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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/559,279	09/18/2017	Omid RAISI	1003301-000612	3185

21839 7590 08/20/2020

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ALEXANDRIA, VA 22313-1404

EXAMINER
SITTNER, MATTHEW T

ART UNIT	PAPER NUMBER
3682	

NOTIFICATION DATE	DELIVERY MODE
08/20/2020	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte OMID RAISI

Appeal 2020-002024
Application 15/559,279
Technology Center 3600

Before JAMES P. CALVE, KENNETH G. SCHOPFER, and BRADLEY B. BAYAT, *Administrative Patent Judges*.

CALVE, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the decision of the Examiner to reject claims 20–36 and 41, which are all of the pending claims.[2] Appeal Br. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[1] "Appellant" refers to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies C Conjunction AB as the real party in interest. Appeal Br. 2.
[2] Claims 1–19 and 37–40 are cancelled. *See* Final Act. 2.

CLAIMED SUBJECT MATTER

Claims 20, 24, 28, and 41 are independent. Claim 20 is reproduced below.

> 20. A method for providing context based commercial information, comprising:
>
> establishing a voice communication session between a first party using a mobile communication device and at least one other party using a remote communication device via a communications network;
>
> receiving information associated with the voice communication session at a remote server, said information comprising at least identification data of the parties participating in the voice communication session and audio data associated with the communication session;
>
> storing said received information at a remote server in a profile associated with at least one of said parties, wherein said profile is updated at each new voice communication session;
>
> analyzing said stored information in said profile;
>
> generating, based on said analyzed information, customized commercial information; and
>
> sending said generated customized commercial information to the mobile communication device.

REJECTIONS

Claims 20, 22, 24, 26, 28–31, 34, and 36 are rejected under 35 U.S.C. § 103 as unpatentable over Atsmon (US 2010/0063880 A1, pub. Mar. 11, 2010) and Forbes (US 2009/0006193 A1, pub. Jan. 1, 2009).

Claims 21 and 25 are rejected under 35 U.S.C. § 103 as unpatentable over Atsmon, Forbes, and Xu (US 2011/0270747 A1, pub. Nov. 3, 2011).

Claims 23 and 27 are rejected under 35 U.S.C. § 103 as unpatentable over Atsmon, Forbes, Xu, and Dixon (US 2016/0027055 A1, pub. Jan. 28, 2016).

Claims 32 and 33 are rejected under 35 U.S.C. § 103 as unpatentable over Atsmon, Forbes, and Booth (US 2016/0227361 A1, pub. Aug. 4, 2016).

Claim 35 is rejected under 35 U.S.C. § 103 as unpatentable over Atsmon, Forbes, and Kuramura (US 2014/0244630 A1, pub. Aug. 28, 2014).

Claim 41 is rejected under 35 U.S.C. § 103 as unpatentable over Atsmon and Park (US 2008/0181201 A1, pub. July 31, 2008).

ANALYSIS

Claims 20, 22, 24, 26, 28–31, 34, and 36 Rejected over Atsmon and Forbes

Appellant argues the claims as a group. *See* Appeal Br. 9–13. We select claim 20 as representative. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Regarding claim 20, the Examiner cites Atsmon to teach a method of establishing a voice communication session between parties via a network and receiving information associated with the session including identification data of the parties and audio data of the voice communication session, then storing the received information (identification and audio information and user attributes) at a remote server (registry or recognition unit) where the profile is updated at each voice communication session and analyzed to generate and send customized commercial information to a mobile device. Final Act. 4–5. The Examiner finds that Forbes records and analyzes voice communications between parties and delivers targeted advertising based on the voice communications. *Id.* at 5. The Examiner determines it would have been obvious to a skilled artisan to modify Atsmon to include the analyzing features taught by Forbes to provide targeted advertisement based on the content of voice communications to improve the user experience, maximize profits, and optimize advertisement revenues. *Id.*

Appellant argues that Atsmon and Forbes present advertisements to users during a communication session but they do not store information at a remoter server in a profile for at least one of the parties, where the profile is updated at each new voice communication session and analyzed to generate commercial information. Appeal Br. 9–10. Appellant asserts that paragraph 80 of Atsmon discloses a word pool rather than a profile that stores received information, and paragraph 87 uses voice attributes to identify persons but does not store received information in a profile of a party. *Id.* at 10.

