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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/324,746	07/07/2014	Lara Mehanna	19487.206.1.4	2465
107193	7590	09/04/2020	EXAMINER	
Keller Jolley Preece/Facebook 1010 North 500 East Suite 210 North Salt Lake, UT 84054			FILIPCZYK, MARCIN R	
			ART UNIT	PAPER NUMBER
			2158	
			NOTIFICATION DATE	DELIVERY MODE
			09/04/2020	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LARA MEHANNA

Appeal 2019-003514
Application 14/324,746
Technology Center 2100

Before LARRY J. HUME, JOYCE CRAIG, and MICHAEL T. CYGAN,
Administrative Patent Judges.

CYGAN, *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 1–20, which are all of the pending claims in the application. Appeal Br. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. The real party in interest is stated to be Facebook, Inc. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claimed invention generally relates to allowing a user to select a non-hyperlink term or phrase displayed on a web page and then presenting the user with the option of using the selected term or phrase in a search query. Appeal Br. 2.

Independent claim 1 is illustrative:

1. A method comprising
providing to a user a web page;
detecting, by at least one processor, a user selection of a term in the web page, wherein the term is not a hyperlink within the web page;
in response to the user selection of the term, providing, to the user, a selectable option to use the term in a search query;
detecting, by the at least one processor, a user selection of the selectable option corresponding to the term;
in response to detecting the user selection of the selectable option, generating a search query, the generated search query comprising the term; and
providing a search result corresponding to the generated search query.

Appeal Br. 27 (Claims App.).

Independent claims 17 and 20 recite, respectively, a computer-readable medium and a system having limitations similar to those in claim 1. Appeal Br. 32–33. Dependent claims 2–16, 18, and 19 each incorporate the limitations of their respective independent claims. *Id.* at 27–33.

REFERENCES

Name	Reference	Date
Sathyanarayan	US 6,691,106 B1	Feb. 10, 2004
Anick et al. (Anick)	US 2004/0186827 A1	Sept. 23, 2004

REJECTION

Claims 1–20 are rejected under 35 U.S.C. § 103 as being obvious over the combination of Sathyanarayan and Anick.²

OPINION

We have reviewed the Examiner’s obviousness rejection (Non-Final Act. 8–16, Ans. 3–11) in light of Appellant’s contentions that the Examiner has erred (Appeal Br. 6–16, Reply Br. 2–6). We are not persuaded by Appellant’s contention that the Examiner erred in rejecting claims 1–20 under 35 U.S.C. § 103. We begin with claim 1.

The Examiner finds Sathyanarayan teaches providing to a user a web page and a user’s highlighting (selection) of a non-hyperlink term in the web page wherein the term is not a hyperlink within the webpage, where the highlighting causes the term to be searched. Non-Final Act. 8 (citing Sathyanarayan Fig. 1; Spec. 8:21–26). The Examiner finds that Sathyanarayan’s selection of a term causes the term to be automatically entered as a search query, rather than providing a selectable option to use the term in a search query as claimed. *Id.*

The Examiner finds Anick teaches that a user’s selection of a search term may cause a search to be optionally performed after selection of the term. *Id.* (citing Anick Figs. 2, 6, items 136 and 614, ¶ 129, “[i]n step 612, the subset of candidate terms is presented to the user. In step 614, the user optionally selects a term 136”). The Examiner further finds Anick teaches

² The Examiner withdrew the rejection under 35 U.S.C. § 101 in the Answer. Ans. 3.

or suggests returning search results based upon the search terms. *Id.* at 9 (citing Anick Fig. 6, steps 612 and 614).

The Examiner provides the following explanation of how Sathyanarayan and Anick may be combined to teach the claimed invention:

Sath[yanarayan] teaches that the user can highlight a word or phrase on the Web page that the user is browsing so that it becomes the search entry/query 120 . . . [and] implementing user's activity history in the immediate past, current context and the like to construct further queries or further refine the search

. . . . The selectable term/phrase in Sath[yanarayan] system as construed is supplemented to Anick's search refinement options presented in figure 2 The set of highlighted search terms/phrases in Sath[yanarayan] are supplemented in Anick's refine search option and are provided to the user as a "selectable option to use the term" in the combined system. . . . [Anick] clearly teaches providing user an option to select a term 136 in the subset of candidate terms, the term for use as a query replacement comprising highlighted terms by the user as done in Sath[yanarayan], in addition to a previously submitted query, or for other use as an exclusionary term conjunction with previously submitted query (Anick). As a combination, Sath[yanarayan] / Anick therefore teach "in response to the user selection of the term, providing, to the user, a selectable option to use the term in a search query" from multiple terms/phrases in the Sath[yanarayan] /Anick system. . . .

