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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/808,263	06/07/2007	Timothy A. Musgrove	10-373-US (cbs035000)	4039
98804	7590	08/30/2012	EXAMINER	
Reed Smith LLP P.O. Box 488 Pittsburgh, PA 15230			RUHL, DENNIS WILLIAM	
			ART UNIT	PAPER NUMBER
			3689	
			NOTIFICATION DATE	DELIVERY MODE
			08/30/2012	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 11/808,263	Applicant(s) MUSGROVE ET AL.	
	Examiner DENNIS RUHL	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 October 2011.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) Claim(s) 1-32 is/are pending in the application.
- 5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1-32 is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

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1. In view of the Appeal Brief filed on 10/11/11, PROSECUTION IS HEREBY REOPENED. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3,5,6,11-14,16,17,22-24,26,27,32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove et al. (20040225651) in view of Zivov (20070294127).

For claims 1,6,11,12,17,22,27,32, Musgrove discloses a system and method for locating and collecting product review information so that a natural language summary of the reviews can be generated and displayed to users (displayed is publishing of reviews as claimed). See figures 1, 2A, and 2B. Musgrove is a 102(b) type of reference *as far as a date is concerned* and is valid prior art to the instant application. It is noted that the majority of what is recited in the claims was disclosed by applicant as

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being disclosed in Musgrove '651. Musgrove discloses a system that generates product summaries as is claimed. See paragraph 002. It is disclosed that products have different features and/or attributes, see paragraphs 004 and 005. It is disclosed that due to the vast number of features/attributes that are available in each product category, this makes the purchasing decision of a customer very difficult. In paragraph 008 it is noted that it is known in the art to rate the various features/attributes of a product, such as by using a scale of from 1 to 10. The claimed processor is 12, see paragraph 067. The processor is adapted to communicate with at least one information source as claimed. The information sources are disclosed in paragraph 069. A summary generator 10 (generator module) is used to create the summaries for product reviews, see paragraph 069. By connecting to a network 14, the system of Musgrove is able to connect to various sources of information such as a manufacturer database 15 or a vendor database 16. The databases are disclosed in paragraph 069 as being publically accessible databases. Paragraph 069 discloses that information is retrieved from the information sources and is stored in memory for use in generating the product summaries. The information that is retrieved satisfies the claimed "evaluative information". In Musgrove, information regarding product reviews is located and aggregated in memory so that a natural language summary of the collected product reviews can be generated. An aggregator module is inherently part of Musgrove because product review information is being located and aggregated as is claimed. The claimed analyzer module that is adapted to extract evaluative features aggregated by the aggregator module is also disclosed by Musgrove. This is the part of the system

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(programming) that takes the collected information and extracts portions of it for use in generating the product review summaries. Also see figures 2A and 2B that relates to the product summaries that are displayed to users.

Not disclosed by Musgrove is that the aggregator module will aggregate information regarding a user specified product attribute of a product in a product category. Musgrove discloses the collection/aggregation of product reviews but does not disclose that this is done by using a "user specified product attribute".

Zivov discloses a system and method for ranking and recommending products to consumers. Zivov uses a network connection to connect to databases to retrieve product review information to develop a product ranking. In paragraph 011 it is disclosed that a user can select from a category of products and can use attributes to filter the product category. Paragraph 016 discloses the displaying of results that are taking into account the end user preferences. Paragraph 017 discloses that the system of Zivov allows consumers who are facing a large selection of products to make an informed decision about which product will be the best choice for their money. This is the same issue that Musgrove is dealing with and is analogous to Musgrove.

Paragraph 020 discloses the use of attributes when searching for products to display to the user that are in the chosen product category. Paragraph 033 discusses the product categories. In paragraph 036 it is disclosed that the user can conduct market research on a product, such as by looking in the category of digital cameras with an attribute of at least 5 mega pixels and with a budget of \$500 US. Paragraph 037 discloses that a product category is identified so that the proper category can be looked at by the search

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engine. Paragraph 040 discloses the use of a user specified attribute, which is the user specifying the category of digital cameras with the attribute of "at least 5 mega pixels". Paragraph 038 discloses that the user can be linked to product reviews for the products that satisfy the user specified attribute. Zivov discloses that a user can specify a product attribute in a product category, and that the "evaluative information" regarding products that satisfy the specified attribute is located and retrieved for display to the user. It is known in the art to allow a user to specify a product attribute when conducting research for product reviews. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Musgrove with the ability to allow a user to specify a product attribute that is used to locate and retrieve the evaluative information regarding product reviews. The alleged feature that applicant has argued makes the claims patentable is known in the art. Allowing a user to specify a product attribute, such as a camera that has at least 5 mega pixels, or that has a self-timer, or that has video ability is something that would have been obvious to one of ordinary skill in the art. This is so that the user is given relevant results that are directed at the products that the user is interested in. Allowing a consumer to specify a product attribute as claimed would have been obvious in view of Zivov.

