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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/244,217	01/10/2019	Jonathan HERR	4617-106	1067

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EXAMINER
TRAN, QUOC A

ART UNIT	PAPER NUMBER
2177	

NOTIFICATION DATE	DELIVERY MODE
03/07/2019	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):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 16/244,217	Applicant(s) HERR et al.	
	Examiner QUOC A TRAN	Art Unit 2177	AIA (FITF) Status Yes

-- 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 MONTHS 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 01/10/2019.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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) 28-47 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 28-47 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☑ The specification is objected to by the Examiner.

11)☑ The drawing(s) filed on 01/10/2019 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).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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) ☑ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date 01/10/2019.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA. This is a **Non-Final Office Action** to Applicant's Preliminary amendments filed 01/10/2019; claims priority from Provisional Application 62200261, filed 08/03/201 (US Patent 10,216,715 issued 02/26/2019). Claims 1-27are cancelled. Claims 28-47 are pending. Claim(s) 28-47 are new. Claims 28, 37 and 45 are independent claims.

In addition, Examiner acknowledges the amendments to the specifications (replace paragraph [0001] filed 01/10/2019.) Also Examiner acknowledges the petition "Track I" (Granted 02/14/2019).

In addition, in the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

Information Disclosure Statement

The information disclosure statement IDS(s) submitted on 01/10/219 is/are in-compliance with the provisions of 37 C.F.R. 1.97. Accordingly, the IDS(s) is/are being considered by the examiner.

Specification

The specification is objected to as **failing to provide proper antecedent basis** for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim(s) 28, 37 and 45 recited the amended limitations said, "**Improving...**" the specification is silenced of this term. Thus the claims is failing to provide proper antecedent basis for the claimed subject matter.

Specification

There is **no substitute specification** filed 01/10/2019, regarding the amended to the current specification in Para 3 pages 2-3; which does not conform to 37 CFR 1.125(b) and (c) because: *a clean copy of the substitute specification has not been supplied* (in addition to the marked-up copy) (see the current specification para 3 for details. (See also See MPEP § 714.20 regarding entry of amendments which include an unacceptable substitute specification.)

Please noted, 37 CFR 1.125(b) applies to a substitute specification voluntarily filed by the applicant. Subject to the provisions of 37 CFR 1.312, a substitute specification, **excluding claims,** may be voluntarily filed by the applicant at any point up

to the payment of the issue fee provided it is accompanied by a statement that **the substitute specification includes no new matter**. The Office will accept a substitute specification voluntarily filed by the applicant if the requirements of 37 CFR 1.125(b) are satisfied.

Double Patenting

The ***nonstatutory double patenting rejection*** is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either ***anticipated by, or would have been obvious over***, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In *re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 28-44 and 46 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **Claims 1-25** of U.S. Patent **10,216,715** issued 02/26/2019 to Patent Application 15/227,093 filed 08/03/2016 to a provisional 62/200,261 filed 08/03/2015 (hereinafter, "Patent '715").

Although the conflicting claims ***are not identical,*** but ***they are not patentably distinct from each other*** because they are both exhibiting similar a method for suggesting revisions to a document-under-analysis ("DUA") from a seed database… and creating a first edited SUA (first "ESUA") by applying to the SUA the determined first set of one or more edit operations according to the first alignment…

As analyze by the Examiner (see the claim(s) comparison for details), it would have been obvious to one of ordinary skill in the art at the time of the invention to reasonably interprets the current patent application, said method for suggesting revisions to a document-under-analysis ("DUA") from a seed database… and creating a first edited SUA (first "ESUA") by applying to the SUA the determined first set of one or more edit operations according to the first alignment…particularly the imitations said …***obtaining a first candidate final text associated with the selected first candidate original text; determining a first set of one or more edit operations that convert the first SUA to the first final text; and, creating a first edited SUA (first "ESUA")***

by applying to the SUA one or more edit operations from the first set of one or more edit operations according to the first alignment; in the BRI (Broadest Reasonable Interpretation); is conceptually the same invention as method for suggesting revisions to a document-under-analysis ("DUA") from a seed database... and creating a first edited SUA (first "ESUA") by applying to the SUA the determined first set of one or more edit operations according to the first alignment... wherein determining a first set of one or more edit operations that convert the first candidate original text to the first candidate final text according to the first alignment; and creating a first edited SUA (first "ESUA") by applying to the SUA the determined first set of one or more edit operations according to the first alignment....of Patent '715.

