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SCHMEISER, OLSEN & WATTS 22 CENTURY HILL DRIVE SUITE 302 LATHAM, NY 12110			ULRICH, NICHOLAS S	
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RICHARD A. CHAPMAN

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Appeal 2009-010238  
Application 10/751,616<sup>1</sup>  
Technology Center 2100

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Before JOSEPH L. DIXON, THU A. DANG, and  
CAROLYN D. THOMAS, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

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<sup>1</sup> The real party in interest is International Business Machines, Inc.

### STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 47 and 48, which are all the claims remaining in the application, as claims 1-46 are cancelled. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

The present invention relates to the operation and/or the use of data processing systems executing a browser. (Spec., 1:12-13.)

Claim 47 is illustrative and a copy of the claim is appended to this decision.

Appellant appeals the following rejection:

Claims 47 and 48 are rejected under 35 U.S.C. § 103(a) as unpatentable over Shelton (US 5,954,798, Sep. 21, 1999) and Gavrilesco (US Patent Pub. No. 2002/0198941 A1, Dec. 26, 2002).

### ANALYSIS

Our representative claim, claim 47, recites, *inter alia*, “a first user of the user browser identifying . . . by communication via telephone or email from the first user to the second use, information that the first user is unable to locate and desires to obtain.” Independent claim 48 recites a commensurate limitation. Thus, the scope of each of the independent claims includes communicating via telephone or email information unable to locate and/or desires.

**Issue:** Did the Examiner err in finding that the cited art discloses identifying . . . by communication via telephone or email . . . information that the first user is unable to locate, as set forth in claim 47?

Appellant contends that “Gavrilescu, Par. [0003] does not anywhere disclose that the user identifies to the customer representative information that the user is unable to find.” (App. Br. 10.)

The Examiner found that “it is well known in the art that a customer contacts a customer representative by phone or email.” (Ans. 12.)

Based upon our review of the record, we find the weight of the evidence supports the Appellant’s position as articulated in the Briefs.

The Examiner concedes that Shelton fail to show the identifying to a second user via telephone or email step (Ans. 6), and instead relies upon Gavrilescu and well known in the art for this limitation. However, we find that simply asserting that “it is well known in the art that a customer contacts a customer representative by phone or email” is unsupported speculation by the Examiner, which does not amount to a finding supportive of the Examiner’s obviousness conclusion.

Gavrilescu discloses cobrowsing and specifically states that “as one user browses the web with his or her web browser, other users see the same web pages on their web browsers.” (See ¶[0003].) In addition, Gavrilescu discloses that “a customer service representative can cobrowse a merchant’s web site with a customer. The representative may lead the cobrowsing session, showing the customer where certain products are described on the web site.” (*Id.*) Gavrilescu further discloses that “the customer may lead the cobrowsing session, going to various pages on the web site, and asking

the representative questions about the products displayed on those pages.”  
(*Id.*)

Claim 47 recites *identifying . . . by communicating via telephone or email . . . information that the first user is unable to locate and desires to obtain.* (See Claim 47.) In other words, the user in the claimed invention identifies, via telephone or email, the information he/she desires. In contrast, the Examiner has only directed out attention to Gavrilescu’s cobrowsing environment, i.e., all users on their respective computers browsing common web sites. While it seems logical that Gavrilescu’s cobrowsing session *could* have originated first by a telephone call from the customer unable to locate information, this is unsupported speculation by the Examiner, particularly given that Gavrilescu discloses that the merchant may lead the session (i.e., originated the session). We are therefore constrained by the record before us to find that the Examiner erred in rejecting independent claim 47 and independent claim 48 for similar reasons.

Since we agree with at least one of the arguments advanced by Appellant, we need not reach the merits of Appellant’s other arguments. It follows that Appellant has shown that the Examiner erred in finding that the combination of Shelton and Gavrilescu renders claims 47 and 48 unpatentable. Accordingly, we reverse the rejection of claims 47 and 48.

#### DECISION

We reverse the Examiner’s § 103 rejection.

#### REVERSED

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APPENDIX  
Claim 47

47. A method of assisted browser navigation, said method comprising:

a server creating a user context that reflects a context of a session between a user browser and the server;

said server creating a consultant context that reflects a context of a session between a consultant browser and the server;

a first user of the user browser identifying, to a second user of the consultant browser by communication via telephone or email from the first user to the second user, information that the first user is unable to locate and desires to obtain;

responsive to the first user identifying the desired information to the second user, said second user navigating to the desired information using the consultant browser;

responsive to the second user navigating to the desired information, said consultant browser transmitting to the server context information identifying an access to the desired information;

said server receiving the transmitted context information and storing the received context information in the consultant context;

said server receiving from the consultant browser a request for an identifier pertaining to the context information;

said server generating the identifier in response to the received request, said identifier not being a Universal Resource Locator (URL);

after said generating the identifier, said server generating an association relating to the identifier, said association

associating the identifier with the context information by comprising a pointer to the context information;

after said generating the association, said server storing the identifier and the association in a repository coupled to the server and providing the identifier to the consultant browser;

after said server providing the identifier to the consultant browser, said consultant browser providing the identifier to the second user;

after said consultant browser providing the identifier to the second user, said second user providing the identifier to the first user via telephone or email from the second user to the first user;

after said second user providing the identifier to the first user, said user browser receiving the identifier from the first user;

after said user browser receiving the identifier from the first user, said server receiving the identifier from the user browser, wherein said receiving the identifier from the user browser comprises retrieving the identifier from a data entry field of a web page after the user browser has entered the identifier into the data entry field;

after said server receiving the identifier from the user browser, said server identifying the stored identifier in the repository from the received identifier and using the stored association relating to the identifier to identify the context information stored in the consultant context;

after said server using the stored association, said server storing the identified context information in the user context, wherein the server is configured to transmit the context information in the user context to the user browser for enabling the user to access, via the user browser, the desired information.