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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ANURAG AGRAWAL, ANSHUL KOTHARI, TAO HUANG,  
GIRISH BALLIGA, and SEUNG YI

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Appeal 2019-004106  
Application 15/065,439  
Technology Center 3600

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Before JEAN R. HOMERE, TREVOR M. JEFFERSON, and  
MIRIAM L. QUINN, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 2–4, 6–12, 14–17, and 19–21, which constitute all of the pending claims.<sup>2</sup> *See* Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Google LLC. Appeal Br. 1.

<sup>2</sup> Claims 1, 5, 13, and 18 have been cancelled. Claims App.

## CLAIMED SUBJECT MATTER

The claims are directed to a dynamic telephone number assignment. Spec. ¶ 4. Claim 2, reproduced below, is illustrative of the claimed subject matter, showing in italics the claim language that is further discussed in our analysis:

2. A method comprising:

providing a data structure associated with a pool of telephone numbers, the telephone numbers being initially available for assigning to content items that are presented to users, wherein the data structure includes entries for telephone numbers that have been assigned in a previous time period and wherein an entry includes an identifier for a telephone number from the pool that was assigned based on an impression of a content item to a user, an identifier for the user, and an identifier for a content sponsor for the content item, wherein the data structure includes plural entries for a same telephone number with each entry including a different combination of user and content sponsor identifiers;

identifying an opportunity to deliver a content item to a user;

dynamically, by one or more processors, assigning a telephone number from the pool of telephone numbers to the content item, wherein assigning includes evaluating by the one or more processors, the data structure to locate a telephone number that has not been previously assigned to a combination of the user and a sponsor of the content item, and associating the telephone number with the content item;

receiving an indication of a user interaction with a control that initiates a call to the sponsor of the content item, wherein the received indication includes an identifier corresponding to a presentation of the content item on the device;

facilitating a call between the user and the sponsor of the content item, wherein the call is initiated based on the user interaction and the call is made to the telephone number that was assigned to the content item;

storing, in the data structure, an association between the user, the assigned telephone number and the sponsor of the content item, wherein the association causes calls from the user to the telephone number to be routed to the sponsor of the content item even after the assigned telephone number has been returned to the pool of available telephone numbers or reassigned;

after storing the association, reassigning the telephone number to a different sponsor that provides a different content item;

*after reassigning the telephone number to the different sponsor of a different content item, identifying, by the one or more processors, a telephone call from the user to the telephone number; and*

*after reassigning the telephone number to the different sponsor and identifying the telephone call from the user to the telephone number, connecting the user to the sponsor of the content item rather than the different sponsor that is assigned the telephone number after the reassigning based on the stored association between the user, the assigned telephone number, and the sponsor of the content item.*

Appeal Br. 14–15 (Claim Appendix).

#### REFERENCE

The Examiner relies on the following prior art:

Name	Reference	Date
Wojcicki	US 2011/0066498 A1	Mar. 17, 2011

REJECTION<sup>3</sup>

Claims Rejected	35 U.S.C. §	Reference(s)/Basis
2–4, 6–12, 14–17, and 19–21	102(a)	Wojcicki

OPINION

We review the appealed rejections for error based upon the issues identified by Appellant, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). To the extent Appellant has not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. 37 C.F.R. § 41.37(c)(1)(iv) (2017). For instance, Appellant presents arguments focused on the language of claim 2. Appeal Br. 6–10. Therefore, we decide the entire appeal based on the arguments presented with respect to claim 2. *Id.*; *In re Kaslow*, 707 F.2d 1366, 1376 (Fed. Cir. 1983) (“Since the claims are not separately argued, they all stand or fall together.”).

Claim 2 recites a method of assigning to a content item a telephone number from a pool of telephone numbers. The Specification points out that assigning unique telephone numbers to each content item is not practical because the number of content items that the system provides may exceed a number of available telephone numbers. Spec. ¶ 32. Thus, the claim recites “dynamically . . . assigning” and then “reassigning” the telephone numbers. Claim 2 facilitates the reassignment by storing an association between the

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<sup>3</sup> Appellant appeals one additional rejection of all pending claims under 35 U.S.C. § 101. Appeal Br. 10–13. The Examiner has withdrawn the § 101 rejection. Ans. 3. Accordingly, this decision addresses only the pending § 102 rejection.

user, the assigned telephone number, and the sponsor of the content item. This association ensures that when the user calls the assigned telephone number, the call will be routed to the appropriate sponsor notwithstanding the subsequent reassignment of the telephone number to a different sponsor's content item. Appellant argues that Wojcicki does not disclose the claim's requirement that "after reassigning the telephone number," upon receiving a telephone call from the user, the system connects the user to the initial sponsor of the content item, not the different sponsor to which the telephone number has been reassigned. Appeal Br. 7. We agree with Appellant that Wojcicki does not disclose this claim requirement.