Thus they are both exhibiting similar method for determining a first set of one or more edit operations that convert the first candidate original text to the first candidate final text according to the first alignment; and creating a first edited SUA (first "ESUA") by applying to the SUA the determined first set of one or more edit operations according to the first alignment...

Please noted: A terminal disclaimer may be effective to overcome an obviousness-type double patenting rejection over a pending application (37 CFR 1.321(b) and (c)). The USPTO internet Web site contains terminal disclaimer forms which may be used. ***Please visit http://www.uspto.gov/forms/.*** The filing date of the application will determine what form should be used. A web-based ***eTerminal Disclaimer may be filled out completely online using web-screens***. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately

upon submission. For more information about eTerminal Disclaimers, refer to

http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

The Claims are comparing as following:

- Claim(s) 28-44 and 46 of current application and the Patent '715 are compared as follows,

Current Application	**Patent '715**
Claim(s) 28-44 and 46	Claim(s) 1-25
A computer implemented method for improving revision of text data, the method comprising: obtaining an electronic document-under analysis ("DUA");	A method for suggesting revisions to a document-under-analysis ("DUA") from a seed database, the seed database comprising a plurality of original texts each respectively associated with one of a plurality of final texts, the method for suggesting revisions comprising:
tokenizing the DUA into one or more statements-under-analysis ("SUAs"); selecting a first SUA of the one or more SUAs;	tokenizing the DUA into a plurality of statements-under-analysis ("SUAs"); selecting a first SUA of the plurality of SUAs;
generating a first similarity score for each of a plurality of original texts, the similarity score representing a degree of similarity between the first SUA and each of the original texts, respectively;	generating a first similarity score for each of the plurality of the original texts, the similarity score representing a degree of similarity between the first SUA and each of the original texts, respectively;
selecting a first candidate original text of the plurality of the original texts;	selecting a first candidate original text of the plurality of the original texts; aligning the first SUA with the first candidate original text according to a first alignment;
aligning the first SUA with the first candidate original text according to a first alignment;	aligning the first candidate original text with a first candidate final text associated

obtaining a first candidate final text associated with the selected first candidate original text; determining a first set of one or more edit operations that convert the first SUA to the first final text; and, creating a first edited SUA (first "ESUA") by applying to the SUA one or more edit operations from the first set of one or more edit operations according to the first alignment. (See Claim 1)	with the first candidate original text according to the first alignment; *determining a first set of one or more edit operations that convert the first candidate original text to the first candidate final text according to the first alignment; and creating a first edited SUA (first "ESUA") by applying to the SUA the determined first set of one or more edit operations according to the first alignment*. (See Claim 1)
Claims 4-6, 8-12 and 14-21	Claims 2-11

Allowable Subject Matter

Claim(s) 28-44 and 46 would be allowable if rewritten and/or filling "Terminal Disclaimer" to overcome the obviousness-type double patenting rejection over a pending application and correcting the antecedent basis for the claimed subject matter in this paper.

Claims Rejection – 35 U.S.C. 103

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

> ***A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102 of this title, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.***

Claims 45 and 47 rejected under 35 U.S.C. 103 as being unpatentable over **Thirumalai** et al, ("US 008046372 B1" -filed 05/25/2007-Pub 10/25/2011 [hereinafter "Thirumalai"], in view of **Procopio** et al., ("US 008886648 B1" -filed 01/31/2012 [hereinafter "Procopio"].

Independent Claim 45, *Thirumalai teaches:* **A computer implemented method for improving revision of text data, the method comprising: transmitting a first DUA over a network, and, receiving a second DUA over the network,** *(In Thirumalai, column 5 lines 5-30,* describing the improve the precision (i.e., the accuracy of identifying only true duplicates), after aggressively identifying candidate documents, filters may be applied to "weed out" the non-duplicate candidate documents.