Similarly, Sath[yanarayan] / Anick teach "detecting by at least one processor, a user selection of the selectable option", the detection taking place by user clicking the respective tags of desired terms/phrases or terms/phrases directly (fig. 2, items 136, 138 and 139, shown above, Anick). Based on the user clicking/selecting and system detecting, a query is generated (fig. 6, item 614 and par. 129, query is generated, Anick).

Ans. 4–6.

In arguing error in the obviousness rejection of claim 1, Appellant characterizes the Examiner's combination as a user selecting a term or phrase using the highlighting tool of Sathyanarayan in order to add the term or phrase to the group of search refinement suggestions provided by Anick. Reply Br. 2. Appellant argues that it would not have been obvious to one having ordinary skill in the art to use the highlighting tool of Sathyanarayan to provide a selectable search suggestion, because Sathyanarayan teaches only that the highlighting tool's selection "'becomes the search entry' automatically." *Id.* at 3 (citing Sathyanarayan 8:21–26). Appellant further argues that the search refinement suggestions of Anick are set at the time the webpage is provided, not at a later time when a user may be reviewing the webpage. *Id.*

To the extent that Appellant argues that one having ordinary skill in the art would only have found obvious the use of the highlighting tool exactly as described by Sathyanarayan, and the use of search refinement suggestions exactly as described by Anick, we are not persuaded. Appellant's argument does not take into account the "inferences and creative steps that a person of ordinary skill in the art would employ." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). The person of ordinary skill is "a person of ordinary creativity, not an automaton." *KSR*, 550 U.S. at 421. Furthermore, "one cannot show nonobviousness by attacking references individually where, as here, the rejection[] [is] based on combinations of references. *In re Keller*, 642 F.2d 413, 426 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Appellant has provided neither evidence nor reasoning persuasive to show error in the Examiner's finding

that one having ordinary skill in the art would not have found it obvious to use the highlighting tool of Sathyanarayan to provide a selectable search suggestion, provided as an option selectable by a user as taught by Anick. Accordingly, Appellant has not persuaded us that the Examiner errs for that reason.

Appellant additionally argues that neither Sathyanarayan nor Anick provides a selectable option to use a term in a search query. Reply Br. 4. Appellant argues that Sathyanarayan and Anick could result in a system that “enables a user to initiate a search using the highlighting tool of Sath[yanarayan] to select a word or phrase to be used as the search query,” and the combined system would provide search results that are then supplemented by Anick’s candidate terms that could be selected to refine the search. *Id.* at 4. Appellant argues that selection of a term, either by Sathyanarayan’s highlighting tool or Anick’s selectable candidate terms, automatically initiates a search. *Id.* at 4–5. Appellant argues that when a user selects a term, the combined system would not present a selectable option to use that term in a search query, in response to the user selection of the term, whether the claimed “user selection of a term” is selected by highlighting tool or selectable terms. *Id.* at 5; Ans 10–14.

We are not persuaded by Appellant’s argument. The Examiner relies on Sathyanarayan to teach not only the highlighting selection tool, but also “implementing user’s activity history in the immediate past, current context and the like to construct further queries or further refine the search.” Ans. 4. This further refinement of the search occurs through the addition of additional, computer-generated keywords, which are used along with the

highlighted term to form a modified search query. *Id.* at 5 (citing Sathyanarayan 8:27–33). The modified search query is executed to search the highlighted term together with the additional keywords, or other search refinements, to provide a single search result. *Id.* For example, the search term may be searched with the further refinement of avoiding recently viewed results, thus resulting in search results that do not include those that have been recently viewed. *Id.*

