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| UTILITY PATENT APPLICATION TRANSMITTAL <small>(ONLY FOR NEW NONPROVISIONAL APPLICATIONS UNDER 37 CFR 1.53(B))</small> | Attorney Docket No. | M1103.70799US01 |
| | First Inventor | Matthew B. Maclaurin |
| | Title | SELECTION-BASED ITEM TAGGING |
| | Express Mail Label No. | |

| | |
|---|---|
| APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents. | ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 |
|---|---|

1. **Fee Transmittal Form** (e.g., PTO/SB/17)
2. **Applicant claims small entity status.**
See 37 CFR 1.27.
3. **Specification** [Total Pages 24]
Both the claims and abstract must start on a new page
(For information on the preferred arrangement, see MPEP 608.01(a))
4. **Drawing(s)** (35 U.S.C. 113) [Total Sheets 13]
5. **Oath or Declaration** [Total Sheets 2]
 - a. Newly executed (original or copy)
 - b. A copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the
prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. **Application Data Sheet.** See 37 CFR 1.76
7. **CD-ROM or CD-R** in duplicate, large table or
Computer Program (Appendix)
 Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, items a. - c. are required)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. **Assignment Papers** (cover sheet & document(s))
Name of Assignee
10. **37 CFR 3.73(b) Statement** **Power of Attorney**
(when there is an assignee)
11. **English Translation Document** (if applicable)
12. **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
 Copies of citations attached
13. **Preliminary Amendment**
14. **Return Receipt Postcard** (MPEP 503)
(Should be specifically itemized)
15. **Certified Copy of Priority Document(s)**
(if foreign priority is claimed)
16. **Nonpublication Request** under 35 U.S.C.122 (b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or equivalent.
17. **Other:**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:


Continuation Divisional Continuation-in-part (CIP) of prior application No.: 11/193586

Prior application information: Examiner Eric A. Wiener Art Unit: 2179

19. CORRESPONDENCE ADDRESS

The address associated with Customer Number: 45840 OR Correspondence address below

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| Country | Telephone | Email | |

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|-------------------|---|-----------------------------------|--------------------|
| Signature |  | Date | September 21, 2010 |
| Name (Print/Type) | Andrew J. Tibbetts | Registration No. (Attorney/Agent) | 65,139 |

Application Data Sheet

Application Information

| | |
|----------------------------------|------------------------------|
| Application Type:: | Regular |
| Subject Matter:: | Utility |
| Suggested Group Art Unit:: | 2179 |
| CD-ROM or CD-R?:: | None |
| Sequence submission?:: | None |
| Computer Readable Form (CRF)?:: | No |
| Title:: | SELECTION-BASED ITEM TAGGING |
| Attorney Docket Number:: | M1103.70799US01 |
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| Request for Non-Publication?:: | No |
| Total Drawing Sheets:: | 13 |
| Small Entity?:: | No |
| Petition included?:: | No |
| Secrecy Order in Parent Appl.?:: | No |

Applicant Information

| | |
|----------------------------------|--|
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Correspondence Information

Correspondence Customer Number:: 45840

Representative Information

Representative Customer Number:: 45840

Domestic Priority Information

| Application:: | Continuity Type:: | Parent Application:: | Parent Filing Date:: |
|------------------|-------------------|----------------------|----------------------|
| This Application | Continuation of | 11/193586 | 07/29/05 |

Foreign Priority Information

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State or Province of mailing address:: WA
Postal or Zip Code of mailing address:: 98052-6399

PATENT APPLICATION

DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO. MSFTP1033US

MS DOCKET NO. MS312979.01

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SELECTION-BASED ITEM TAGGING the specification of which is filed herewith unless the following box is checked:

(√) was filed on July 29, 2005 as US Application Serial No. or PCT International Application Number 11/193,586 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

| COUNTRY | APPLICATION NUMBER | DATE FILED | PRIORITY CLAIMED UNDER 35 U.S.C. 119 |
|---------|--------------------|------------|--------------------------------------|
| | | | YES: ___ NO: ___ |
| | | | YES: ___ NO: ___ |

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) associated with

Customer No. **27195**

to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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MS DOCKET NO. MS312979.01

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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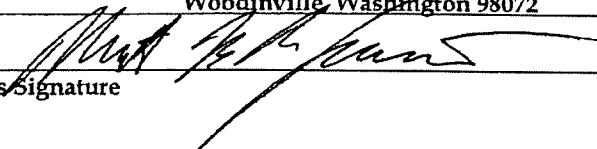
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Date

10/18/2005

SELECTION-BASED ITEM TAGGING

RELATED APPLICATIONS

[0001] This application is a continuation of, and accordingly claims the benefit under 35 U.S.C. § 120 of, U.S. Patent Application No. 11/193,586, entitled “Selection-based item tagging,” which was filed in the U.S. Patent and Trademark Office on July 29, 2005.

BACKGROUND

[0002] With the proliferation of computing devices has come a dramatic increase in available information that seems to be exponentially growing each year. This requires that storage technology keep pace with the growing demand for data storage. Vast amounts of data can now be stored on very small devices that are easily transported and accessible almost anywhere in the world via the Internet. Data retrieval techniques have expanded in scale to also meet the growth of stored data. Advances in search engines and other ‘data mining’ techniques facilitate in the extraction of relevant data. Easy retrieval of information is paramount in the utilization of stored data. The harder the data is to retrieve, the more likely it will not be accessed and utilized. On the far end of the retrieval spectrum, if the data cannot be found and retrieved at all, then technology has failed despite the ability to store the data. Its value will lie dormant until technology once again advances to allow full access to the data.

[0003] Frequently, it is the timeliness of the information that makes its value substantial. The value of retrieving information at a desired point in time can be profound. A doctor operating on a patient may need access to additional surgical procedures or patient information during the surgery – making information retrieval a possible life and death action at that moment. Although this is an extreme example, it shows that the patient information, such as allergies to medicines, may be of a much lesser value to the doctor after the surgery should the patient die on the operating table due to an allergic reaction. Thus, having vast amounts of data is of little value if the data is not organized in some fashion to allow its retrieval. Therefore, data storage techniques such as databases utilize various methods to store the data so that it can be

retrieved easily. Database search engines also utilize different techniques to facilitate in increasing the speed of data retrieval.

[0004] Most people familiar with an office environment will readily recognize an office filing cabinet. It typically has four or five drawers that contain paper files that are stored in folders inside the cabinet. This office concept of organizing was carried over into the computer realm in order to more easily transition new users to computer technology. Thus, typically, computer files are stored in folders on a computer's hard drive. Computer users organize their files by placing related files in a single folder. Eventually, this too became unwieldy because a folder might have several hundred or even a thousand files. So, users began to use a hierarchy of folders or folders-within-folders to further breakdown the files for easier retrieval. This aided retrieval but also required users to "dig" deeply into the folders to extract the folder with the desired information. This was frequently a daunting task if there were large hierarchies of folders.

[0005] The folder concept, however, is often challenged by those users who do not agree that an item only belongs to a single folder. They frequently desire to associate a file with several folders to make it easier to find. Some just copy a file into different folders to alleviate the problem. That, however, uses more storage space and, thus, is not highly desirable for large quantities of information. To circumvent this, users have begun to "mark" or "tag" the files or data to indicate an association rather than placing them in a folder. A tag is generally an arbitrary text string associated with an item that is utilized to recall that item at a later time. By tagging the item, the user is not required to place it in a folder and force it into a single category. A user has the flexibility of tagging and, thus, associating different types of items such as graphics, text, and/or data and the like. It also allows a user to apply multiple tags to the same item. Thus, a user can tag a picture of a mountain as a 'vacation picture' to enable recalling it as a vacation photo and also as 'desktop wallpaper' to enable recalling it as a background image on a computer screen. This is accomplished without requiring the actual item to be moved or placed into a folder, etc.

[0006] Despite the apparent power and flexibility afforded by tagging in contrast to utilizing folders, the folder concept still dominates most of today's computer users. The folder concept is easy to understand and to implement. It is "intuitive" for those who work or have worked in office environments and only

requires a user to drag and drop an item into a folder to associate it with other items. In sharp contrast, current tagging techniques are cumbersome and require a user to dig deeply into associated data of the item, typically requiring opening several computer windows and having 'expert-like' knowledge in order to correctly tag the item. For these reasons, tagging has *not* been well received by most users, despite its powerful potential. To overcome a user's unwillingness to utilize complicated implementation procedures, tagging has to be as intuitive and easy as the folder concept. Only then will users begin to embrace tagging as a replacement for the filing concept that originated from the traditional office environment.

SUMMARY

[0007] The following presents a simplified summary of the subject matter in order to provide a basic understanding of some aspects of subject matter embodiments. This summary is not an extensive overview of the subject matter. It is not intended to identify key/critical elements of the embodiments or to delineate the scope of the subject matter. Its sole purpose is to present some concepts of the subject matter in a simplified form as a prelude to the more detailed description that is presented later.

[0008] The subject matter relates generally to information retrieval, and more particularly to systems and methods for tagging items based on user selections of items. The item selections along with user inputs are leveraged to provide users with automated item tagging with minimal impact to the user, allowing easy recall of the tagged items at another time. Further user interaction with additional windows and other interfacing techniques are *not* required to save the tag with the item. Thus, for example, the user can select items and begin typing a tag which is automatically associated with the selected items. In other instances, tagging suggestions can be supplied based on a user's selection. For example, if the items selected are known to be dog related, a tag of "dog" can be suggested to the user based on the selection of the dog related items. In another instance, tagging suggestions can be dynamically supplied based on a user's input action. For example, if a user types "gr," a tag of "graphics" can be suggested to the user. Tagging suggestions can also be formulated automatically based on user data *and/or* tags and the like associated with selections by an external source. For example, if a user is determined to be a doctor, medical related terminology tag sets can be downloaded from the Internet and included in the

supplied tag suggestions. Thus, the systems and methods herein provide an extremely convenient manner in which to add tags to items and can, if desired, employ machine learning to facilitate tag determination. This increases the value of the tagged items by providing greater item access flexibility and allowing multiple associations (or tags) with each item.

