The opinion in support of the decision being entered today 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* JAMES ARMAND BALDWIN
and PETER T. BARRETT

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Appeal 2007-1492
Application 10/061,813
Technology Center 2100

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Decided: July 27, 2007

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Before KENNETH W. HAIRSTON, ANITA PELLMAN GROSS, and JOHN A. JEFFERY, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Baldwin and Barrett (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 4, 9, 14 through 16, 18, 21, and 24, which are all of the claims pending in this application.

Appellants' invention relates to the structuring of program data prior to delivery to a client's electronic program guide for easier searching by the

client. Claim 4 is illustrative of the claimed invention, and it reads as follows:

4. A method comprising:

storing program data for an electronic program guide in multiple tables, each table comprising one or more records with one or more fields and at least two said tables are related such that one said record in one said table indexes another said record in another said table, wherein the records comprise program records containing programming information, individual program records having a title field to identify a program name; and

sorting the records in the tables according to a selected field type prior to delivery of the program data to a remote client and the sorting comprises arranging the program records in the tables according to a stopped name version of the program name in the title field.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

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|---|---|---|
| Byrne | US 5,990,883 | Nov. 23, 1999 |
| Rodriguez | US 2002/0059623 A1 | May 16, 2002<br>(filed Jul. 30, 2001) |

Claims 14 through 16 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rodriguez.

Claims 4, 9, 18, 21, and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Rodriguez in view of Byrne.

We refer to the Examiner's Answer (mailed October 12, 2006) and to Appellants' Brief (filed August 15, 2006) and Reply Brief (filed December 12, 2006) for the respective arguments.

## SUMMARY OF DECISION

As a consequence of our review, we will affirm the obviousness rejections of claims 4, 9, 14 through 16, 18, 21, and 24.

## OPINION

Appellants contend (Br. 14-16 and Reply Br. 3-4) that Rodriguez fails to teach sorting program data according to a stopped name version of the program titles, as recited in each of the independent claims. Appellants present no further arguments for claims 14 through 16. For claims 4, 9, 18, 21, and 24, Appellants contend that Byrne fails to cure the alleged deficiency of Rodriguez. The Examiner asserts (Answer 9-11) that sorting program data by a stopped name version of the program titles would have been obvious, as Rodriguez discloses sorting by titles and suggests using abbreviated versions of the titles for space considerations. Thus, the only issue is whether sorting by stopped name versions of the program titles would have been obvious in view of Rodriguez for claims 14 through 16 and in view of Rodriguez and Byrne for the remaining claims.

Rodriguez discloses (paragraph 0073) that electronic program guide (EPG) data is sorted according to attributes such as program title. Further, multiple versions of each program title are stored. Abbreviated versions of the program information to be displayed are preferred for EPG views where space may not be available. Although Rodriguez does not specify the type of abbreviations to be used, Rodriguez clearly suggests sorting by program titles and shortening the program titles to save space. The Supreme Court recently held that in analyzing the obviousness of combining elements, a court need not find specific teachings, but rather may consider "the

background knowledge possessed by a person having ordinary skill in the art" and "the inferences and creative steps that a person of ordinary skill in the art would employ." *See KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007). In the present case, since an object of the EPG in Rodriguez is to present a user with abbreviated information about available programs, it would have been obvious to the skilled artisan to abbreviate the titles by omitting words that convey no information specific to the programs. The skilled artisan knows that articles (a, an, and the), prepositions, joinder words (and, but, and or) and other common words typically convey no information specific to the programs. Furthermore, it is well-known that stop words typically are not indexed in databases and are omitted for searching. Therefore, it would have been obvious to use stopped name versions of the titles, as defined by Appellants on page 12 of the Specification, for sorting program guide information. Accordingly, we will sustain the obviousness rejection of claims 14 through 16 over Rodriguez. Furthermore, as Appellants' only argument for claims 4, 9, 18, 21, and 24 is that neither Rodriguez nor Byrne suggests sorting using stopped name versions of program titles, and since we have found that Rodriguez does suggest sorting with stopped name versions of program titles, we will sustain the obviousness rejection of claims 4, 9, 18, 21, and 24 over Rodriguez and Byrne.

## ORDER

The decision of the Examiner rejecting claims 4, 9, 14 through 16, 18, 21, and 24 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 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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