

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DAVID E. HACKLEMAN and WILLIAM C. WICKES

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Appeal 2007-0459  
Application 10/285,927  
Technology Center 2100

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Decided: April 17, 2007

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Before LANCE LEONARD BARRY, ALLEN R. MACDONALD, and  
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-33.

THE INVENTION

The disclosed invention is directed generally to a system and method for sharing information over a network. More particularly, the disclosed invention provides a search capability that focuses on user search parameters

and automatically retrieves updated information based on predetermined search parameters that are enhanced by applying intelligence to the search process (Specification 1-2).

Representative claims 1, 31, and 33 are illustrative:

1. A network-based collaboration system, comprising:
  - an interface subsystem, providing for: a plurality of user interfaces comprising a content supplier interface and a searcher interface;
  - a content subsystem, providing for: a plurality of records and a storage component, wherein at least one said record in said plurality of records is created through said content supplier interface, and wherein said plurality of records are stored in said storage component; and
  - a search subsystem, providing for: receipt of a search criterion from said searcher interface, an agent, an augmented search criterion generated by said agent from said search criterion, a search performed by said agent from said augmented search criterion, and a search result retrieved by said agent from said content subsystem and said search.
  
31. A method for network-based collaboration, comprising:
  - requesting collaboration function of a collaboration tool;
  - supplying a search parameter to the collaboration function, the search parameter comprising at least one of topic, search term and periodicity of the search;
  - creating and filling a relational database of the search parameter;
  - performing search and retrieval based on said relational database of the search parameter to yield a search result;
  - informing the user of the search result;
  - monitoring communications for predetermined search parameters; and
  - if this is a final search, terminating the search.
  
33. A method for network-based collaboration, comprising:
  - inputting content into a record using a content supplier interface;
  - storing said record in a storage component;
  - inputting search criteria into said collaboration system using a searcher interface;
  - generating and reviewing an augmented search based on said search criteria;

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configuring said search to be automatically updated periodically;  
performing a search of said storage components based on said  
augmented search; and  
retrieving a search result based on said search criteria.

#### THE REFERENCES

The Examiner relies upon the following references as evidence of  
anticipation and unpatentability:

Barr	US 5,873,076	Feb. 16, 1999
Liddy	US 5,963,940	Oct. 5, 1999

#### THE REJECTIONS

The following rejections are on appeal before us:

1. Claims 1-32 stand rejected under 35 U.S.C. § 102(b) as being  
anticipated by Liddy.
2. Claim 33 stands rejected under 35 U.S.C. § 103(a) as being  
unpatentable over the teachings of Liddy in view of Barr.

Rather than repeat the arguments of Appellants or the Examiner, we  
make reference to the Brief and the Answer for the respective details thereof.

#### OPINION

Only those arguments actually made by Appellants have been  
considered in this decision. It is our view, after consideration of the record  
before us, that the evidence relied upon supports the Examiner's rejection of  
the claims on appeal. Accordingly, we affirm.

Claims 1-8 and 14-30

We consider first the Examiner's rejection of claims 1-8 and 14-30 as being anticipated by Liddy. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select independent claim 1 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2004).

Appellants argue that Liddy does not teach an *agent* that generates an augmented search, performs the search, and retrieves a result, as required by the language of independent claim 1 (Br. 11, emphasis in original). Appellants acknowledge that Liddy generates, sorts, ranks, and displays documents automatically (Br. 11). However, Appellants maintain that Liddy does not teach or suggest a *single* component (i.e., an agent) that performs the claimed functions (Br. 12, emphasis added).

The Examiner disagrees. The Examiner argues that Liddy's Query Processor (QP) automatically constructs a logical representation of the natural language query (col. 19, ll. 30-32). The Examiner notes that the user is not required to annotate the query (col. 19, ll. 30-32). The Examiner further notes that Liddy's system "automatically sorts, ranks and displays documents judged relevant to the content of the query ..." (col. 3, ll. 42-45). The Examiner also points out that Liddy's server may itself act in the capacity of a client when it accesses remote databases (col. 5, lines 29-31) (Answer 13).