[0009] To the accomplishment of the foregoing and related ends, certain illustrative aspects of embodiments are described herein in connection with the following description and the annexed drawings. These aspects are indicative, however, of but a few of the various ways in which the principles of the subject matter may be employed, and the subject matter is intended to include all such aspects and their equivalents. Other advantages and novel features of the subject matter may become apparent from the following detailed description when considered in conjunction with the drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

[0010] FIG. 1 is a block diagram of a selection-based tagging system in accordance with an aspect of an embodiment.

[0011] FIG. 2 is another block diagram of a selection-based tagging system in accordance with an aspect of an embodiment.

[0012] FIG. 3 is yet another block diagram of a selection-based tagging system in accordance with an aspect of an embodiment.

[0013] FIG. 4 is an illustration of a user interface with selected items in accordance with an aspect of an embodiment.

[0014] FIG. 5 is an illustration of a user interface with a tag input by a user for selected items in accordance with an aspect of an embodiment.

[0015] FIG. 6 is an illustration of a user interface showing a user input tag added to an item tag list in accordance with an aspect of an embodiment.

[0016] FIG. 7 is an illustration of a user interface displaying items with a specific item tag in accordance with an aspect of an embodiment.

[0017] FIG. 8 is an illustration of a user interface with a suggested tag in response to a user input in accordance with an aspect of an embodiment.

[0018] FIG. 9 is a flow diagram of a method of facilitating item tagging in accordance with an aspect of an embodiment.

[0019] FIG. 10 is another flow diagram of a method of facilitating item tagging in accordance with an aspect of an embodiment.

[0020] FIG. 11 is yet another flow diagram of a method of facilitating item tagging in accordance with an aspect of an embodiment.

[0021] FIG. 12 illustrates an example operating environment in which an embodiment can function.

[0022] FIG. 13 illustrates another example operating environment in which an embodiment can function.

DETAILED DESCRIPTION

[0023] The subject matter is now described with reference to the drawings, wherein like reference numerals are used to refer to like elements throughout. In the following description, for purposes of explanation, numerous specific details are set forth in order to provide a thorough understanding of the subject matter. It may be evident, however, that subject matter embodiments may be practiced without these specific details. In other instances, well-known structures and devices are shown in block diagram form in order to facilitate describing the embodiments.

[0024] As used in this application, the term “component” is intended to refer to a computer-related entity, either hardware, a combination of hardware and software, software, or software in execution. For example, a component may be, but is not limited to being, a process running on a processor, a processor, an object, an executable, a thread of execution, a program, *and/or* a computer. By way of illustration, both an application running on a server and the server can be a computer component. One or more components may reside within a process *and/or* thread of execution and a component may be localized on one computer *and/or* distributed between two or more computers. A “thread” is the entity within a process that the operating system kernel schedules for execution. As is well known in the art, each thread has an associated “context” which is the volatile data associated with the execution of the thread. A thread’s context includes the contents of system registers and the virtual address belonging to the thread’s process. Thus, the actual data comprising a thread’s context varies as it executes.

[0025] Ad-hoc item tags are simple text-based strings that are a useful form of organization for end users. Existing systems today that apply tags require cumbersome dialog boxes *and/or* menus that interrupt the user’s thought process and

work flow. The systems and methods herein provide an improved user interface for applying tags automatically when the user has made a selection of items to be tagged *and/or* provides an input such as, for example, typing any character on a keyboard. Tags can be added to items without entering a complex mode *and/or* substantially interrupting current activity. The type of tag that the user is typing is determined based on factors that can include the item selected, other tags applied to similar items *and/or* used recently, *and/or* the most commonly used tags and the like. In one instance, if the user has selected one or more items and begins to type, tagging mode is entered automatically and a tag buffer collects key strokes to facilitate determination of the tag type.

[0026] In FIG. 1, a block diagram of a selection-based tagging system 100 in accordance with an aspect of an embodiment is shown. The selection-based tagging system 100 is comprised of a selection-based tagging component 102 that interfaces with a user 104 and an item source 106. The selection-based tagging component 102 interacts with the user 104 and provides a means for the user 104 to select items from the item source 106. When a selection is detected by the selection-based tagging component 102, it 102 provides the user with a suggested tag for that selection. In other instances, the selection-based tagging component 102 can wait for the user 104 to provide an input subsequent *and/or* prior (if associated with the subsequent selection) to the selection before the selection-based tagging component 102 responds with a suggested tag. In that scenario, the selection-based tagging component 102 can respond dynamically to the user's input and relay tag suggestions as the user 104 provides inputs. For example, the selection-based tagging component 102 can respond with tag suggestions that utilize each character that the user 104 types into a keyboard, providing a list of tag suggestions that utilize at least some of the typed characters. The selection-based tagging component 102 can also provide tag suggestions by heuristically determining the tag based on a selected item, a tag associated with a similar item, a recently utilized tag, a commonly used tag, a rule-based criterion, *and/or* a heuristic-based criterion. The input provided by the user 104 can be a mouse click, a keyboard keystroke as mentioned, a visual indicator (*e.g.*, eye scanning techniques that determine where and at what a user is looking), *and/or* an audible indicator (*e.g.*, verbal commands and the like to instruct a computing device what to select, what to input, and what choices to select, *etc.*). The item source 106 can be a local *and/or* remote depository of data and the like. Typically, databases are

utilized for information storage and retrieval. The tags provided by the user 104 and generated by the selection-based tagging component 102 can be stored with the associated data in the item source 106 if desired. Tags can also be associated on newly created data not yet stored in the item source 106.

[0027] Turning to FIG. 2, another block diagram of a selection-based tagging system 200 in accordance with an aspect of an embodiment is illustrated. The selection-based tagging system 200 is comprised of a selection-based tagging component 202 that interfaces with a user 204 and an item source 206. The selection-based tagging component 202 is comprised of a user interface 208 and a tagging component 210. The user interface 208 provides the user 204 with a means to view *and/or* select items from the item source 206. The user 204 can obtain tag suggestions for item selections from the tagging component 210 *via* the user interface 208. The user 204 can also input tags for a selection of items to the tagging component 210 *via* the user interface 208. The tagging component 210 can also access the item source 206 to locate additional tag information, like tags, other associated tags, *and/or* other associated items and the like to facilitate tag determinations *and/or* storage. When the user 204 selects at least one item *via* the user interface 208, the tagging component 210 determines a suggested tag based on, in part, the selected item itself. It 210 can look for other similar tags that are related to the item and provide those as suggestions. It 210 can also suggest commonly used tags, most recently used tags, *and/or* tags based on user data such as, for example, preferences, profession, work topic (*e.g.*, a graphics designer working on a project is most likely working on ‘graphics,’ *etc.*), *and/or* activity and the like.

[0028] The tagging component 210 can also utilize the user interface 208 to detect when the user 204 is providing an input such as a keystroke *and/or* mouse click and the like (described *supra*). This input which is subsequent *and/or* prior to the selection of the item or items allows the tagging component 210 to attempt guesses for possible tag suggestions for the user 204. For example, if the user 204 inputs a “g,” the tagging component 210 can list possible tags that begin with the letter “g” such as, for example, “graphics,” “group A,” “group B,” “green,” *and/or* “garage” and the like. As the user 204 types more characters (*i.e.*, inputs), the tagging component 210 dynamically responds by providing tag suggestions that can mimic the characters disclosed up to that point. In a similar fashion, if the tagging component 210 recognizes a sequence of characters that has associations other than based directly on

the characters, it 210 can display those tag suggestions as well. For example, the user 204 can type “hom” for home and the tagging component 210 can respond with a tag suggestion that was previously used by the user 204 *and/or* synonymous such as “house” and the like.

[0029] Looking at FIG. 3, yet another block diagram of a selection-based tagging system 300 in accordance with an aspect of an embodiment is depicted. The selection-based tagging system 300 is comprised of a selection-based tagging component 302 that interfaces with a user 304, an item source 306, optional user data 312, optional machine learning 314, and optional external tag sources 316. The selection-based tagging component 302 is comprised of a user interface 308 and a tagging component 310. The user interface 308 interacts with the user 304 to receive *and/or* provide information related to items from the item source 306. The item source 306 can be local *and/or* remote to the interface *and/or* the selection-based tagging component 302. In a typical interaction, the user interface 308 detects a selection of at least one item by the user 304. The information relating to what items are selected is passed to the tagging component 310. The tagging component 310 determines at least one tag suggestion based on various parameters *and/or* data. The user 304 can then respond by selecting a suggested tag *and/or* the user 304 can provide a user input such as, for example, by typing on a keyboard various characters and the like. The user input obtained by the tagging component 310 *via* the user interface 308 is utilized to form additional tag suggestions for relaying to the user 304 *via* the user interface 308. The input based tag suggestions are then utilized by the user 304 to make a tag selection *and/or* the user 304 can directly input a different tag altogether. The selected *and/or* direct input tag is then obtained by the tagging component 310 and utilized to tag the selected items. The utilized tags are then relayed to the user *via* the user interface 308 at appropriate times to facilitate the user 304 in recalling items based on tag information. The tagging component 310 can also directly store the tags with the selected items in the item source 306 if desired.

[0030] The tagging component 310 can also heuristically determine the tag based on a selected item, a tag associated with a similar item, a recently utilized tag, a commonly used tag, a rule-based criterion, *and/or* a heuristic-based criterion. Optional machine learning 314 can also be employed to learn tag suggestions. Optional user data 312 (*e.g.*, user environment data, directly entered by the user 304 data, *and/or* indirectly derived data and the like) can also be utilized by the tagging

component 310 to determine tag suggestions. The tagging component 310 is not limited to only utilizing internally obtained *and/or* local information. Optional external tag sources 316 (*e.g.*, global network connections, local network connections, *and/or* manually entered data and the like) can also be employed to provide additional information to facilitate tag suggestions. For example, if the user 304 is determined to be a lawyer (determined from the optional user data 312), the tagging component 310 can obtain tag information related to attorneys *via* the Internet. The Internet obtained attorney tag list can then be utilized to facilitate in formulating tag suggestions that are more appropriate for that particular user. Optional machine learning 314 can also be employed, in this example, to account for the likelihood that one tag suggestion is better than another. One skilled in the art will appreciate the power and flexibility achievable utilizing the systems and methods described herein over traditional manually entered tags that required a user to 'dig deeply' into file parameters to set tags. Thus, this technology allows the user 304 to just select and type/choose a tag and move on to other work without breaking their concentration.

