

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KIM C. SMITH

Appeal No. 2004-1526
Application No. 09/354,052

ON BRIEF

Before HAIRSTON, KRASS and JERRY SMITH, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

Decision On Appeal

This is a decision on appeal from the final rejection of claims 1-4, 7-16, 19-27, and 30-36.

The invention pertains to a method of searching for information across different media and source types, best

Appeal No.2004-1526
Application No. 09/354,052

illustrated by reference to representative independent claim 1,
reproduced as follows:

1. A method comprising the steps of:

inputting a search criteria; and

searching at least one local database of content information
and at least one remote database of content information based
upon the search criteria, wherein the content information
corresponds to information from a plurality of content sources of
multiple types.

The examiner relies on the following references:

Vora et al. (Vora)	5,819,273	Oct. 06, 1998
Contois	5,864,868	Jan. 26, 1999
Etheredge	6,172,674	Jan. 09, 2001
		(filed Aug. 25, 1997)

Claims 1-9, 12-21, 24-32, and 35 stand rejected under
35 U.S.C. § 102(e) as anticipated by Vora.¹

Claims 10, 22, and 33 stand rejected under 35 U.S.C. § 103
as unpatentable over Vora in view of Etheredge.

Claim 36 stands rejected under 35 U.S.C. § 103 as
unpatentable over Vora in view of Contois.

¹It is interesting that the examiner included claims 5, 6,
17, 18, 28, and 29 in the statement of rejection because, as we
understand it, these claims have been canceled and form no part
of the appeal.

Appeal No.2004-1526
Application No. 09/354,052

Reference is made to the brief² and answer for the respective positions of appellant and the examiner.

OPINION

At the outset, we note that claims 11, 23, and 34 are nowhere identified in any of the statements of rejection. However, from the examiner's explanation, at page 9 of the answer, it appears these claims were meant to be rejected under 35 U.S.C. § 103 as unpatentable over Vora in view of Etheredge, along with claims 10, 22, and 33. Moreover, since appellant apparently acquiesces in this interpretation, by the discussion of such a rejection, at page 13 of the brief, we will treat claims 11, 23, and 34 as being so rejected.

Turning to the rejection of claims 1-9, 12-21, 24-32, and 35 under 35 U.S.C. § 102(e), an anticipatory reference is one which describes all of the elements of the claimed invention so as to have placed a person of ordinary skill in the art in possession thereof. In re Spada, 911 F.2d 205, 15 USPQ2d 1655 (Fed. Cir. 1990).

The examiner contends that Vora teaches "inputting a search criteria," as claimed, at column 7, lines 10-25; "wherein the

²Supplemental Brief on Appeal, filed December 15, 2003, Paper No. 30.

content information corresponds to information from a plurality of content sources of multiple types," as claimed, at column 7, lines 1-10, and Figure 9; and "searching at least one local database of content information based upon the search criteria," as claimed, as searches are performed through a local network such as a server computer system 9, which includes mass memory 17.

The examiner explains that the mass memory 17 is a local hard disk, resides in the computer system 9, and stores information sources in a magnetic media or an optical media, referring to Vora's column 5, lines 57-59. The examiner further explains that a user of Vora's client system 33 requests a first search, which is performed through the information sources stored in mass memory 17 (column 7, lines 4-7), and when the client computer 33 requests the first search, which is received by computer system 9 via a network interface 25, system 9 searches the first search through the information sources stored in mass memory 17. The examiner also points out that the connection between the computer system 9 and the client computer 33 is a local area network (LAN) and concludes that

it is clear that the first search request from client computer 33 is done at the local network area of the computer system 9. At the server system 9 receives

Appeal No.2004-1526
Application No. 09/354,052

search requests and executes the search requests by searching the mass memory 17 (local database) and data stored at the Internet server 63 (remote database). The server system 9 combines the results of remote searches with results of the search perform (sic, performed) on data stored in the mass memory 17. The combined search results are displayed to a user of a client system 33 within one window (col. 6, lines 56-67; col. 7, lines 1-10) (answer-pages 4-5).

Appellant argues that the instant claims require that "the content information corresponds to information from a plurality of content sources of multiple types" and that this is not taught by Vora. It is appellant's contention that the instant claims "recite different types of sources, not different subjects" (brief-page 7). Appellant further states that the "present invention as claimed is not about identifying documents from a single source, or multiple databases. Rather, it is about bringing together content from different sources, that in the past have been associated with different multimedia sources. It is believed that this is a fundamental difference that is clearly recited in the claims" (brief-page 8).