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharmaceutical*

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*Corp.*, 432 F.3d 1368, 1375-76, 77 USPQ2d 1321, 1325-26 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992). Anticipation of a patent claim requires a finding that the claim at issue “reads on” a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346, 51 USPQ2d 1943, 1945 (Fed Cir. 1999) (“In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.”) (internal citations omitted).

We begin our analysis by noting that Appellants have acknowledged that Liddy generates, sorts, ranks, and displays documents automatically (*see* Br. 11). Appellants ground their argument for patentability on the premise that Liddy does not teach or suggest a *single* component (i.e., an agent) that performs the functions of generating an augmented search, performing the search, and retrieving a result (Br. 12).

“[D]uring examination proceedings, claims are given their broadest reasonable interpretation consistent with the specification.” *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). In the instant case, we conclude that the Examiner has properly construed the language of the claim in accordance with the broadest reasonable interpretation consistent with the Specification.

When we look to the Specification for *context*, we find Appellants have disclosed a discrete “Agent” and a discrete “Search Augmentation Module” that operate *in association with each other* (Specification 8, *see* ¶ 2

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and 3). Indeed, the Specification explicitly discloses: “The agent 44 can incorporate the processing of a search augmentation module 40 and a security module 42 in generating and executing the search 46” (Specification 8: 19-21). Therefore, we find the scope of the recited “agent” broadly but reasonably encompasses a software component that performs its functions in association with other software components. Thus, we find the preponderance of the evidence supports the Examiner’s position that the claimed “agent” broadly but reasonably *reads on* Liddy’s Query Processor that automatically constructs a logical representation of the natural language query in association with other software elements that generate, sort, rank, and display documents automatically (col. 3, ll. 11-13, 42-45, col. 2, ll. 48-53, col. 19, ll. 30-32).

Specifically, we find Liddy’s Query Processor processes the user query (possibly a natural language query) and automatically generates an alternative representation of the query that is used to search for matching documents (col. 2, ll. 48-53, col. 7, l. 65 through col. 8, l. 22). We find the claimed “augmented search” broadly but reasonably *reads on* Liddy’s disclosure of “enrichment of the query” that results in the alternative (i.e., augmented) query representation that is used for matching documents (col. 2, ll. 51-53, col. 8, ll. 3-9). We note that Liddy discloses: “[o]nce the query, possibly modified, is executed, the search results are displayed to the user” (col. 8, ll. 21-22). Thus, we find Liddy discloses an *agent* that generates an augmented search, performs the search, and retrieves a result, as claimed. Because we find that Liddy discloses all that is claimed, we will sustain the Examiner’s rejection of representative claim 1 as being anticipated by Liddy.

Appellants have not presented any substantive arguments directed separately to the patentability of dependent claims 2-8 and 14-30. In the absence of a separate argument with respect to the dependent claims, those claims stand or fall with the representative independent claim. *See In re Young*, 927 F.2d 588, 590, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991). *See also* 37 C.F.R. § 41.37(c)(1)(vii)(2004). Therefore, we will sustain the examiner's rejection of these claims for the same reasons discussed *supra* with respect to independent claim 1.

#### Claims 9-13

We consider next the Examiner's rejection of claims 9-13 as being anticipated by Liddy. Since Appellants' arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select dependent claim 9 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2004).

Appellants note that the language of claim 9 requires a "secrecy attribute, an access attribute, and an access analysis ... wherein said search subsystem provides for generating said access analysis by comparing said access attribute with said secrecy attribute" (claim 9). Appellants argue that Liddy does not disclose any of these limitations (Br. 14).

The Examiner disagrees. The Examiner finds the argued limitations *read on* Liddy's disclosure of user interactions before the query is processed (i.e., login, data selection, and query construction) (col. 27, ll. 63-67) as well as Liddy's disclosure of users selecting a range of data sources (col. 29, l. 3) (Answer 14).