In addition, *Thirumalai in column 2, lines 30-60, describing consumer computers, connect to the host server to access the electronic marketplace via a network 110; that determining whether a received document is a duplicate of another document in a document corpus, such that the first document and the another document describe the same or substantially similar subject matter).*

the second DUA comprising: one or more identified statements-under-analysis ("SUAs"), and an indication of a suggested revision to a first SUA of the one or more tokenized SUAs, wherein the first SUA has a similarity score with a first candidate original text, wherein the first candidate original text is associated with a first candidate final text, the first SUA has a first alignment with the first candidate original text (*Thirumalai the Abstract and in column 2, liens 35-601, describing a first document: generate a set of tokens for the first document, each token in the set of tokens representing a series of characters found in the first document, and execute a relevance search on a token index, the token index comprising an index of tokens corresponding to strings in the documents of the document corpus, wherein the relevance search returns a set of candidate documents with scores for each candidate document. For each candidate document with a score above a threshold, the computing system performs filtering on the candidate document to determine whether the subject matter of the candidate document is substantially similar to the subject matter of the first document, and disqualify the candidate document they are not substantially similar. The computing system then provides a set of candidate documents with a score above the threshold …Moreover in Thirumalai, column 6n lines 37-55, mentions finally, as suggested, the duplicate identification component 408 identifies potential duplicates, referred to as candidate duplicate documents or, more simply, candidate documents, of a given document in the document corpus 310….)*

In the BRI (Broadest Reasonable Interpretation] and supports in the current specifications Para(s) 32-33; it is Reasonable Interpretation Thirumalai's the relevance search returns a set of candidate documents with scores for each candidate document.

For each candidate document with a score above a threshold, the computing system performs filtering on the candidate document to determine whether the subject matter of the candidate document is substantially similar to the subject matter of the first document, and disqualify the candidate document they are not substantially similar; which is conceptually similar to … the first SUA has a similarity score with a first candidate original text, wherein the first candidate original text is associated with a first candidate final text, the first SUA has a first alignment with the first candidate original text ….as claimed.

Thirumalai does not teach expressly… **the suggested revision to the first SUA comprises an application of one or more edit operations, the one or more edit operations being from a first set of one or more edit operations that convert, according to the first alignment, the first SUA to the first final text.**

However, the combination of *Thirumalai and* Procopio teaches these limitations *(See Procopio, the Abstract, describing method for.. generating similarity scores based on the weight of a topic in the source document and a weight of the same topic in each document within the set of documents having that topic, and selecting a subset of documents from the set of documents based on the similarity scores. In addition, Procopio, Column 5 line 20 through column 6 line 45. Also column 7 lines 40 through column 8 lines 62, describing a similarity score may, for example, be generated by computing a sum of products (e.g., a cosine similarity) of topic weights in a source document and respective weights in document within a document set (i.e., original document and final document in the BRI as SUA…) Moreover, Procopio in column 11,*

lines 15-30, further mentions documents associated with millions of individual users in real-time. Individual users, for example, may each store, edit, modify, and otherwise manipulate thousands of documents. In some aspects of the present disclosure, generation, calculation, computation, determination and other methods and system operations discussed herein may be completed in parallel, simultaneously or in real-time for millions of individual users worldwide and/or globally).

In the BRI, Procopio's a cosine similarity of topic weights in a source document and respective weights in document within a document set, which reasonably to interpret as equivalent to … the suggested revision to the first SUA …edit operations that convert, according to the first alignment, the first SUA to the first final text …as claimed.

Accordingly, it would have been obvious to one having ordinary skill in the art **at the time before the effective filing date of the claimed invention was made** to modify Thirumalai's identifying duplicate documents (text, terms, word...), to include a means of said… the suggested revision to the first SUA comprises an application of one or more edit operations, the one or more edit operations being from a first set of one or more edit operations that convert, according to the first alignment, the first SUA to the first final text as taught by Procopio; to improve the precision (i.e., the accuracy of identifying only true duplicates), after aggressively identifying candidate documents, filters may be applied to "weed out" the non-duplicate candidate documents [In Thirumalai Para 13]. It is noted the KSR ruling recommends references directed to similar subject matter to be combined.

Claim 47, *is/*are fully incorporated similar subject of claim 45 cited above, and is similarly rejected along the same rationale. Also see Thirumalai in column 3, liens 45-67 and column 4 lines 1-10, describing a tangible computer-readable medium *storing instructions configured to cause a computer to perform various functions*.

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUOC A TRAN whose telephone number is (571)272-8664. The examiner can normally be reached on Monday-Friday.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cesar Paula can be reached on 571-272-4128. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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.

/QUOC A TRAN/
Primary Examiner, Art Unit 2177