[0031] Simple text-based strings or tags are a very useful form of organization for users. They allow a variety of items to be easily recalled later utilizing only a single tag. The tag itself is free-form - there is no interpretation of the tag by the computing device. Utilization of tagging has several advantages over traditional folder systems. For one, tagged items can be stored on separate computing devices in different locations. If the computing devices are connected in some manner, retrieval of the items using the tags can be achieved easily. Thus, the retrieval of tagged information is independent of where the items are stored. This is a substantial benefit to users who frequently employ multiple computing devices *and/or* users who have portable computing devices and require easy synchronization of files between devices. Tagging also excels in allowing items to have multiple tags. That is, an item can belong to multiple groups and associations without requiring the item to be moved or copied into many different locations, saving storage space and increasing the value of the item through increased utilization. Tagging is also beneficial for data mining. It allows a system to glean additional knowledge from the tags and also their associations with items that would otherwise not be obtainable. For example, to a computer system, a picture is a grouping of pixels. The computer system cannot necessarily interpret the true meaning or value of the picture. With tags, however,

dates, people, places, and times can be tagged to the picture allowing the computer system to gain more knowledge regarding what the picture represents to the user.

[0032] Despite the great virtues of tags, existing systems which allow users to apply tags, however, require cumbersome dialog boxes *and/or* menus which interrupt the user's thought process and work flow. As a result, these systems have failed to encourage users to use tags regularly, effectively limiting the success of tags as an organizational construct in desktop computer systems. *In sharp contrast*, the systems and methods herein make tagging more natural, less interruptive, easier, and more approachable for end users. Users can add tags to items without entering a complex mode *and/or* substantially interrupting their current activity.

[0033] Tags can be applied without opening a dialog box, menu, *and/or* other selection user interface. This allows smooth transitions to tagging and back to other work. The tags can be applied automatically when a user has made a selection of items to be tagged *and/or* types any character at a keyboard. Tag suggestions can be obtained by heuristically guessing which tag a user is typing based on, for example, the item selected, other tags applied to similar items, other tags that have been used recently, most commonly used tags, *and/or* any other rule-based *and/or* heuristic criteria and the like. For example, if a user is looking for a house, they may tag items with "house" during the day. On the next day, the same user may have forgotten the previous day's tag and start to tag items with "home." Thus, at the moment the user is applying tags, they can be reminded that they previously used "house" instead of "home," saving them from utilizing multiple tags when they did not intend to do so. In this manner, users are reminded of similar tags by automatically and dynamically providing a list of tags that start with the same characters. Moreover, the similarity process can be extended to include similar items rather than just similar tags. So, if a user previously tagged a word processing document with a particular tag, the next word processing document they attempt to tag can prompt a display of the previous document's tag.

[0034] Tagging systems can also utilize tag reconciliation. Tag sets from multiple users can be compared and adjusted, improved, *and/or* added to another tag set and the like. In a similar manner, tags can be mapped to formal taxonomies. For example, if a user is a doctor and a tagging system notices that the user is tagging with terms akin to the medical profession, the tagging system can go to, for example, an online service and retrieve a medical profession tag set *and/or* upload the user's tag

set (with the user's permission). This allows the tagging system, for example, to download all commonly used tags for doctors and to provide relevant tag suggestions to the user.

[0035] The tagging system can contain both automatic tags generated by the tagging system and *explicit* tags from a user. By distinguishing between the two types of tags easily, a user can be alerted to their confidence level with regard to the tags. A user may have high confidence in their explicit tags and lesser confidence in system generated tags. Users may also desire to make system tags their own by accepting them *via* a user interface mechanism. Thus, users may locate documents, for example, without totally agreeing or disagreeing with the tags associated with those documents. If they decide that the system tags are to their liking, they can change them to explicit tags. By doing so, the tagging system can learn from the changes and even employ machine learning techniques to facilitate in providing better tag suggestions. Both agreeing with a system generated tag and disagreeing with a system generated tag, can be utilized to increase the "intelligence" of the tagging system. Likewise, taking no action can also be employed in the learning process.

[0036] As an example user interface, given a display of items, such as the list of files presented in a desktop file window, if the user has selected one or more items utilizing the user interface and begins to type, a light 'tagging mode' can be entered with the following characteristics:

- display a special icon *and/or* text message indicating that tagging is active
- accumulate each key a user types into a "tag buffer"
- use this tag buffer to guess at likely tags
- display the current "best guess" tag in a textual readout associated with the window
- allow a user to choose between "tag guesses" using cursor arrows
- allow a user to choose whether to accept guesses or simply use the buffer as is
- if a user hits the escape key (or similar), exit tagging mode
- if the user hits the enter / return key (or similar), apply the items to the tag

In addition, if an automated tag and an explicit tag (one entered by a user) are both presented to the user, each type of tag can be distinguished utilizing different sizes, fonts, colors, *and/or* symbols and the like. The above user interface characteristics

are meant to be a representative process and one skilled in the art can appreciate that many variations are possible and are still within the scope of the disclosed subject matter herein. In general, once the tags are applied to the selected items, they are automatically utilized by the system to organize and retrieve content.

[0037] Additional examples of user interfaces are shown in FIGs. 4-8 and facilitate to illustrate the ease at which a user can tag selected items. FIG. 4 shows a user interface 400 with selected items 402-406. The user interface 400 has a window 410 that allows a user to select items and another window 408 that shows tags already created. In this example, a user has selected three items 402-406 that they would like to tag. In FIG. 5, a user interface 500 with a tag 502 input by a user for selected items 504-508 are illustrated. The tag 502 is “graphics” and the user input is marked by an icon 510 to indicate to the user that tagging is occurring. For this example, the user has typed “graphics” and when the enter key is pressed on the keyboard, the tag 502 is associated with the selected items 504-508. For FIG. 6, a user interface 600 depicts a user input tag 602 added to an item tag list 604 after a user has entered *and/or* selected the tag 602 for a selection of items (not shown). The tag list 604 allows the user to quickly find items associated with the tags in the list. FIG. 7 shows a user interface 700 displaying items 704 with a specific item tag 702, namely “graphics.” Thus, the user has selected a tag 702 from the tag list, and the resulting associated items 704 are then displayed to the user. FIG. 8 depicts a user interface 800 with a suggested tag “graphics” 802 in response to a user input “gr” 804 for a selected item 806. In this example, the user has typed the letters “gr” on a keyboard and a suggested tag has been provided based on that user input, namely “graphics.” A tagging icon 808 is also displayed during the process to notify the user that a tagging process is occurring.

[0038] In view of the exemplary systems shown and described above, methodologies that may be implemented in accordance with the embodiments will be better appreciated with reference to the flow charts of FIGs. 9-11. While, for purposes of simplicity of explanation, the methodologies are shown and described as a series of blocks, it is to be understood and appreciated that the embodiments are not limited by the order of the blocks, as some blocks may, in accordance with an embodiment, occur in different orders *and/or* concurrently with other blocks from that shown and described herein. Moreover, not all illustrated blocks may be required to implement the methodologies in accordance with the embodiments.

[0039] The embodiments may be described in the general context of computer-executable instructions, such as program modules, executed by one or more components. Generally, program modules include routines, programs, objects, data structures, *etc.*, that perform particular tasks or implement particular abstract data types. Typically, the functionality of the program modules may be combined or distributed as desired in various instances of the embodiments.

[0040] In FIG. 9, a flow diagram of a method 900 of facilitating item tagging in accordance with an aspect of an embodiment is shown. The method 900 starts 902 by detecting a user selection of at least one item on a computing interface 904. The user selection can be achieved, for example, by clicking and dragging a pointing device over an item or set of items, by utilizing verbal (audible) commands to select, *and/or* by utilizing visual cueing such as eye movement detection devices and the like. A user computing interface input is then detected, and the input is utilized as a tag for the item(s) without the necessity of further user interaction 906, ending the flow 908. This allows for quick and easy tagging without costly and time consuming interruptions of the user. It is also intuitive and does not require a lengthy learning curve for proper utilization. The input can be, for example, keystrokes from a keyboard *and/or* another type of input device and the like. This permits a user to select, type, and tag quickly.

[0041] Referring to FIG. 10, another flow diagram of a method 1000 of facilitating item tagging in accordance with an aspect of an embodiment is depicted. The method 1000 starts 1002 by detecting a user selection of at least one item on a computing interface 1004. The user selection can be achieved, for example, by clicking and dragging a pointing device over an item or set of items, by utilizing verbal (audible) commands to select, *and/or* by utilizing visual cueing such as eye movement detection devices and the like. The user is then provided with at least one item tag suggestion in response to the user selection 1006, ending the flow 1008. By automatically providing a tag suggestion in response to a selection, new *and/or* duplicate tags can be avoided *and/or* better tags can be found easily. This helps to prevent a user from using a tag called "home" one day and then a tag called "house" the next day, *etc.* The suggested tag can also be associated tags to make a user aware of several possible choices.

[0042] Looking at FIG. 11, yet another flow diagram of a method 1100 of facilitating item tagging in accordance with an aspect of an embodiment is illustrated.

The method 1100 starts 1102 by detecting a user selection of at least one item on a computing interface and a user computing interface input 1104. Typically, the input is subsequent to the user selection so that the association can be made that the input relates to the selection. *However*, it is possible to provide an input and then associate it with a *subsequent item selection*. Although this technique is unlikely, it is still within the scope of the subject matter disclosed herein. The user is then provided with at least one item tag suggestion in response to the user input 1106, ending the flow 1108. The tag suggestion is typically dynamically generated as the input is obtained. For example, tag suggestions are provided as a user types characters on a keyboard as the input. The more characters, the more focused the tag suggestions become. This facilitates a user in speeding up the process of finding appropriate tags for the selected items with minimal user impact.