We find the recited language of “access analysis by comparing said access attribute with said secrecy attribute” broadly but reasonably *reads on* the user login disclosed by Liddy (col. 27, l. 65). We find Liddy’s user login necessarily involves access analysis by comparing an access attribute (i.e., a user login ID and/or password) with a secrecy attribute (i.e., a corresponding user login ID and/or password), where the “secrecy attribute” is stored on the computer to be accessed. Therefore, we will sustain the Examiner’s rejection of representative claim 9 as being anticipated by Liddy.

Pursuant to 37 C.F.R. § 41.37(c)(1)(vii), we have decided the appeal with respect to claims 10-13 on the basis of the selected claim alone. Therefore, we will sustain the Examiner’s rejection of these claims as being anticipated by Liddy for the same reasons discussed *supra* with respect to representative claim 9.

#### Claims 31 and 32

We consider next the Examiner’s rejection of claims 31 and 32 as being anticipated by Liddy. Since Appellants’ arguments with respect to this rejection have treated these claims as a single group which stand or fall together, we will select independent claim 31 as the representative claim for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(vii)(2004).

Appellants argue that no portion of Liddy, including the portion cited by the Examiner, teaches or suggests monitoring communications for predetermined search parameters, as required by the language of independent claim 31. Appellants further argue that matching a query to a database is not that same as “monitoring communications for predetermined parameters,” as claimed (Br. 13).

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The Examiner disagrees. The Examiner finds the argued claim language of “monitoring communications for predetermined search parameters” broadly but reasonably *reads on* Liddy’s disclosure of “before the query representation is sent to the matcher, results of the query processing (indicating the query representation) are displayed for the user” (i.e., where the user is given an opportunity to modify the query representation before matching) (col. 8, ll. 12-17) (Answer 13-14).

We begin our analysis by looking again to Appellants’ Specification for *context*. The Specification discloses agent monitoring of *system records* and employee work product, as follows:

The agent 44 monitors records 28 in the system 20. The agent 44 can be used to monitor the work product of employees, connect content suppliers 22 working on similar projects, identify building blocks such as seed topics for subsequent activities, or otherwise uncover information relevant to the searcher 32.

(Specification 8: ll. 6-10).

The Specification further discloses using “collaboration tool 180” to monitor the e-mail communications of team members using various keywords, as follows:

In the ordinary course of a project, team members exchange emails to communicate their progress, problems and solutions to other members of the team. The collaboration tool 180 can monitor these emails and use various keyword or content identification algorithms to recognize that there is a common interest between the two disparate teams. Thus, the collaboration tool 180 can be used to unite researchers and save the company money in duplicative work. This is accomplished by having the collaboration tool 180 prowl within various

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communications based on predetermined search parameters such as augmented search criteria generated by the system 20. The collaboration tool 180 becomes a discovery agent or literature and knowledge search engine that compares communication data streams for like content and interest based on the predetermined parameters.

(Specification 15: ll. 14-25).

We note that Liddy discloses further details with respect to user interaction after query processing, but before query execution (i.e., matching), at col. 30, ll. 39-60 (*see also* Figs. 14A and 14B). After carefully reviewing this additional portion of the Liddy reference, we find the preponderance of the evidence supports the Examiner's position. In particular, we find the claimed "communications" broadly but reasonably *read on* the natural language paragraph Liddy discloses as "user's query 370a," as shown in Fig. 14A and duplicated below:

I would like information about some of the more common acronyms used by such companies like IBM and Oracle when introducing new products into the market. How has the sales or revenue generated from these products increased because acronyms were used. Also, how has this naming convention impacted or leveraged the companies [*sic.*] marketing objectives.

(*See* "user's query 370a" as shown in Fig. 14A, *see also* col. 30, l. 51).

We find the above user query (i.e., user "communications") is a *system record* that is monitored (i.e., reviewed or examined) for predetermined search parameters, such as proper nouns, as explicitly shown in Fig. 14A (*see* "Proper Noun Clarifications/Expansions"). Indeed, we note

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that Section 7.1 of Liddy is identified with the following subheader: “7.1 Review of Your Request” (col. 30, l. 41). Furthermore, we find that Liddy discloses checking (i.e., monitoring) user queries (i.e., user communications and/or system records) for spelling and grammar errors (col. 30, ll. 31-37). Because we find Liddy discloses all that is claimed, we will sustain the Examiner’s rejection of representative claim 31 as being anticipated by Liddy.