It is our view that appellant takes too narrow a view of the instant claim language.

Independent claim 1 recites a method having two steps. The first step entails inputting a search criteria. Clearly, Vora

discloses the initiation of such a search. For example, at column 7, lines 10 et seq., of Vora, the reference discloses first and second search requests by a user.

The second step requires searching at least one local database of content information and at least one remote database of content information based upon the search criteria. Vora clearly teaches, at column 6, line 60, through column 7, line 10, that a server 9 searches on a local memory (e.g., mass memory 17 in Figure 1), and also receives searches from Internet server 63 (which receives search requests from server 9). Thus, there is searching, based upon the search criteria laid out by the user, on at least one local database and on at least one remote (Internet server 63) database.

The only remaining question is whether Vora discloses that the "content information" being searched "corresponds to information from a plurality of content sources of multiple types," as required by instant claim 1.

We agree with the examiner that the claimed terms, "sources" and "types" are so broad as to lend themselves to an accordingly broad interpretation. That is, in Vora, the server 9 and the Internet server 63 are clearly different "content sources" of information and they constitute "multiple types" of content

sources. One is an Internet server and one is a local server. Thus, the information comes from a "plurality of content sources of multiple types." Moreover, as indicated by the examiner, and shown in Figure 12 of Vora, there are "different types" of information sources taught by the reference, including Literature, Bibliographies, Weather patterns, Business news, and Plants. Contrary to appellant's argument that the reference refers only to different types of subjects, and that the claims recite different types of sources, not different subjects, Vora clearly describes, in Figure 12 that these different subjects are "Available Sources." Thus, it appears to us that Vora is indicating different "types" of sources in the list under the heading of "Available Sources."

Appellant explains that the instant application provides examples of what is meant by different types of content sources, listing TV, DVD, WEB, GAMES and MUSIC, and that these are not the same as the single type, i.e., documents, described by Vora. Appellant contends that documents are one type of content, but we agree with the examiner that the term is so broad as to encompass different document types, such as those shown in the list in Figure 12 of Vora. We find no reason to delve into the

specification to narrow the terms of the claim more than the plain language of the claim requires.

Appellant also argues that the term "local," in "local storage" has a different meaning than the one given to the term by the examiner, and that the mass storage 17 in Vora cannot be considered to be a "local storage." Specifically, appellant wants us to read into the claim the example given at page 2 of the specification, wherein the "user must open a local search tool. . . ." Appellant wishes us to interpret "local" to include only "in the same computer" as illustrated in the passage cited from page 2 of the specification (see pages 10-11 of the brief). Again, we find that appellant gives too narrow an interpretation to the instant claims language. Mass storage 17 in Vora is clearly "local" to server 9, and does not need to reside in the user's computer 33. We find no language in claim 1 requiring an interpretation as urged by appellant.

Since, in our view, the examiner has presented a reasonable case of anticipation with regard to the subject matter of instant claim 1, which has not been convincingly rebutted by appellant, we will sustain the rejections of claims 1, 4, 12, 13, 16, 24, 27, and 36 under 35 U.S.C. § 102(e) or 103, in accordance with appellant's grouping of the claims at page 5 of the brief.

Appeal No.2004-1526
Application No. 09/354,052

We do note that claim 36 stands rejected under 35 U.S.C. § 103 over Vora in combination with Contois. The examiner relied on Contois for the ability to access media types TV, DVD, Web, Games, and Music, concluding that it would have been obvious to include various types of media, as taught by Contois, in the magnetic media or optical media in Vora "for allowing the information sources includes multiple types of media" (sic) (answer-page 10).

While appellant argues claim 36, by contending that Contois does not discuss searching content from a plurality of content sources of multiple types based on an input search criteria by searching a local database and at least one remote database (brief-page 11), we are unpersuaded of nonobviousness since the examiner relied on Vora, not Contois, for such a teaching.

Appellant also contends that there is no suggestion to combine the references (brief-page 11). However, the examiner has given a reason to combine, viz., "for allowing the information sources includes (sic, to include) multiple types of media" (answer-page 10), and appellant's only response is to refute this with a comment that this is a mere "statement of the results achieved" (brief-page 11), rather than a suggestion to combine. Accordingly, since the examiner has presented some

Appeal No.2004-1526
Application No. 09/354,052

reason for making the combination, with no substantive showing by appellant of any error in this rationale by the examiner, we will sustain the examiner's rejection of claim 36 under 35 U.S.C. § 103.