[0043] In order to provide additional context for implementing various aspects of the embodiments, FIG. 12 and the following discussion is intended to provide a brief, general description of a suitable computing environment 1200 in which the various aspects of the embodiments may be implemented. While the embodiments have been described above in the general context of computer-executable instructions of a computer program that runs on a local computer *and/or* remote computer, those skilled in the art will recognize that the embodiments may also be implemented in combination with other program modules. Generally, program modules include routines, programs, components, data structures, *etc.*, that perform particular tasks *and/or* implement particular abstract data types. Moreover, those skilled in the art will appreciate that the inventive methods may be practiced with other computer system configurations, including single-processor or multi-processor computer systems, minicomputers, mainframe computers, as well as personal computers, hand-held computing devices, microprocessor-based *and/or* programmable consumer electronics, and the like, each of which may operatively communicate with one or more associated devices. The illustrated aspects of the embodiments may also be practiced in distributed computing environments where certain tasks are performed by remote processing devices that are linked through a communications network. However, some, if not all, aspects of the embodiments may be practiced on stand-alone computers. In a distributed computing environment, program modules may be located in local *and/or* remote memory storage devices.

[0044] As used in this application, the term “component” is intended to refer to a computer-related entity, either hardware, a combination of hardware and software, software, or software in execution. For example, a component may be, but is not limited to, a process running on a processor, a processor, an object, an executable, a thread of execution, a program, and a computer. By way of illustration, an application running on a server *and/or* the server can be a component. In addition, a component may include one or more subcomponents.

[0045] With reference to FIG. 12, an exemplary system environment 1200 for implementing the various aspects of the embodiments include a conventional computer 1202, including a processing unit 1204, a system memory 1206, and a system bus 1208 that couples various system components, including the system memory, to the processing unit 1204. The processing unit 1204 may be any commercially available or proprietary processor. In addition, the processing unit may be implemented as multi-processor formed of more than one processor, such as may be connected in parallel.

[0046] The system bus 1208 may be any of several types of bus structure including a memory bus or memory controller, a peripheral bus, and a local bus using any of a variety of conventional bus architectures such as PCI, VESA, Microchannel, ISA, and EISA, to name a few. The system memory 1206 includes read only memory (ROM) 1210 and random access memory (RAM) 1212. A basic input/output system (BIOS) 1214, containing the basic routines that help to transfer information between elements within the computer 1202, such as during start-up, is stored in ROM 1210.

[0047] The computer 1202 also may include, for example, a hard disk drive 1216, a magnetic disk drive 1218, *e.g.*, to read from or write to a removable disk 1220, and an optical disk drive 1222, *e.g.*, for reading from or writing to a CD-ROM disk 1224 or other optical media. The hard disk drive 1216, magnetic disk drive 1218, and optical disk drive 1222 are connected to the system bus 1208 by a hard disk drive interface 1226, a magnetic disk drive interface 1228, and an optical drive interface 1230, respectively. The drives 1216-1222 and their associated computer-readable media provide nonvolatile storage of data, data structures, computer-executable instructions, *etc.* for the computer 1202. Although the description of computer-readable media above refers to a hard disk, a removable magnetic disk and a CD, it should be appreciated by those skilled in the art that other types of media which are readable by a computer, such as magnetic cassettes, flash memory cards,

digital video disks, Bernoulli cartridges, and the like, can also be used in the exemplary operating environment 1200, and further that any such media may contain computer-executable instructions for performing the methods of the embodiments.

[0048] A number of program modules may be stored in the drives 1216-1222 and RAM 1212, including an operating system 1232, one or more application programs 1234, other program modules 1236, and program data 1238. The operating system 1232 may be any suitable operating system or combination of operating systems. By way of example, the application programs 1234 and program modules 1236 can include an item tagging scheme in accordance with an aspect of an embodiment.

[0049] A user can enter commands and information into the computer 1202 through one or more user input devices, such as a keyboard 1240 and a pointing device (*e.g.*, a mouse 1242). Other input devices (not shown) may include a microphone, a joystick, a game pad, a satellite dish, a wireless remote, a scanner, or the like. These and other input devices are often connected to the processing unit 1204 through a serial port interface 1244 that is coupled to the system bus 1208, but may be connected by other interfaces, such as a parallel port, a game port or a universal serial bus (USB). A monitor 1246 or other type of display device is also connected to the system bus 1208 *via* an interface, such as a video adapter 1248. In addition to the monitor 1246, the computer 1202 may include other peripheral output devices (not shown), such as speakers, printers, *etc.*

[0050] It is to be appreciated that the computer 1202 can operate in a networked environment using logical connections to one or more remote computers 1260. The remote computer 1260 may be a workstation, a server computer, a router, a peer device or other common network node, and typically includes many or all of the elements described relative to the computer 1202, although for purposes of brevity, only a memory storage device 1262 is illustrated in FIG. 12. The logical connections depicted in FIG. 12 can include a local area network (LAN) 1264 and a wide area network (WAN) 1266. Such networking environments are commonplace in offices, enterprise-wide computer networks, intranets and the Internet.

[0051] When used in a LAN networking environment, for example, the computer 1202 is connected to the local network 1264 through a network interface or adapter 1268. When used in a WAN networking environment, the computer 1202 typically includes a modem (*e.g.*, telephone, DSL, cable, *etc.*) 1270, or is connected to

a communications server on the LAN, or has other means for establishing communications over the WAN 1266, such as the Internet. The modem 1270, which can be internal or external relative to the computer 1202, is connected to the system bus 1208 *via* the serial port interface 1244. In a networked environment, program modules (including application programs 1234) *and/or* program data 1238 can be stored in the remote memory storage device 1262. It will be appreciated that the network connections shown are exemplary and other means (*e.g.*, wired or wireless) of establishing a communications link between the computers 1202 and 1260 can be used when carrying out an aspect of an embodiment.

[0052] In accordance with the practices of persons skilled in the art of computer programming, the embodiments have been described with reference to acts and symbolic representations of operations that are performed by a computer, such as the computer 1202 or remote computer 1260, unless otherwise indicated. Such acts and operations are sometimes referred to as being computer-executed. It will be appreciated that the acts and symbolically represented operations include the manipulation by the processing unit 1204 of electrical signals representing data bits which causes a resulting transformation or reduction of the electrical signal representation, and the maintenance of data bits at memory locations in the memory system (including the system memory 1206, hard drive 1216, floppy disks 1220, CD-ROM 1224, and remote memory 1262) to thereby reconfigure or otherwise alter the computer system's operation, as well as other processing of signals. The memory locations where such data bits are maintained are physical locations that have particular electrical, magnetic, or optical properties corresponding to the data bits.

[0053] FIG. 13 is another block diagram of a sample computing environment 1300 with which embodiments can interact. The system 1300 further illustrates a system that includes one or more client(s) 1302. The client(s) 1302 can be hardware *and/or* software (*e.g.*, threads, processes, computing devices). The system 1300 also includes one or more server(s) 1304. The server(s) 1304 can also be hardware *and/or* software (*e.g.*, threads, processes, computing devices). One possible communication between a client 1302 and a server 1304 may be in the form of a data packet adapted to be transmitted between two or more computer processes. The system 1300 includes a communication framework 1308 that can be employed to facilitate communications between the client(s) 1302 and the server(s) 1304. The client(s) 1302 are connected to one or more client data store(s) 1310 that can be employed to

store information local to the client(s) 1302. Similarly, the server(s) 1304 are connected to one or more server data store(s) 1306 that can be employed to store information local to the server(s) 1304.

[0054] It is to be appreciated that the systems *and/or* methods of the embodiments can be utilized in item tagging facilitating computer components and non-computer related components alike. Further, those skilled in the art will recognize that the systems *and/or* methods of the embodiments are employable in a vast array of electronic related technologies, including, but not limited to, computers, servers *and/or* handheld electronic devices, and the like.

[0055] What has been described above includes examples of the embodiments. It is, of course, not possible to describe every conceivable combination of components or methodologies for purposes of describing the embodiments, but one of ordinary skill in the art may recognize that many further combinations and permutations of the embodiments are possible. Accordingly, the subject matter is intended to embrace all such alterations, modifications and variations that fall within the spirit and scope of the appended claims. Furthermore, to the extent that the term “includes” is used in either the detailed description or the claims, such term is intended to be inclusive in a manner similar to the term “comprising” as “comprising” is interpreted when employed as a transitional word in a claim.

CLAIMS

What is claimed is:

1. A method for applying tags to files of a file system, the method comprising:
 - operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:
 - detecting, while information regarding one or more files is displayed in a window of a graphical user interface, a selection by a user of at least one particular file of the one or more files;
 - receiving, following detecting of the selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and
 - following detecting of the selection and receiving of the input, displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.
2. The method of claim 1, wherein the series of acts further comprises:
 - in response to a second input from the user selecting a particular tag of the at least one suggested tag displayed in the window, storing the particular tag in association with the at least one particular file.
3. The method of claim 1, wherein the series of acts further comprises:
 - determining the at least one suggested tag based at least in part on the input from the user.
4. The method of claim 3, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on a first tag previously applied to one of the at least one particular file, a second tag

previously applied to a file similar to the at least one particular file, a recently-applied tag, and a commonly-applied tag.

5. The method of claim 3, wherein determining the at least one suggested tag comprises querying an external data source of tags.

6. The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file.

7. The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the user.

8. The method of claim 7, wherein transmitting to the external data source information about the user comprises transmitting information about a user's preferences, profession, a current project on which the user is working, and/or a current activity in which the user is engaging.

9. The method of claim 1, wherein detecting the selection of the at least one particular file while the information regarding one or more files is displayed in a window of a graphical user interface comprises detecting the selection while metadata regarding files stored in a folder of a file system is displayed in the window.