Appellants have not presented any substantive arguments directed separately to the patentability of dependent claim 32. In the absence of a separate argument with respect to the dependent claims, those claims stand or fall with the representative independent claim. *See In re Young*, 927 F.2d at 590, 18 USPQ2d at 1091. *See also* 37 C.F.R. § 41.37(c)(1)(vii)(2004). Therefore, we will sustain the Examiner’s rejection of dependent claim 32 for the same reasons discussed *supra* with respect to independent claim 31.

#### Claim 33

Lastly, we consider the Examiner’s rejection of independent claim 33 as being unpatentable over the teachings of Liddy in view of Barr.

Appellants argue that Barr does not teach configuring said search to be automatically updated periodically, as claimed. Appellants assert that Barr teaches nothing more than schedulers monitoring and queuing searches. Appellants argue there is no teaching or suggestion that Barr’s schedulers automatically update the searches periodically, as asserted by the Examiner (Br. 16-17). Appellants further argue that the Examiner has impermissibly relied upon hindsight in formulating the rejection (Br. 18).

The Examiner disagrees. The Examiner finds the argued language of the claim (i.e., “configuring said search to be automatically updated periodically”) is suggested by Barr’s teaching of “‘schedulers 144 [that] monitor and queue the searches performed by [the] search engines’ (Col. 21, ll. 20-21)” (Answer 14).

“[T]he examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). In the instant case, we agree with the Examiner that Barr’s automated system for identifying and retrieving text (and multi-media files) related to a search topic reasonably suggests the portion of the claim argued by Appellants (col. 1, ll. 7-9). We find the preponderance of the evidence supports the Examiner’s finding that Barr’s use of “schedulers 144” (col. 21, l. 20) suggests the tendency for searches to recur at planned intervals (i.e., suggesting periodicity). Furthermore, we note that Barr teaches a document system that automatically (i.e., without human intervention) determines the subject categories for each received document for storage in a system database:

Referring now to FIG. 10, there is shown an automatic docket subjecting system 1000. The automatic document subjecting system 1000 receives documents processed by the data preparation component 900 and stored in a document pool 1004. The automatic document subjecting system 1000 automatically determines the subject category of the received documents without any review of the received document by a human viewer. It will be understood that the automatic document subjecting performed within the data center 110 thus eliminates the need for the laborious and time consuming subjecting operations performed in the prior art wherein humans reviewed

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the input documents received by an information retrieval system in order to determine the subject categories of each received document for storage in a system database such as the image/text database 118.

(Barr, col. 31, l. 61 through col. 32, l. 8, *see also* Fig. 10).

We do not agree with Appellants' assertion that the Examiner has impermissibly used hindsight in formulating the rejection. In contrast, we find the Examiner has taken the proffered motivation directly from the Barr reference at col. 3, ll. 20-24:

It is a still further object of the present invention to provide an automated system for processing incoming documents to be stored on a library or database, which system categorizes each incoming document into one or more subjects, and which does not require an individual to read each incoming document and make a separate judgment categorizing the subject of such document.

Thus, we find that an artisan having knowledge of Liddy would have been reasonably motivated to look to Barr's automatically categorized document database as an enhancement to the generic document database (and associated index) used by Liddy for matching queries (e.g., *see* Liddy, col. 32, ll. 40-66). In particular, we find that such a combined system would avoid searching for documents in the database that are unlikely to be of interest to the user (Barr, col. 31, ll. 49-50). Therefore, for at least the aforementioned reasons, we conclude the Examiner has met the burden of establishing a prima facie case of obviousness. Accordingly, we will sustain the Examiner's rejection of claim 33 as being unpatentable over Liddy in view of Barr.

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### DECISION

In summary, we have sustained the Examiner's rejection of all claims on appeal. Therefore, the decision of the Examiner rejecting claims 1-33 is affirmed.

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

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AFFIRMED

ELD

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