Wojcicki describes a number allocator that controls the assignment of telephone numbers to specific advertising campaigns. Wojcicki ¶ 29. The number allocator also recycles previously-used telephone numbers such that a reassigned telephone number may be been used by the same or different merchant in a previous advertising campaign. *Id.* Wojcicki's number allocator, however, ensures that the reallocation or reassignment of the telephone number to a different advertising campaign follows a "cooling off period." *Id.* ¶ 47. Such a period "ensures that a connection that was intended for the prior-running advertisement but was made slightly after the end of the prior-running campaign, is not accidentally connected to another advertiser or counted toward the statistics for the later advertiser." *Id.* Wojcicki executes this "cooling off period" by preventing the reuse of the number for a specific time period after the last-used date has sufficiently passed, e.g., more than two weeks or longer. *Id.* ¶ 30. The significance of implementing the "cooling off period" in this manner is that a Wojcicki user who calls the telephone number during the "cooling off period" may be

connected to the initial merchant, of the previous advertising campaign. But after the “cooling off period” has passed and the telephone number has been reassigned, the user will be connected to a new merchant sponsoring a different advertising campaign. *See id.* ¶30. The claim requires, however, that “after reassigning the telephone number” the user is connected to the “sponsor of the content item rather than the different sponsor that is assigned the telephone number after the reassigning based on the stored association between the user, the assigned telephone number, and the sponsor of the content item.”

The Examiner’s response to Appellant’s argument does not persuade us that Wojcicki may be understood to disclose the claim limitation discussed above. The Examiner states that Appellant’s argument is that Wojcicki does not “concern itself with the actual routing and connection of the telephone call and/or the processing of the call after the reassignment.” Ans. 8, 11. We do not agree with this characterization of Appellant’s argument. Appellant’s argument is that Wojcicki’s reassignment of the telephone calls does not route the current call “to someone other than the merchant who is presently assigned the called number.” Appeal Br. 8. Appellant notes that, during the “cooling off period,” Wojcicki’s telephone numbers are not “reassigned” yet. *Id.* at 8–9. The argument by Appellant addresses the claimed limitation that requires, *after reassignment*, connecting the user to the sponsor of the initial content item, not the newly reassigned sponsor. Thus, we are not persuaded by the Examiner’s response that Appellant’s argument focuses on details of a “connection” or “routing” that are not claimed.

The Examiner also responds that Wojcicki discloses that during the “cooling off period” the user is connected to the sponsor of the initial advertisement, and that this operation meets the claim limitation. Ans. 10–11. We do not agree. Wojcicki reassigns the telephone number to a new merchant after the “cooling off period” has passed. Wojcicki ¶ 47. The focus of the claim is what occurs *after reassignment* of the telephone number. The claim requires a particular timing of events: (1) telephone number is reassigned to a new sponsor, (2) user calls the telephone number, (3) user is connected to the *previous sponsor*, not the newly reassigned sponsor. Wojcicki reassigns the telephone number *after* the “cooling off period,” which means that, *after reassignment*, the system will route the call according to the new assignment: (1) telephone number is reassigned to ad campaign of a new merchant, (2) user calls the telephone number, (3) user is connected to *new merchant*. Wojcicki ¶ 47. Indeed, Wojcicki discloses that for customers to be connected to a merchant of a previous advertising campaign, the merchant may reserve the telephone number. Wojcicki ¶ 30. That is, Wojcicki may connect users to the previous merchant in only three situations: (1) when the telephone number is assigned to the previous merchant (while the campaign is running) (*id.* ¶ 28); (2) during the cooling off period, because the tracking system records that the number was previously assigned to a particular advertisement (*id.* ¶ 47); and (3) if the merchant reserves the telephone number, which means the telephone number is reassigned no more (*id.* ¶ 30). None of these three scenarios meets the claim’s “after reassigning” limitations:

after reassigning the telephone number to the different sponsor of a different content item, identifying, by the one or

more processors, a telephone call from the user to the telephone number; and

after reassigning the telephone number to the different sponsor and identifying the telephone call from the user to the telephone number, connecting the user to the sponsor of the content item rather than the different sponsor that is assigned the telephone number after the reassigning based on the stored association between the user, the assigned telephone number, and the sponsor of the content item.

### CONCLUSION

The Examiner's rejection is reversed.

### DECISION SUMMARY

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
2-4, 6-12, 14-17, 19-21	102(a)	Wojcicki		2-4, 6-12, 14-17, 19-21

REVERSED