10. At least one computer-readable storage medium encoded with computer-executable instructions that, when executed, cause a computer to carry out a method for applying tags to files of a file system, the method comprising:

displaying information regarding one or more files of a file system in a window of a graphical user interface;

detecting, while the information regarding the one or more files is displayed in the window, a selection by a user of at least one particular file of the one or more files;

receiving, following detecting of the selection and while the information regarding the one or more files is displayed in the window, an input from the user of

one or more characters included in a tag that the user desires to apply to the at least one particular file;

following detecting of the selection and receiving of the input, determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;

displaying in the window the at least one suggested tag to be applied to the at least one particular file; and

in response to detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

11. The at least one computer-readable storage medium of claim 10, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on a first tag previously applied to one of the at least one particular file, a second tag previously applied to a file similar to the at least one particular file, a recently-applied tag, and a commonly-applied tag.

12. The at least one computer-readable storage medium of claim 10, wherein the method further comprises:

generating an automatic tag based at least in part on an analysis of content of a file;

storing the automatic tag in association with the file; and

displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the file by the user.

13. The at least one computer-readable storage medium of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:

displaying to the user each tag associated with the file and, for each tag, an associated confidence level of the tag, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

14. The at least one computer-readable storage medium of claim 13, further comprising:

monitoring user interaction with automatic tags associated with files; and

learning, based at least in part on the user interaction, information about user preferences regarding tags; and

generating at least one additional tag based at least in part on the information about user preferences regarding tags.

15. The at least one computer-readable storage medium of claim 10, wherein determining the at least one suggested tag comprises determining a suggested tag that includes all of the one or more characters of the input from the user.

16. An apparatus configured to apply tags to files of a file system, the apparatus comprising:

a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a first selection of files, input regarding desired tags, and a second selection of tags; and

at least one processor programmed to:

detect, while information regarding one or more files is displayed in a window of the user interface, the first selection of at least one particular file of the one or more files;

receive, following detection of the first selection and while the information regarding the one or more files is displayed in the window, the input from a user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and

following detection of the first selection and reception of the input, display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

17. The apparatus of claim 16, wherein the at least one processor is further programmed to:

determine the at least one suggested tag based at least in part on the input from the user.

18. The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by determining the at least one suggested tag based at least in part on a first tag previously applied to one of the at least one particular file, a second tag previously applied to a file similar to the at least one particular file, a recently-applied tag, and a commonly-applied tag.

19. The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by querying an external data source of tags.

20. The apparatus of claim 19, wherein the at least one processor is programmed to query the external data source of tags at least by transmitting to the external data source information about a user's preferences, profession, a current project on which the user is working, and/or a current activity in which the user is engaging.

ABSTRACT

Item selections along with user inputs are leveraged to provide users with automated item tagging. Further user interaction with additional windows and other interfacing techniques are *not* required to tag the item. In one example, a user selects items and begins typing a tag which is automatically associated with the selected items without further user action. Tagging suggestions can also be supplied based on a user's selection, be dynamically supplied based on a user's input action, *and/or* be formulated automatically based on user data *and/or* tags and the like associated with selections by an external source. Machine learning can also be utilized to facilitate in tag determination. This increases the value of the tagged items by providing greater item access flexibility and allowing multiple associations (or tags) with each item.