Appellant argues that the claimed method produces more accurate, customized commercial information and more efficient communication in terms of actual data volume and content by accumulating information over time and updating a communicating party's profile over time to reuse and refine accuracy and efficiency as compared to Atsmon's system. *Id.* at 11. Appellant asserts that Atsmon and Forbes analyze information only for each communication session and convey information based on that session so that there is no need for a stored profile. *Id.* at 12. We are not persuaded.

Atsmon's system 100 creates user profiles by uploading user names, speech samples, and speech attributes to central registry 117. Atsmon ¶ 84. Recognition unit 108 uses this stored profile to perform speaker recognition by comparing audio signals of a conversation to the library (profile) of user attributes. *Id.* ¶¶ 83, 87. Recognition unit 108 displays the names of persons speaking in a session with other information associated with a user's profile, e.g., an image, portrait, personal avatar, alias, online profile, or web persona. *Id.* ¶ 87. This profile information is collected at enrollment, during previous speech sessions, and continuously during speech recognition/communication sessions, and profile data is saved for use in future calls. *Id.* ¶¶ 84, 87–91.

These teachings support the Examiner's findings that Atsmon collects identification data of parties to a voice communication session and updates stored user profiles with new information collected during communication sessions as claimed. Final Act. 4; Ans. 4–5. Atsmon uses the stored profile information to identify parties during an audio communication sessions and saves this profile information for use in identifying speakers in future calls. Atsmon ¶¶ 84, 87–91. Atsmon updates user profiles with words, phrases, and other information collected during communication sessions to improve the user profile and produce better results in future sessions. *Id.* ¶¶ 105, 114. The information can augment or expand databases of system 100. *Id.* ¶ 105. The system can channel collected and recorded information of a user to the user and to possible beneficiaries for any purpose. *Id.* The information can be used to refine or improve the system for current/future sessions and to recalculate a semantic map, logic model, or algorithm in real-time. *Id.*

The additional information is used to update user profiles to match content to a user and to determine the most appropriate result to output in current or future sessions based on user characteristics or cues collected in conversations. *Id.* ¶¶ 114, 115. The system thus can assess the best match of content or most appropriate information to provide to a user. *Id.* Data collected during communication sessions is used to match content that is displayed to a user. *Id.* ¶¶ 123–25. Selected content may be provided to a user during a conversation or later. *Id.* ¶ 125. A user may choose when and how selected information is presented. *Id.* The system can be used on a cellular phone to provide content responsive to conversations on a cellular phone by processing audio signals to create content displayed on the cellular phone. *Id.* ¶¶ 117, 126–28.

Content matching is based on the user profiles that are created from information obtained during a user's various communication sessions. *See id.* ¶¶ 83–91, 93, 105, 113–15, 123–26. Atsmon collects information during voice communication sessions of users of mobile devices in a telephone call, and the information includes user identification data and audio data. *See id.* ¶¶ 72–76, 84, 87, 88, 91, 93, 105, 114, 123–27. The information is stored in a user profile of at least one of the parties to the session and is used to update the user's profile for future sessions to improve matching and presentation of customized content to a user including advertisements or other commercial information, e.g., based on words or terms used in the conversations. *See id.* ¶¶ 88, 91, 105, 106, 113–15, 125–28.

Accordingly, we sustain the rejection of claim 20 and claims 22, 24, 26, 28–31, 34, and 36, which fall with claim 20.

