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| Client 170101 c/o THOMAS HORSTEMEYER, LLP 3200 WINDY HILL RD SE SUITE 1600E ATLANTA, GA 30339 | | | WEINER, ARIELLE E | |
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SACHIN B. SINGH and MARTIN C. EITREIM

Appeal 2019-004091
Application 14/959,147
Technology Center 3600

Before HUBERT C. LORIN, CYNTHIA L. MURPHY, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ seeks our review under 35 U.S.C. § 134 of the Final Rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

THE INVENTION

Claim 1 is illustrative, and is reproduced below:

16. A method, comprising:

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). The Appellant identifies Amazon Technologies, Inc. as the real party in interest. Appeal Br. 2.

facilitating, by at least one computing device, an input of a search string via a user interface;

performing, by the at least one computing device, a search of displayable content within the user interface, the search corresponding to the search string being based at least in part on the search string, and at least a part of the displayable content being positioned below-the-fold of the user interface;

causing to be rendered, by the at least one computing device, an implementation of an action configured to direct attention to a portion of the displayable content in response to the search;

transmitting, by the at least one computing device, search data to another at least one computing device for storage; and

reordering, by the at least one computing device, the displayable content in response to the search data stored on the other at least one computing device.

REFERENCES

The prior art relied upon by the Examiner is:

| Name | Reference | Date |
|---------|--------------------|---------------|
| Zamir | US 2006/0224587 A1 | Oct. 5, 2006 |
| Posner | US 2008/0034329 A1 | Feb. 7, 2008 |
| Cross | US 2009/0119254 A1 | May 7, 2009 |
| Pelenur | US 2011/0137933 A1 | June 9, 2011 |
| Bellamy | US 2012/0089945 A1 | Apr. 12, 2012 |
| Jerram | US 2012/0221502 A1 | Aug. 30, 2012 |
| Kansal | US 2013/0024282 A1 | Jan. 24, 2013 |

THE REJECTIONS

The following rejections are before us for review:

Claims 1–4 and 16–20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Posner, and Zamir.

Claims 5–11 are rejected under 35 U.S.C. § 103(a) as unpatentable over Pelenur and Zamir.

Claim 12 is rejected under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Zamir, and Jerram.

Claim 13 is rejected under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Zamir, and Cross.

Claim 14 is rejected under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Zamir, and Bellamy.

Claim 15 is rejected under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Zamir, and Kansal.

ANALYSIS

The rejection of claims 1–4 and 16–20 under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Posner, and Zamir.

Claims 1 and 16 are the independent claims. They call for a search capability to search or performing a search of “displayable content within [a] user interface”. Claims 1 and 16, respectively.

The Examiner’s position is that Pelenur’s discloses a page showing search results and that that discloses a search capability to search “displayable content within [a] user interface” as claimed (claims 1 and 16). *See* Final Act. 11 with respect to claim 1 (“Pelenur, see at least: a search results page lists search results (i.e. user interface comprising displayable content”) and 21 with respect to claim 16 (“Pelenur, see at least: in response to a query including one or more query terms (i.e. search string) a search results page is received where the search results include query-relevant text extracted from the resource (i.e. search of content) . . .”).

Appellant disagrees, arguing with respect to claim 1 that

Pelenur merely discusses providing search results following a search engine accessing an indexed cache to identify resources associated with a received search query. Indeed, while *Pelenur* discusses providing search results in response to a search query, nothing in *Pelenur* appears to show or suggest “a search capability to search the displayable content within the user interface,” as recited in claim 1.

Appeal Br. 24. With respect to claim 16, Appellant argues that “*Pelenur* merely discusses a search system that accesses the indexed cache to identify resources that are relevant to the search query. Nothing in *Pelenur* appears to show or suggest “perform[ing] a search of the displayable content within the user interface,” as recited in claim 16.” *Id.* at 28 (brackets in the original).

As for claim 1, Examiner responds:

The examiner maintains that the “search capability to search the displayable content within the user interface” is the capability discussed in *Pelenur* that allows a user to hover over or click on a query term and cause all instances of that query term in the search results to be highlighted in some way.