100 ↗

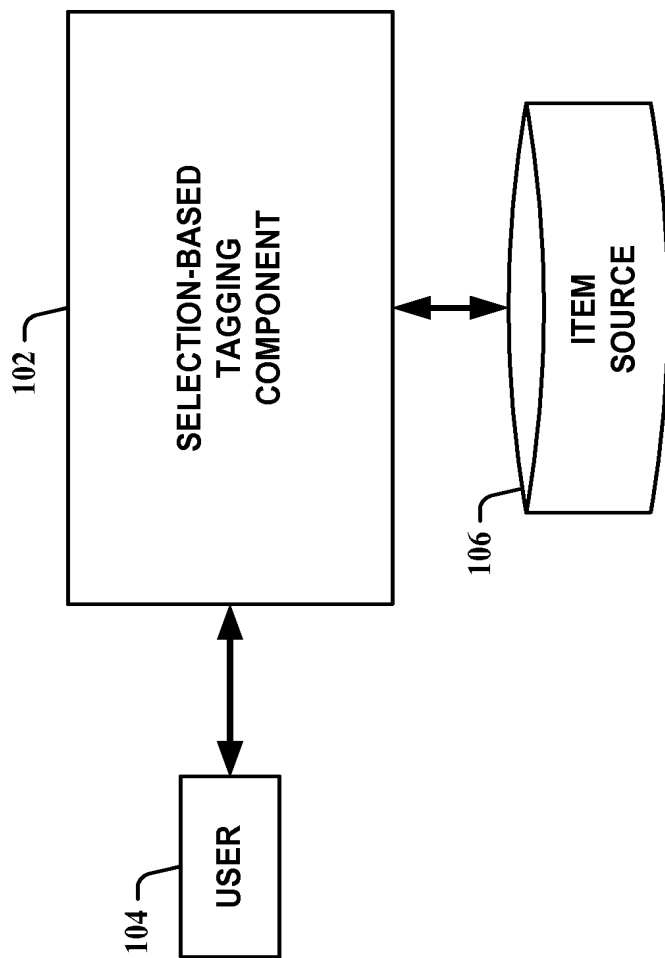


FIG. 1

200 →

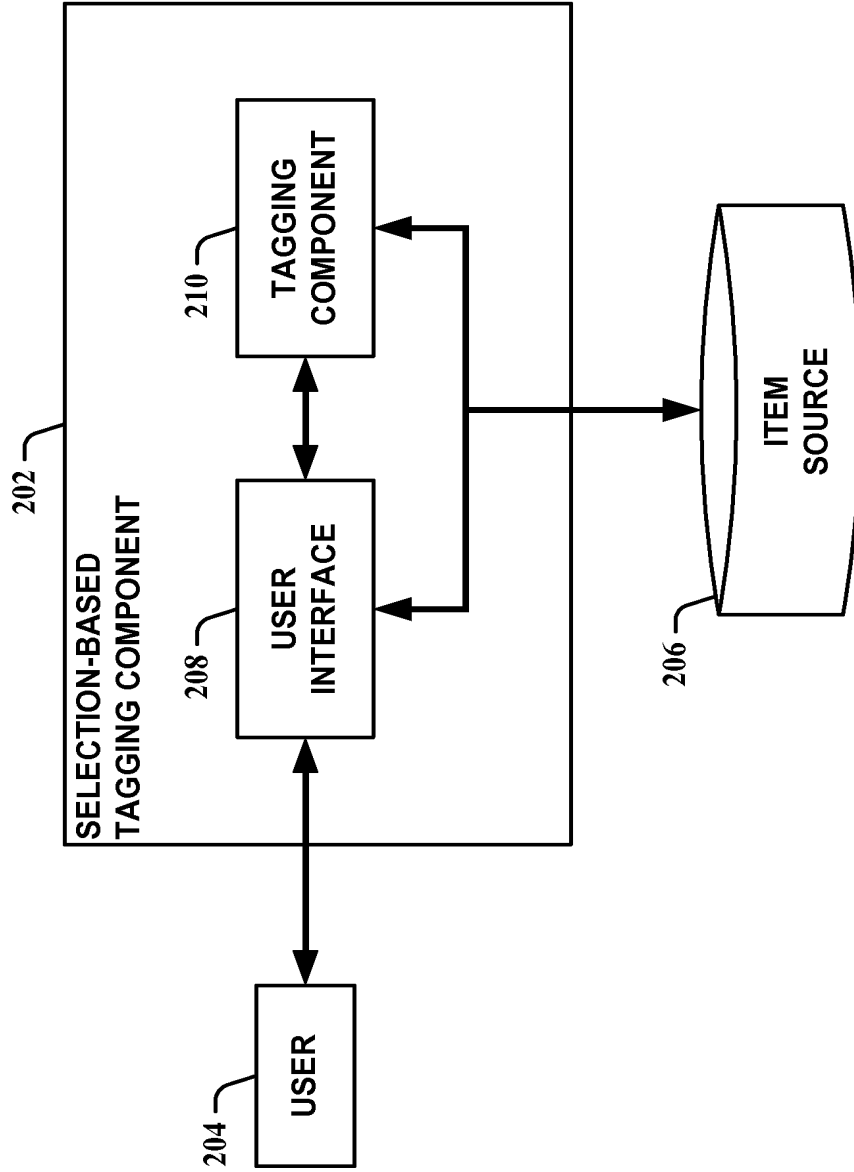


FIG. 2

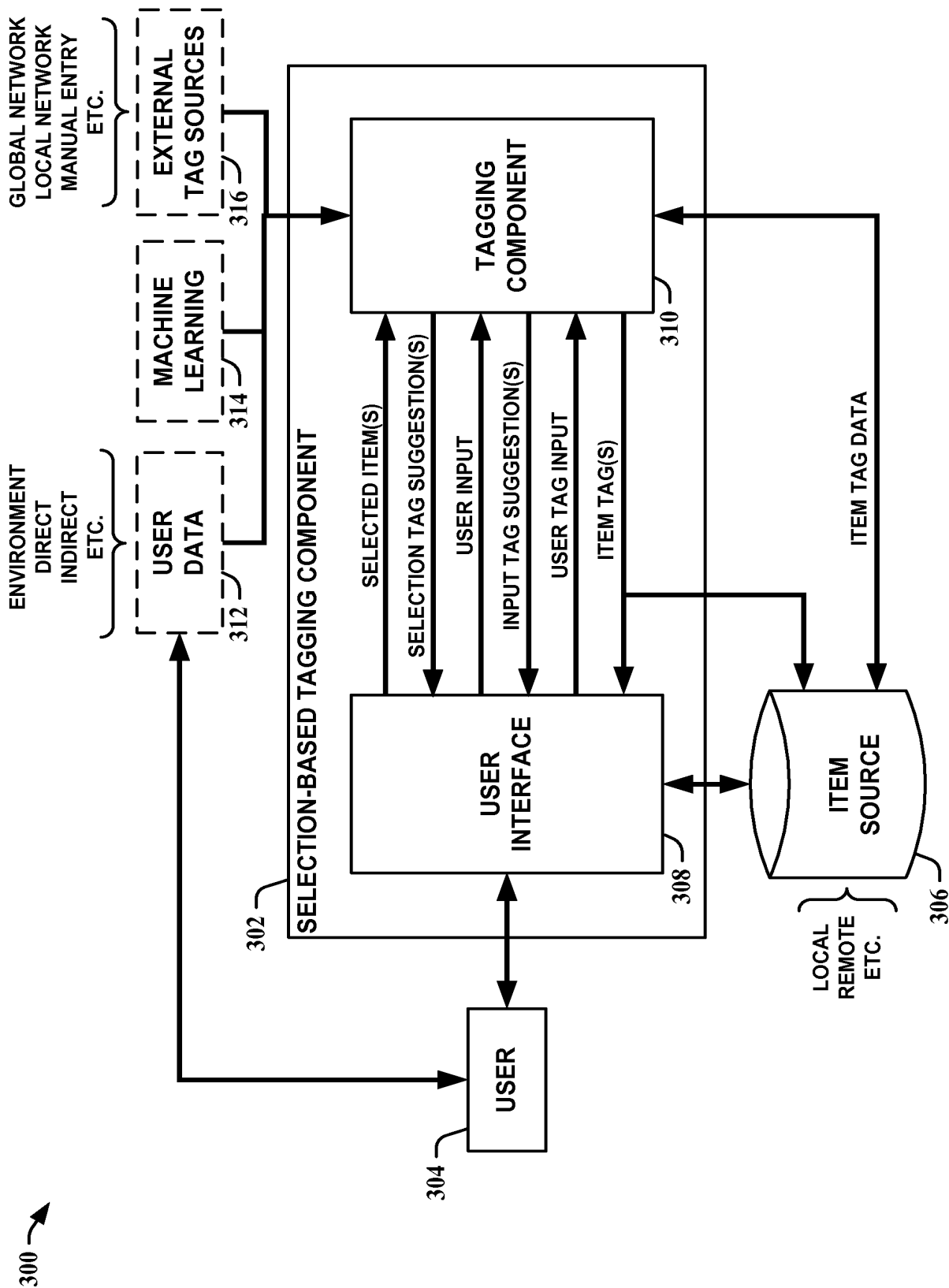