Rejections of Dependent Claims 21, 23, 25, 27, 32, 33

The Examiner rejects dependent claims 21, 23, 25, 27, 32, and 33 over various combinations of Atsmon and Forbes with Xu, Dixon, and/or Booth. *See* Final Act. 6–10. Appellant does not traverse the rejections. *See* Appeal Br. 9–14. Thus, we summarily sustain all of these rejections. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Claim 35
Rejected over Atsmon, Forbes, and Kuramura

Claim 35 depends from claim 28 and recites the software application further comprising "means for creating a call page associated with a profile for display during a voice communication session." Appeal Br. Claims App. 7. The Specification describes a call page as profile information such as a picture, personal information, or user selected information. Spec. 18:11–17.

The Examiner finds that Atsmon displays a special information page during a call session to correlate words spoken during a conversation with content or displays of information relevant to the content of a conversation. Final Act. 11; Ans. 6. The Examiner also finds that Kuramura teaches this feature as a user's profile page presented on initiation of a communication session to provide user profile or contact-related information and interaction options for the user and contact during a voice call. Final Act. 11; Ans. 6.

Appellant argues that the profile side of Kuramura is different from the claimed call page because it is used only by a party to present certain information whereas "the presently claimed call page is used for interaction between the parties" such as enabling files to be shared. Appeal Br. 13.

This argument is not persuasive because it is not commensurate with the scope of claim 35, which merely requires a "means for creating a call page associated with a profile for display during a voice communication session" without any requirement that the call page facilitate any interaction between the parties as Appellant contends. Furthermore, Atsmon displays a call page during a voice communication as a user profile that may include an image, portrait, personal avatar, alias, online profile and/or web persona of a user. Atsmon ¶ 87. This teaching corresponds to the claimed call page and the description of the call page in the Specification of a call page as profile information such as a picture, current personal information or other user selectable information. Spec. 18:11–17. We also agree with the Examiner that Kuramura displays a call page with a party's profile picture and contact-related information that allows a party to the call to interact with a caller by answering, messaging, or emailing the caller. Ans. 6 (citing Kuramura ¶ 57, Figs. 3–5). Accordingly, we sustain the rejection of claim 35.

Claim 41
Rejected over Atsmon and Park

Independent claim 41 recites a method for providing context based commercial information with similar steps to those recited in claim 20 and by "providing a call page associated with the profile for display during a voice communication session, the call page enabling content sharing during the voice communication session." Appeal Br. Claims App. 8–9. The Examiner relies on Atsmon to teach features of claim 41 that are similar to those recited in claim 20 and Park to teach the claimed call page. Final Act. 12–13. Appellant argues that Kuramura is significantly different from the claimed call page because it is used to present information whereas the claimed call page is used for interaction between parties. *See id.* at 12–13.

This argument is not persuasive because the Examiner relies on Park, and not Kuramura, to teach the claimed call page. Final Act. 12–13; Ans. 6–7. Appellant's arguments do not address the Examiner's findings that Park teaches a call page, as claimed, that enables content sharing during a voice communication session and therefore do not apprise us of Examiner error in this regard. We agree with the Examiner that Park teaches a content sharing system that also allows callers to share content by transmitting a call page (message page) that can be used to establish a data session for content sharing between the callers to the conversation. Park ¶¶ 37, 50, 54, 55, Figs. 1, 2. Park teaches that callers can share general documents, web pages, web catalogs, chat messages, image files, motion pictures, and media files during a conversation. *Id.* ¶ 50.

Thus, we sustain the rejection of claim 41.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
20, 22, 24, 26, 28–31, 34, 36	103	Atsmon, Forbes	20, 22, 24, 26, 28–31, 34, 36	
21, 25	103	Atsmon, Forbes, Xu	21, 25	
23, 27	103	Atsmon, Forbes, Xu, Dixon	23, 27	
32, 33	103	Atsmon, Forbes, Booth	32, 33	
35	103	Atsmon, Forbes, Kuramura	35	
41	103	Atsmon, Park	41	
Overall Outcome			20–36, 41	

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

AFFIRMED