The Examiner adds Anick for the purpose of providing the computer-generated additional keywords or other refinements as selectable options to the user, drawing upon Anick’s teaching of presenting additional computer-generated search keywords as selectable options to the user. *Id.* at 5. In this manner, the Examiner has combined the teachings of Sathyanarayan and Anick to provide the user with a selectable option to use the term, with additional keywords or refinements, in a search query. As combined by the Examiner, the execution of a search query comprising the highlighted term is not automatically generated until the Examiner is presented with additional options for refinement of the search query. Consequently, we are not persuaded that the Examiner’s combination of the teachings of the references results in purely automatic selection of a term, devoid of a selectable option to use a user-selected term in a search query comprising that term.³

³ We additionally note that Anick’s Figure 2, cited by the Examiner as part of Anick’s teaching of presenting a user-selectable option to search a term, shows a “Find” button that provides the user an option to use a term in a search query. Ans. 5. We do not rely upon this feature, beyond the

Accordingly, we affirm the Examiner’s rejection of claim 1. Claims 2–20 are rejected under the same grounds of rejection as claim 1. Appellant argues claims 3–15, 17, 19, and 20 on the same reasoning as for claim 1, and we treat those claims as falling with claim 1. 37 C.F.R. § 41.37 (c)(1)(iv). Consequently, we affirm the Examiner’s rejection of claims 3–15, 17, 19, and 20.

Claim 2 adds the further limitation of “providing a plurality of additional selectable options corresponding to the term in response to the user selection of the term.” Appeal Br. 27 (Claims App.) Appellant argues that while Anick teaches a system that provides a plurality of items along with a corresponding term, this does not provide selectable options “in response to the user selection of the term,” and therefore the combination fails to teach the limitation of claim 2. *Id.* at 15. Appellant thus argues that the rejection of claim 2 is in error for the same reasons as argued against claim 1. *Id.*

For the same reasons described in the discussion of claim 1, we are not persuaded by Appellant’s argument against the rejection of claim 2. The Examiner relies upon Sathyanarayan’s discussion of using information about the “user’s current context” including the “user’s current goals (search goals)” in providing for additional keywords to refine the search. Ans. 4–5 (citing Sathyanarayan 8:27–33). The Examiner further relies upon Anick’s discussion of multiple selectable terms to refine a search based on a user-selected term. *Id.* Accordingly, we are not persuaded that the Examiner errs

Examiner’s discussion in the Non-Final Action and the Examiner’s Answer, in sustaining the Examiner’s rejection.

in finding the combination of references teaches or suggests providing a plurality of additional selectable options corresponding to the term in response to the user selection of the term. Thus, we affirm the Examiner's rejection of claim 2.

Claim 16 adds, *inter alia*, the additional limitation of "identifying contextual information associated with the previous search query based on content within the web page." Appeal Br. 31 (Claims App.) Claim 18 adds, *inter alia*, the additional limitation of "the previous search result being associated with a previous search query." *Id.* at 32 (Claims App.).

Appellant argues against both claims on the same rationale, namely, that Sathyanarayan's use of profile information to determine a user context is not the same as determining whether a search result within a generated search query is contextually relevant to the previous search query. Appeal Br. 15–16.

The Examiner finds that Anick teaches determining the relevance of a set of documents in relation to the initially provided search term. Ans. 10 (citing Anick Fig. 2). The Examiner further finds that Sathyanarayan teaches determining whether the search result associated with the generated search query is contextually relevant to a previous search query. *Id.* (citing Sathyanarayan 9:1–11). We agree with the Examiner's finding that both Anick and Sathyanarayan teach or suggest presenting additional keywords to a search query based upon the context of that query, such as Anick's example of applying greater weight to a candidate term that includes a term from a previous query (Anick ¶ 104), and Sathyanarayan's example of using information relating to the current web page to construct additional queries

(Sathyanarayan 8:27–33). Accordingly, we sustain the Examiner’s rejection of claims 16 and 18.

CONCLUSION

For the above-described reasons, we affirm the Examiner’s rejection of claims 1–20 as being obvious over the applied references under 35 U.S.C. § 103.

DECISION SUMMARY

In summary:

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

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv). *See* 37 C.F.R. § 41.50(f).

AFFIRMED