FIG. 3

400 ↗

04/13

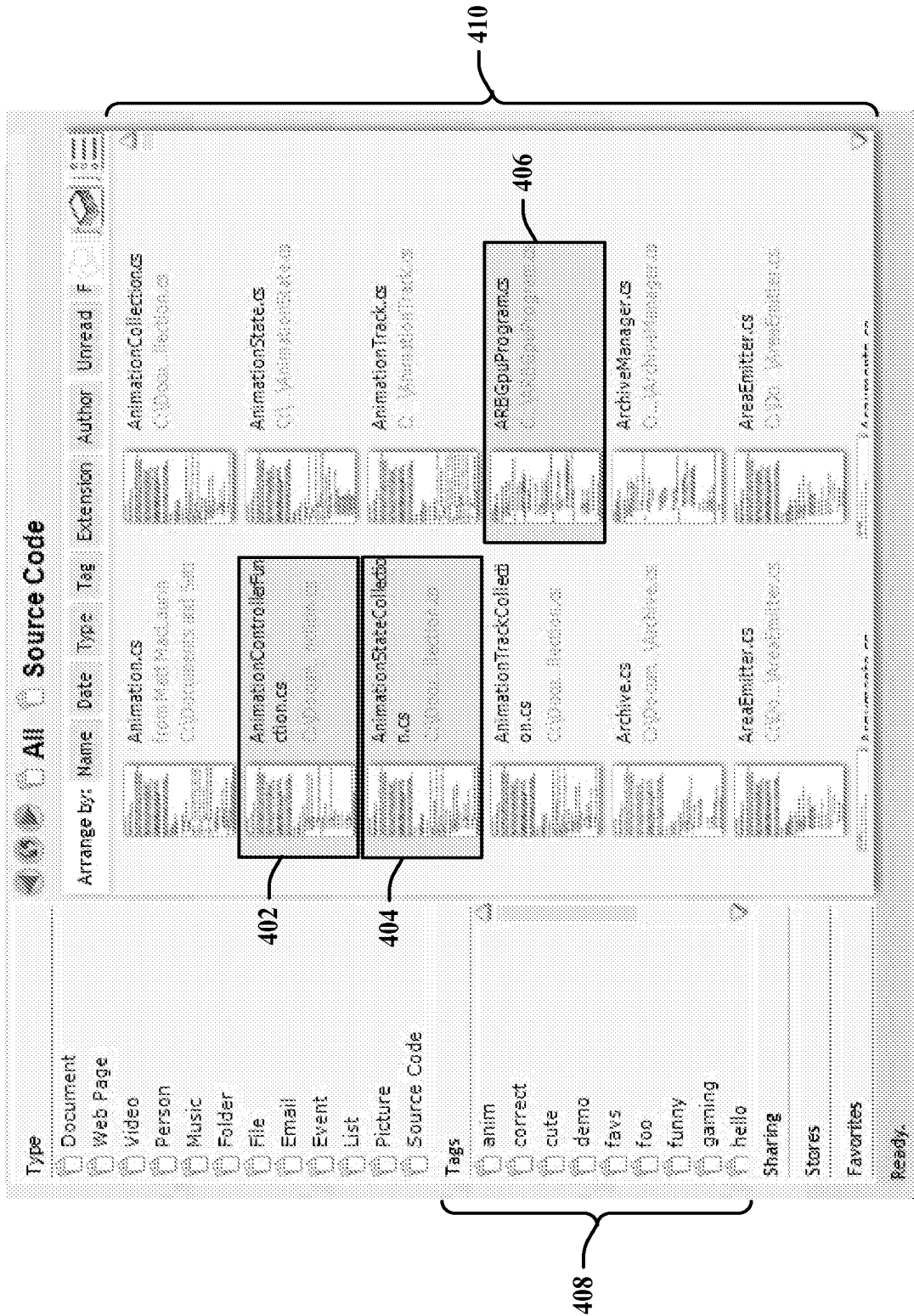


FIG. 4

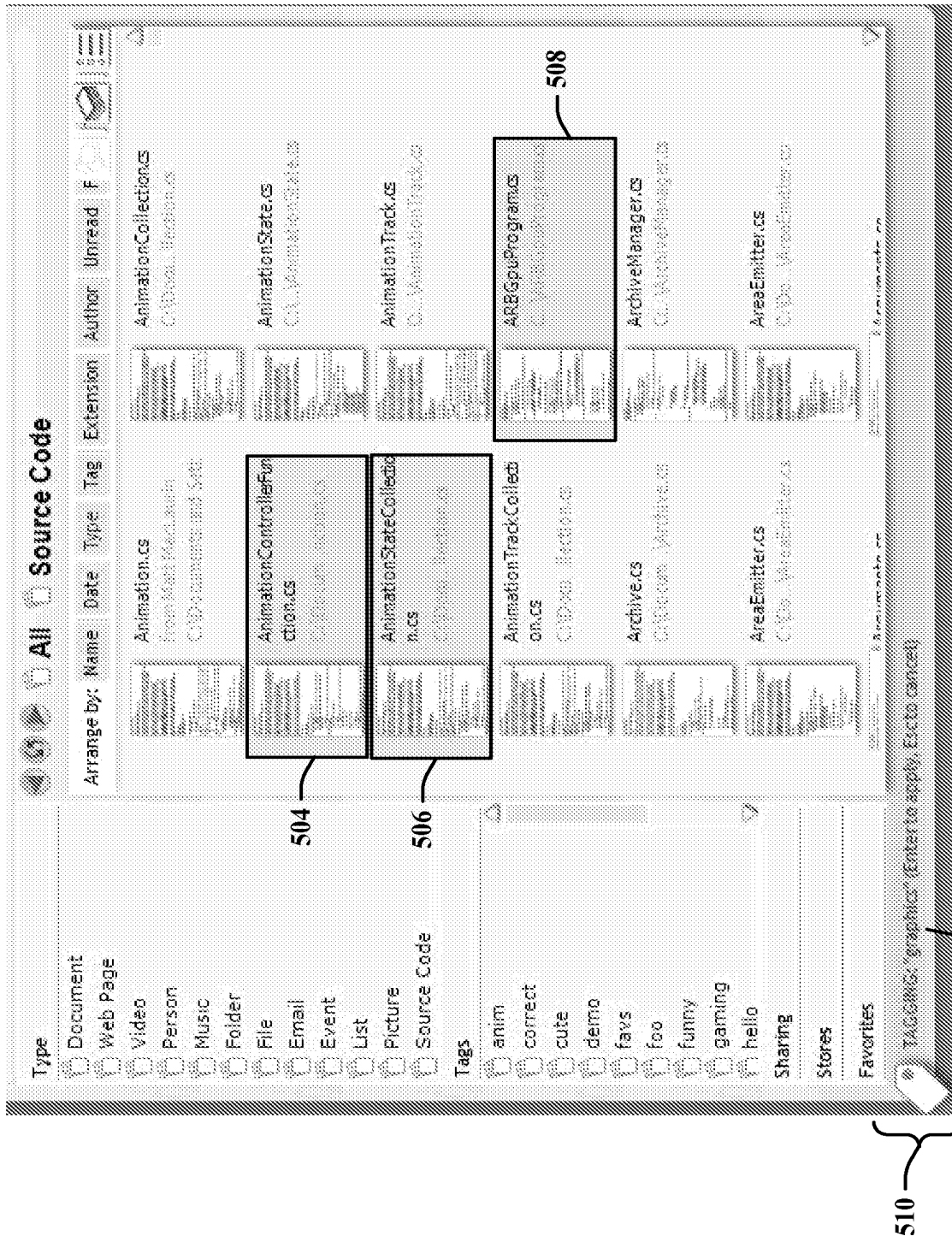
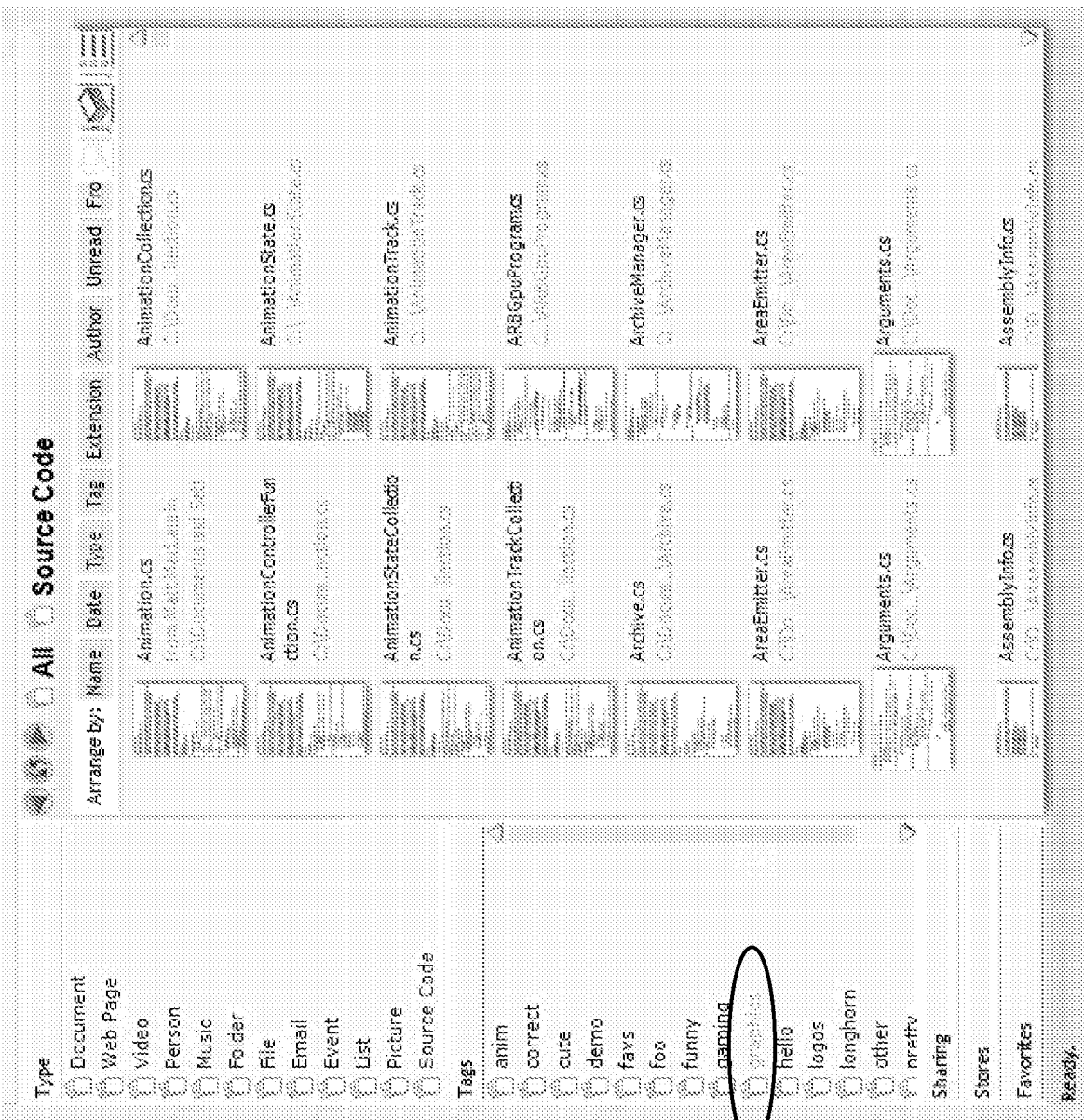