For claims 2,13,23, when Musgrove is connecting to the information sources to retrieve product information, this includes the names of products as claimed. Paragraph 087 discloses that a product attribute module 20 builds category information for products. Disclosed is that attribute names are retrieved. Paragraph 094 also discloses that product information is obtained from databases 15,16. This can be done by using a

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crawler. This results in the names of products being aggregated as claimed. Figure 2B also shows that the summary contains the name of the product in the "Intro" section.

Product names are part of Musgrove.

For claims 3,14,24, see paragraph 094 that discloses the use of an automated site searcher. This satisfies what is claimed. A web site is a web site and the descriptive label of "intermediary" adds nothing further to the ability to aggregate names from a site. Musgrove discloses that product information can be obtained by connecting to a network and using an automated site crawler. This is a disclosure to connecting to a web site and a manufacturer web site (server) can reasonably be considered as an intermediary.

For claim 5,16,26, Musgrove discloses the extraction of secondary attributes as claimed and the generating of a summary that is based on the secondary attributes. See Figure 1 and element 30 which is the secondary attribute module. Also see paragraph 058, 072, 113, 147, 201, and 204 where the secondary attributes are discussed.

5. Claims 4,15,25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove et al. (20040225651) in view of Zivov (20070294127) and further in view of Musgrove et al. (20050034071).

It is noted that Musgrove 20050034071 is a 102(b) type of reference as far as a date is concerned and therefore is available as prior art to the instant application.

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For claims 4,15,25, not disclosed by Musgrove '651 is that a plurality of text patterns is used to extract the evaluative features from the evaluative information.

Musgrove '071 discloses a system that is used to locate and retrieve product reviews. While Musgrove '071 is directed at analyzing product reviews, Musgrove does teach the concept of using text patterns when determining what information to extract from any located evaluative information. Musgrove discloses that the act of parsing the product reviews includes the use of text patterns. See paragraph 027-030 where this is discussed. It would have been obvious to one of ordinary skill in the art to provide Musgrove '651 with the use of text patterns as is disclosed by Musgrove '071, so that the system would know what to look for in the located product reviews (evaluative information). The use of text patterns allows the system to review and locate those reviews that contain commentary of interest to a given product. This allows the system to recognize words such as "good, outstanding, better, bad, poor, worse", etc. when found in conjunction with a product feature (product attribute). This is how the system is able to locate reviews that have information that can be extracted and of value in generating the product summaries in Musgrove '651. This would have been obvious to one of ordinary skill in the art.

6. Claims 7-10,18-21,28-31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Musgrove et al. (20040225651) in view of Zivov (20070294127) and further in view of Ruhl et al. (7962461).

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For claims 7,8,18,19,28,29, not disclosed by Musgrove is that the system has an excerpt generator that copies excerpts of the evaluative information for publication, and where a portion of the excerpts are incorporated into the summary for the product.

Ruhl discloses a system and method for locating and aggregating reviews for products. Ruhl discloses that product reviews are obtained from information sources in a very similar manner to that of Musgrove '651. Ruhl discloses that snippets of reviews are made available to users. See column 15, lines 6-25, where it is disclosed that portions of reviews can be displayed to the users and this is referred to as being a snippet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Musgrove with the feature of providing a portion of a review in the form of a snippet, which is an excerpt as claimed. This allows a user to have the ability to actually read a portion of an actual review for the product they are interested in. This would have been obvious to one of ordinary skill in the art when taking into account the teachings of Ruhl et al..

For claims 9,10,20,21,30,31, Ruhl discloses that a link is provided to the text of the evaluative information of the source from which the excerpt was copied. Column 13, lines 42-46 discloses that the summary for the product reviews that is displayed to the user includes a link that can take the user "to the corresponding review". This satisfies what is claimed. It would have been obvious to one of ordinary skill in the art to also include a link as claimed to the text of the evaluative information so that the user can view the review in totality. This feature is disclosed in Ruhl and would have been obvious to also provide to Musgrove.

Response to Arguments

7. Applicant's arguments with respect to claims 1-32 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection. Upon a review of the prosecution history to date, the references cited to date, and upon updating the search as is required of the examiner, the examiner concluded that a new grounds of rejection was necessary in view of the claimed subject matter so that the best and closest prior art was being applied to the claims. The argued limitation of having a user specified product attribute is not persuasive because this concept is already known in the art as is addressed in the current rejection of record.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS RUHL whose telephone number is (571)272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Ruhl/
Primary Examiner, Art Unit 3689