ 2. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for searching and displaying contextual data based on a future event, comprising:

receiving a request to analyze calendar data stored on a user device, wherein the calendar data comprises information related to the event;

generating metadata for the event based on an analysis of the received calendar data;

identifying at least one parameter related to the event based on the generated metadata;

searching through a plurality of web sources to find contextual data related to the at least one identified parameter;
and

providing the found contextual data to the user device.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Geisner	US 2013/0177296 A1	July 11, 2013
Ariel	US 9,251,193 B2	Feb. 2, 2016

REJECTIONS

Claims 1–20 are rejected under 35 U.S.C. § 103 as obvious over Ariel and Geisner. Final Act. 2–5.

OPINION

The Obviousness Rejection of Claims 1–20 over Ariel and Geisner

The Examiner finds Ariel and Geisner teach all limitations of claim 1. *See* Final Act. 2–3. The Examiner finds Ariel teaches all limitations of claim 1 except for “the calendar data comprises information related to the event; generating metadata for the event based on an analysis of the received calendar data” as recited in claim 1. *See* Final Act. 2–3. The Examiner finds Geisner teaches “the calendar data comprises information related to the event; generating metadata for the event based on an analysis of the received calendar data” as recited in claim 1. *See* Final Act. 3. The Examiner reasons

[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Geisner[’s] teaching in the Ariel system. [A s]killed artisan would have been motivated to make such modification to capture images and audio data relating to a particular user as shown in Para. 37–38.

Final Act. 3.

Among arguments, Appellant presents the following principal argument: Ariel does not teach the recited “searching” (claim 1) step because “there is **no** teaching by Ariel to search web sources based on what the Examiner alleges to be the identified parameter, namely, the *time difference*.” Appeal Br. 12; *see also* Reply Br. 9–12.

Appellant's argument persuades us the Examiner erred in finding Ariel teaches "searching through a plurality of web sources to find contextual data related to the at least one identified parameter" as recited in claim 1.

Ariel discloses

The present invention relates to control and utilization of Personal Information[] Management (PIM) data such as calendar and contact information in the context of personal and professional activities. More specifically, the present invention relates to the sharing and updating of PIM data amongst various users and information stores.

Ariel, col. 1, ll. 29–34.

Ariel further discloses "[t]he calendar module 140 may manage aggregated calendar data and *take into account time zone differences in calendar data* as may later be distributed to users of the data aggregation server 100." Ariel col. 8, ll. 52–55 (emphasis added).

Ariel further discloses

It is envisioned that in some embodiments of the present invention, various Internet spiders or web scraping technologies may be utilized by the contacts module 160 to further acquire presently unavailable information. In such an embodiment, a web scraping module (not shown) could further identify a particular contact/user profile and search various websites for information and news pertaining to that person. If it is determined, during spidering, that this particular person has changed jobs, been promoted or been subject to some other event of news-worthy importance, the contacts module 160 may update certain contacts information/profile data.

Ariel, col. 10, ll. 53–64.

In the Final Action, the Examiner finds Ariel teaches “identifying at least one parameter related to the event based on the generated metadata” as recited in claim 1. *See* Final Act. 3 (citing Ariel, col. 8, ll. 47–63). According to the Examiner, “the time difference [in Ariel] corresponds to [the] parameter [in claim 1].” Final Act. 3.

In the Final Action, the Examiner further finds Ariel teaches “searching through a plurality of web sources to find contextual data related to the at least one identified parameter” as recited in claim 1. *See* Final Act. 3 (citing Ariel, col. 10, ll. 53–67).

However, we cannot agree with this further finding for the recited “searching” (claim 1) step because the searching in Ariel is for information related to a contact/user profile—not for information related to a time zone difference, which the Examiner relies on to teach the “at least one identified parameter” (claim 1). *See* Final Act. 3; *see also* Ariel, col. 8, ll. 52–55, col. 10, ll. 53–64.

In the Examiner’s Answer, the Examiner attempts to clarify the Examiner’s position. *See* Ans. 4–5. The Examiner refers to the Specification’s broad description of parameters described in paragraph 17, and to Geisner’s searching described in paragraph 68. *See* Ans. 4.

Appellant’s Specification discloses “[t]he parameters may be, but are not limited to, participants in the event, a location of the event, a subject of the event, a type of event, comments received by potential participants respective of the event, and so on.” Spec. ¶ 17.

Geisner discloses “[i]n step 310, one or more search criteria are provided by the user or entities associated with one or more other devices.” Geisner ¶ 68. Geisner further discloses “one or more search criteria provided

in step 310 may be based on one or more keywords related to a particular event, location, time, an individual, etc.” Geisner ¶ 68.

However, the Examiner’s response in the Examiner’s Answer does not directly address Appellant’s argument that “there is **no** teaching by Ariel to search web sources based on what the Examiner alleges to be the identified parameter, namely, the *time difference*.” Appeal Br. 12. At best, the Examiner’s Answer explains that the prior art teaches searching based on parameters, but this is not sufficient to establish that the prior art teaches the claim limitations *as arranged in the claim*.

We, therefore, do not sustain the Examiner’s rejection of claim 1.

Independent claim 11 recites the same key subject matter. We, therefore, also do not sustain the Examiner’s rejection of claim 11.

Claims 2–10 and 12–20 variously depend from claims 1 and 11. We, therefore, also do not sustain the Examiner’s rejection of claims 2–10 and 12–20.

CONCLUSION

The Examiner’s decision to reject claims 1–20 is reversed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	103	Ariel, Geisner		1–20

REVERSED