Ans. 3. As for claim 16, *see id.* at 4–5:

Similar to the response above, *Pelenur* discloses searching for instances of a query term in the search results (i.e., “the displayable content”), in response to receiving, from a client device, input of hovering over or clicking on the query term (i.e., “a search string input via the search capability of the user interface”), see [0020], [0068], and [0082-0083] of *Pelenur*. The examiner notes that “a search string input” does not necessarily mean that the user is typing characters to form a string. The broadest reasonable interpretation of “a search string input” includes the user hovering over or clicking on the query term they wish to search for within the displayed search results. (i.e. “within the user interface”).

We have reviewed *Pelenur* and agree with Appellant.

While the Examiner correctly points out that *Pelenur* discloses

“hovering over, or clicking on, a query term can cause all instances of that query term to be highlighted in some way” (para. 68), we do not see that as disclosing or suggesting a *search* capability or the performing of it as claimed. Pelenur discloses hovering/clicking on a query term on a search results page whereby all occurrences of said hovered–over/clicked–on query term are “highlighted” on said search results page. By contrast, the claims call for “a search capability to search” (claim 1) or “performing . . . a search” (claim 16). The ordinary and customary meaning of “search” in the context of computers is “[t]o look for specific data in a file or an occurrence of text in a file. A search implies either scanning content sequentially or using algorithms to compare multiple indexes to find a match” (computerlanguage.com, “search,” accessed Jan. 10, 2019). Pelenur does not perform a “search” as that claim terms is reasonably broadly construed. Rather, a matching procedure is performed. The difference is alluded to in the Specification:

Once Joe enters the search string in the search box, either the server or his client device may perform a search of the item detail page based on the search string. The search also may be performed on the content linked or attached to the item detail page. *After the search is performed*, the result of the search may be displayed to Joe in various ways. For example, Joe can see the item detail page screen automatically scroll to the location where the search string is found. *Also, text may be highlighted in the item detail page that matches his search string*. He may also see a separate floating or peaking window that contains the result of the search and links for him to click for further information.

Para. 12 (emphasis added). Accordingly, because Pelenur is performing a matching operation rather than a search, Pelenur does not thereby disclose the claim limitations at issue.

For the foregoing reasons, the rejection of claims 1 and 16 and the claims depending therefrom is not sustained.

The rejection of claims 5–11 under 35 U.S.C. § 103(a) as unpatentable over Pelenur and Zamir.

The rejection of independent claim 5 suffers for the same reasons discussed above with respect to claims 1 and 16. Here, similarly, claim 5 calls for “perform[ing] a search of the displayable content within the user interface in response to receiving a search string input from the client device where the search string input is facilitated by the search capability.” The Examiner takes the position that this disclosed in Pelenur at, *inter alia*, para. 68. Final Act. 33. For the reasons discussed above, we are unpersuaded that Pelenur’s disclosed text–matching procedure meets or suggests to one of ordinary skill in the art performing a search as claimed.

For the foregoing reasons, the rejection of claim 5 and claims 6–11 depending therefrom is not sustained.

The rejection of claim 12 under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Zamir, and Jerram.

The rejection of claim 13 under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Zamir, and Cross.

The rejection of claim 14 under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Zamir, and Bellamy.

The rejection of claim 15 under 35 U.S.C. § 103(a) as unpatentable over Pelenur, Zamir, and Kansal.

With regard to these rejections, the Examiner does not rely on the additional references (Jerram, Cross, Bellamy, and Kansal) to cure the deficiencies discussed above. Thus, the rejections of claims 12–15 are not sustained for the reasons given above for not sustaining the rejection of

independent claim 5 from which they depend.

CONCLUSION

In summary:

| Claims Rejected | 35 U.S.C. § | Reference(s)/Basis | Affirmed | Reversed |
|------------------------|--------------------|---------------------------|-----------------|-----------------|
| 1-4, 16-20 | 103(a) | Pelenur, Posner, Zamir | | 1-4, 16-20 |
| 5-11 | 103(a) | Pelenur, Zamir | | 5-11 |
| 12 | 103(a) | Pelenur, Zamir, Jerram | | 12 |
| 13 | 103(a) | Pelenur, Zamir, Cross | | 13 |
| 14 | 103(a) | Pelenur, Zamir, Bellamy | | 14 |
| 15 | 103(a) | Pelenur, Zamir, Kansal | | 15 |
| Overall Outcome | | | | 1-20 |

REVERSED