With regard to claims 2, 3, 7, 8, 14, 15, 19, 20, 25, 26, 30, 31, and 35, these claims recite the limitation of "like associations" and also stand rejected under 35 U.S.C. § 102(e) over Vora. The examiner points to Figure 9 of Vora, depicting information sources such as Business News and Business Resources. The examiner contends that this shows a "like association" both resources "contain information related to business" (answer-page 5).

Appellant argues that Figure 9 of Vora "references different types of documents, not content sources of multiple types as claimed. The like associations are used to find content in such different types of sources in the claims" (brief-page 12).

We are unpersuaded by appellant's argument for the reasons supra, i.e., contrary to appellant's view, we find that the different types of documents referenced by Vora are, broadly, yet reasonably, content sources of different types. While, at page 9 of the brief, appellant asserts that a "like association is an actual reference or preprocessed link to data in another

database," appellant points to no claim language requiring this interpretation. The term "like association" has a broad, plain meaning, which is encompassed by the examiner's assertion of Business News and Business Resources having a "like association" simply because they are both related to business.

With regard to claims 9, 21, and 32, appellant argues that these claims refer to search criteria that is "independent of content source and type" and that text documents and graphics, as in Vora, do not meet this criteria (brief-page 13). But, the examiner explains, and we agree, that Vora's first search request is performed through information sources stored in mass memory 17, and that the text documents stored therein include two types, i.e., text and graphics. Since the first search request is performed in mass memory 17, it is searched through text documents, including graphics, so that the first search request "is independent of content source and type" (answer-page 7, referring to column 7, lines 4-10, and column 6, lines 35-40, of Vora).

Appellant's assertion that text and graphics are "not of different source or type" (brief-page 9) is unpersuasive. It is clear to us that text typically refers to a written word, while graphics typically refers to an image, something different than

the written word. Accordingly, broadly interpreted, text and graphics are of different source and type.

Since, in our view, the examiner' presents a reasonable case of obviousness, which has not been successfully rebutted by appellant, we will sustain the rejection of claims 9, 21, and 32 under 35 U.S.C. § 103. Appellant's mere statement that the text documents and graphics of Vora do not meet the claimed criteria, without some evidence to support this position, is simply not persuasive.

Appellant argues, with respect to claims 10, 11, 22, 23, 33, and 34, that these claims include the limitation of "filtering search results based upon. . . availability" of either the source or content. The examiner relied on Etheredge to show that if a user only wishes to see a listing of information for programs meeting certain search criteria, appropriate data would pass through a filtering step 904, so that a particular event based upon the content sources, e.g., channels 5 and 7 availability, referring to column 18, lines 53-55, and column 19, lines 3-5, of Etheredge, would be filtered (see answer-bottom of page 8 to the top of page 9). The examiner found it obvious to apply Etheredge's teachings to Vora "in order to find information

Appeal No.2004-1526
Application No. 09/354,052

meeting selected criteria or user's input efficiency" (answer-page 9).

Appellant asserts that the claim language refers to the availability of a device or service, so that if a DVD is available, but the system does not have a DVD player, the results would be excluded. Appellant contrasts this with Etheredge which indicates when, and where, a movie may be broadcast.

While the examiner may point to something in the prior art which is not what appellant intended to claim, the broad language of the claims, viz., "searching further includes filtering search results based upon the content source availability," would, in our view, permit the examiner's broad interpretation and applicability of Etheredge. Thus, a user accessing a television programming guide, wherein only data that meets certain filter criteria will be displayed, appears to meet the instant claim language, "searching further includes filtering search results based upon the content source availability,"

Again, since appellant has not convinced us of an error in the examiner's reasoning, we will sustain the rejection of claims 10, 11, 22, 23, 33, and 34 under 35 U.S.C. § 103.

Appeal No.2004-1526
Application No. 09/354,052

The examiner's decision rejecting claims 1-9, 12-21, 24-32, and 35 under 35 U.S.C. § 102(e), and claims 10, 11, 22, 23, 33, 34, and 36 under 35 U.S.C. § 103, is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
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ERROL A. KRASS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
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Appeal No.2004-1526
Application No. 09/354,052

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