

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NEELAKANTAN SUNDARESAN

Appeal No. 2003-1177
Application No. 09/510,054¹

ON BRIEF

Before THOMAS, DIXON, and SAADAT, Administrative Patent Judges.
SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the Examiner's final rejection of claims 1-3. The Examiner has objected to claims 4-7 and 19 and has indicated their allowability if rewritten in independent form including all of the limitations of the base claim and any intervening claims while claims 8-18, 20 and 21 have been indicated as allowable.

We reverse.

¹ Application for patent filed February 22, 2000.

BACKGROUND

Appellant's invention is directed to weighted indexing of web-based hierarchical documents for search by a user. According to Appellant, during a search using a search engine, the information gathered by a crawler is summarized and arranged in a hierarchy known as "metadata" (specification, page 1). The metadata is indexed by an index engine and is later used by the query executor of the search engine for providing the names or URLs (uniform resource locators) of the documents identified by the query (specification, pages 1 & 2). In the claimed system, the metadata includes plural elements which are weighted in accordance with a weighting scheme to generate weighted metadata to be provided to the index engine (specification, page 3).

Representative independent claim 1 is reproduced below:

1. A computer system, comprising:

a general purpose computer;

logic executable by the computer for undertaking method acts comprising:

receiving metadata representing at least one document accessible via a wide area computer network, the metadata including plural elements;

weighting at least some elements in accordance with a weighting scheme to render weighted metadata; and

providing the weighted metadata to an index engine.

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The Examiner relies on the following references in rejecting the claims:

Meyerzon et al. (Meyerzon)	6,199,081	Mar. 6, 2001 (filed Jun. 30, 1998)
Schultz	6,208,988	Mar. 27, 2001 (filed Jun. 1, 1998)

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schultz in view of Meyerzon.

We make reference to the final Office action (Paper No. 7, mailed July 25, 2002) and the answer (Paper No. 10, mailed December 4, 2002) for the Examiner's reasoning, and to the appeal brief (Paper No. 9, filed September 18, 2002) and the reply brief (Paper No. 11, filed January 9, 2003) for Appellant's arguments thereagainst.

OPINION

In rejecting the claims, the Examiner asserts that Schultz teaches the steps of receiving metadata including plural elements and weighting at least some elements to render weighted metadata (final, pages 3 & 4). However, the examiner acknowledges that Schultz does not teach the last step in claim 1 and relies on Meyerzon for disclosing the step of providing the weighted metadata to an index engine (final, page 4).

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Appellant argues that Schultz derives the weighted metadata independently of indexing and uses it only to rank search results after the query is made (brief, page 3). Appellant specifically argues that the metadata fields of the relied-upon document records of Schultz are generated outside of indexing and the ranked lists of documents are generated using the relied-upon metadata itself (brief, pages 3 & 4). Appellant further points out that while Meyerzon discloses modifying an otherwise unweighted document stream prior to inputting it to an indexing engine, the modification adds or removes documents from the index instead of inputting weighted metadata to the indexing engine (brief, page 4; reply brief, page 2).

In response, the Examiner argues that the document themes in the ranked document list of Schultz are the same as the claimed elements of metadata (answer, page 5). The Examiner further asserts that this document data stream may be combined with Meyerzon to modify the content of document data stream before sending it to an index engine (id.).

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). In considering the question of the

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obviousness of the claimed invention in view of the prior art relied upon, the Examiner is expected to make the factual determination set forth in Graham v. John Deere Co., 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. See also In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). Such evidence is required in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). However, "the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." In re Lee, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

We find ourselves in agreement with Appellant that it is the document data stream that is modified in Meyerzon and not the elements of metadata to render a weighted metadata. Meyerzon, in fact, provides for an indexing engine for creating and maintaining an index of Web documents that, when modified by removing the current document from the index, provides better search results to the users (col. 10, lines 43-57). Schultz, on

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the other hand, as stated by the Examiner (final, page 4), provides for weighted document themes, but not in relation to an index engine (col. 8, lines 41-47 and 61-64). Although Schultz searches a document index database 117 which contains a list of search terms corresponding to potential search terms in a search query (col. 4, lines 42-51), there is no mention of sending the weighted metadata to an index engine.

Thus, assuming, arguendo, that it would have been obvious to combine Meyerzon with Schultz, as held by the Examiner, the weighted metadata of Schultz would still be independent of indexing since the index of Meyerzon is associated with documents themselves and not the weighted metadata. Therefore, the combination would fall short of teaching the step of providing the weighted metadata to an index engine. Accordingly, as the Examiner has failed to set forth a prima facie case of obviousness, we do not sustain the 35 U.S.C. § 103 rejection of claims 1-3 over Schultz and Meyerzon.

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CONCLUSION

In view of the foregoing, the decision of the Examiner
rejecting claims 1-3 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH L. DIXON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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MAHSHID D. SAADAT)	
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