FIG. 5



600

604

602

FIG. 6

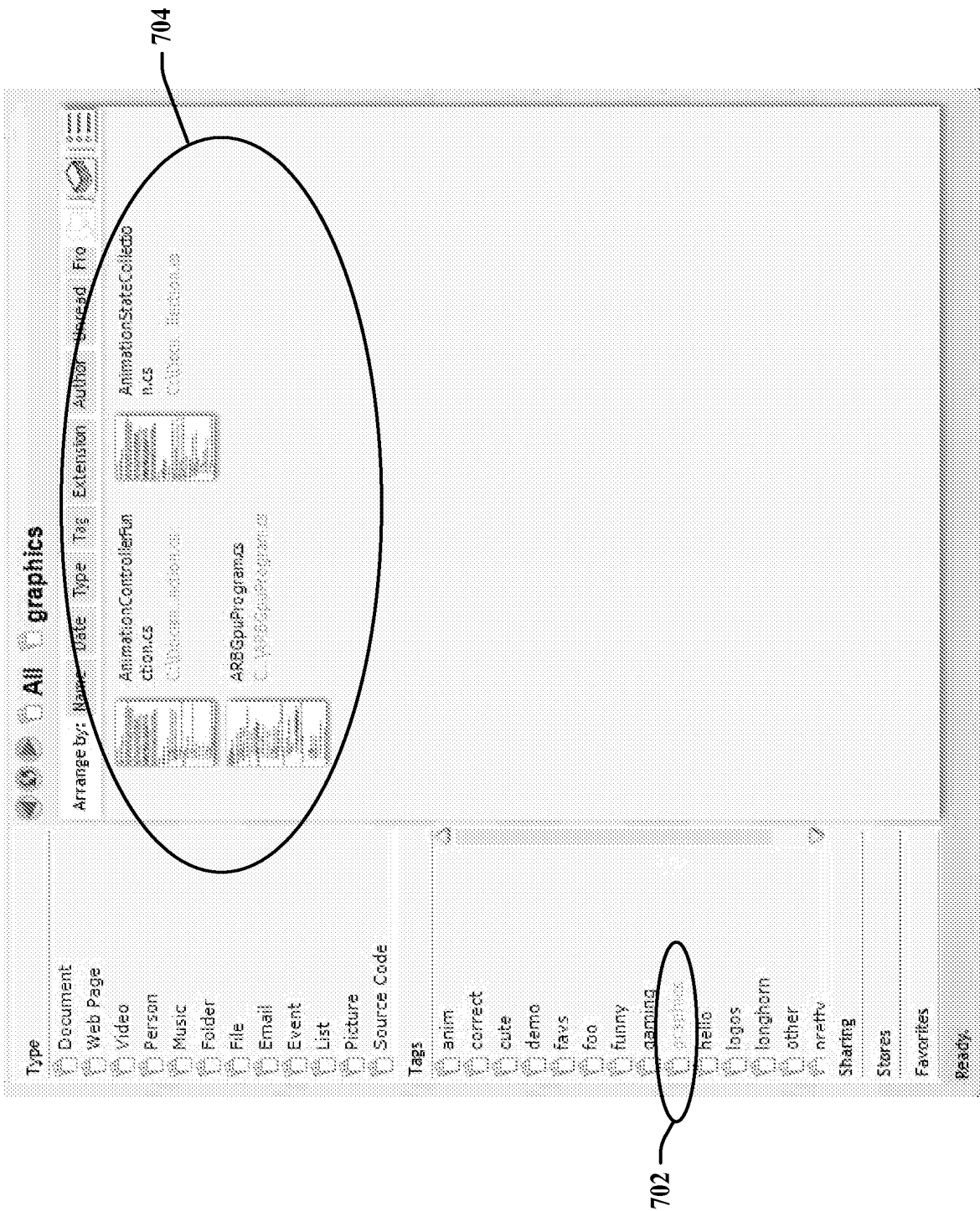


FIG. 7

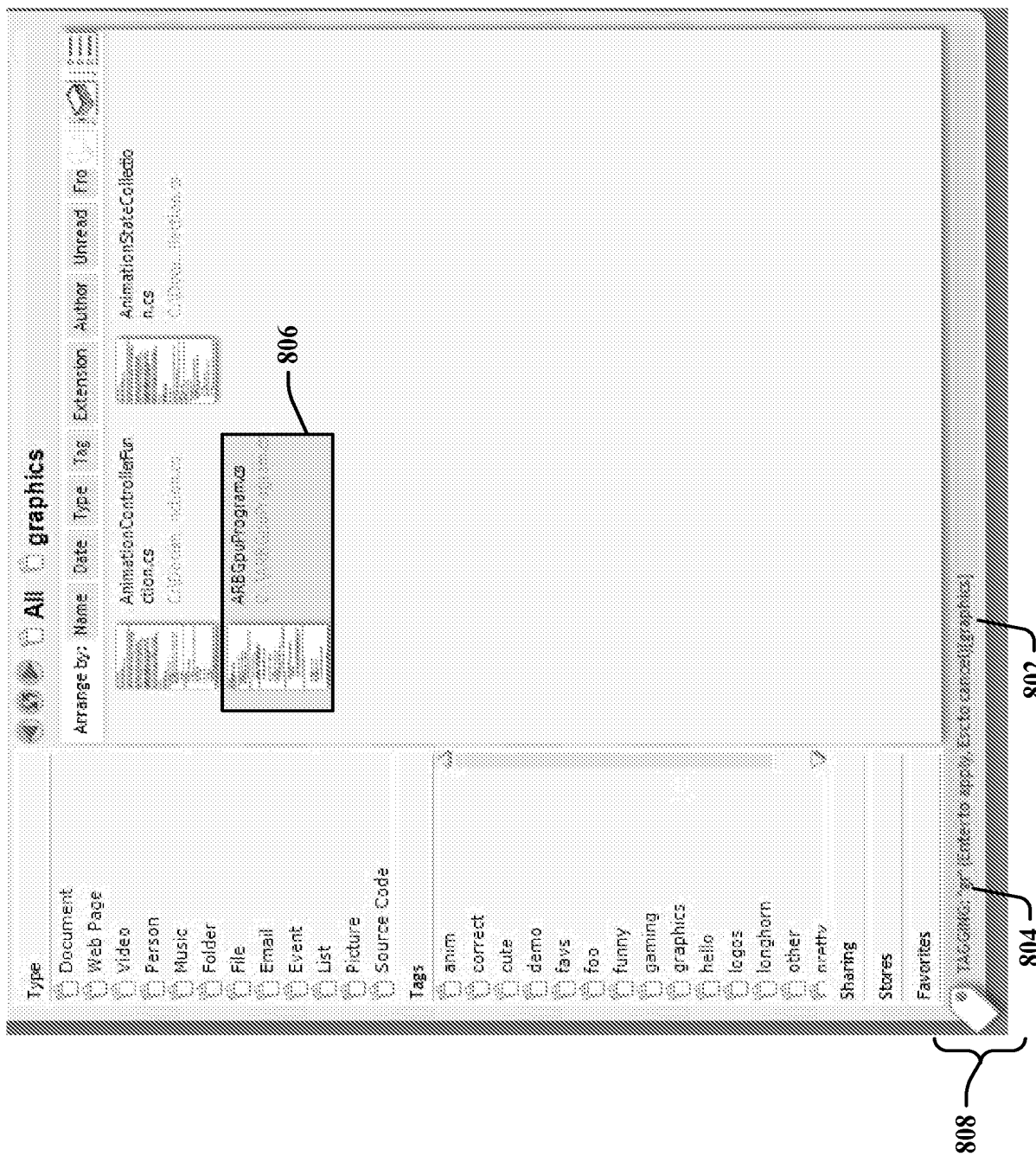


FIG. 8

900 →

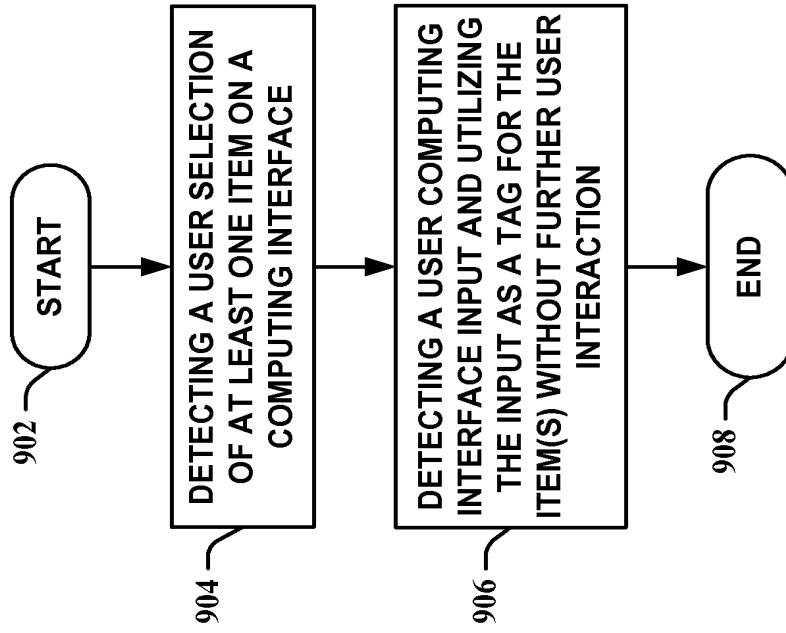


FIG. 9

1000 →

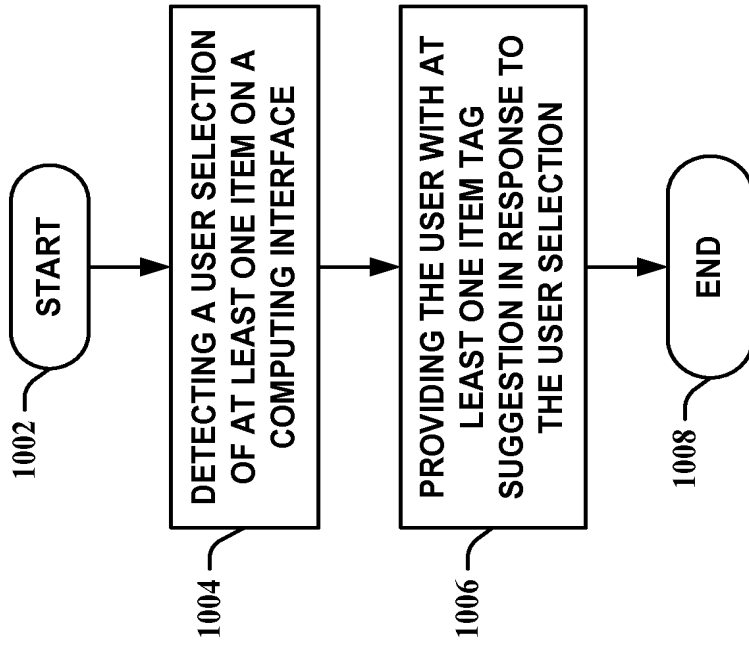


FIG. 10

1100 →

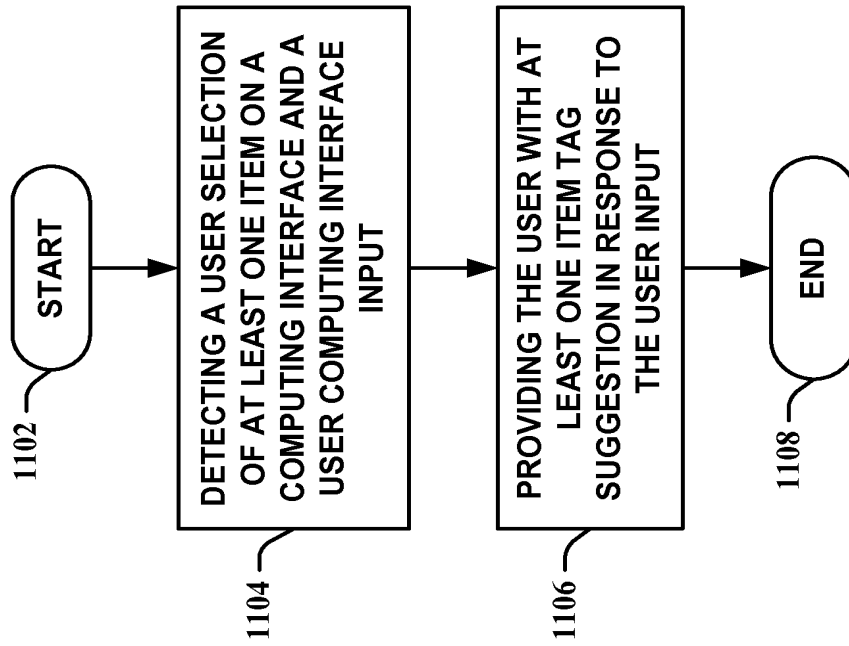


FIG. 11

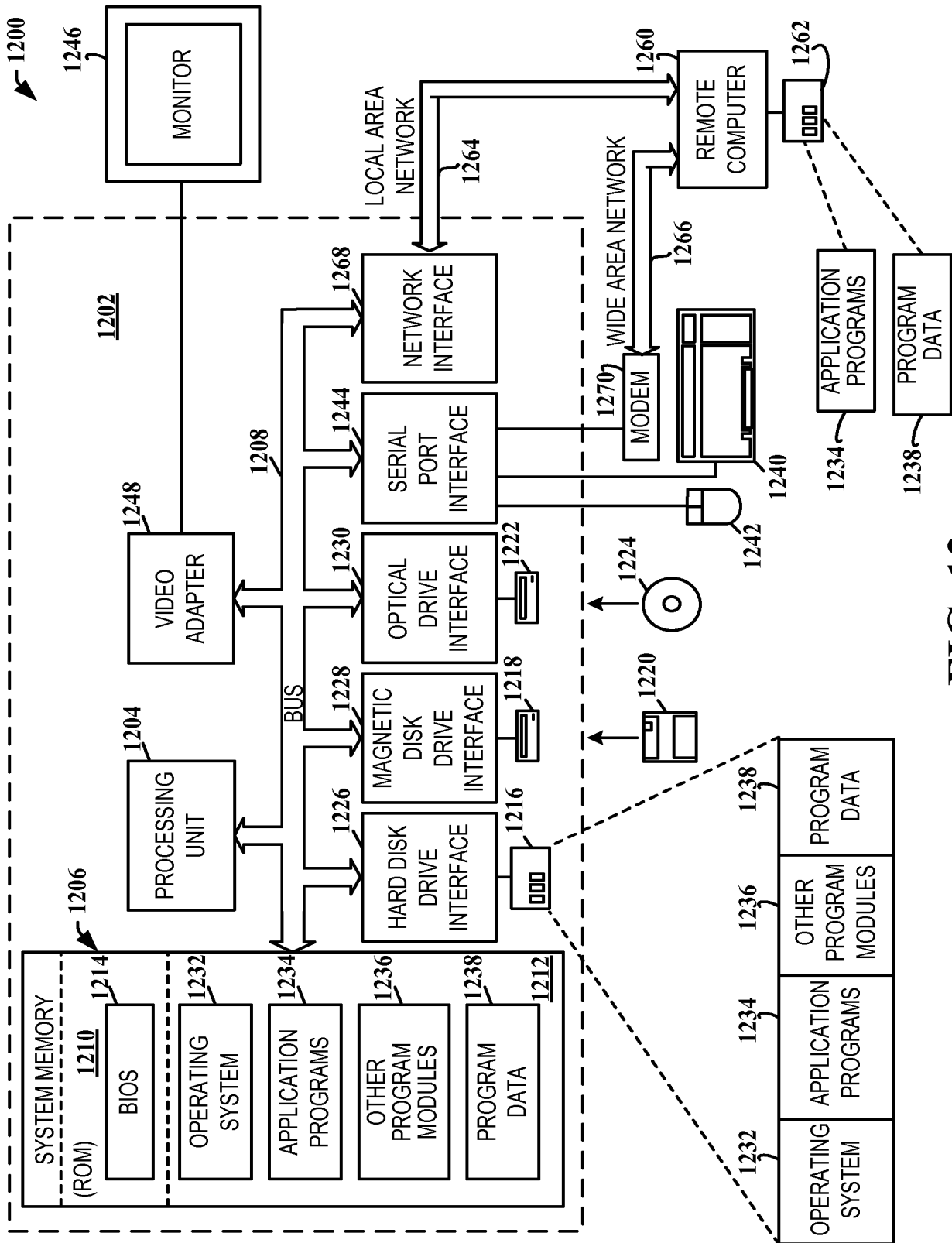


FIG. 12

1300 →

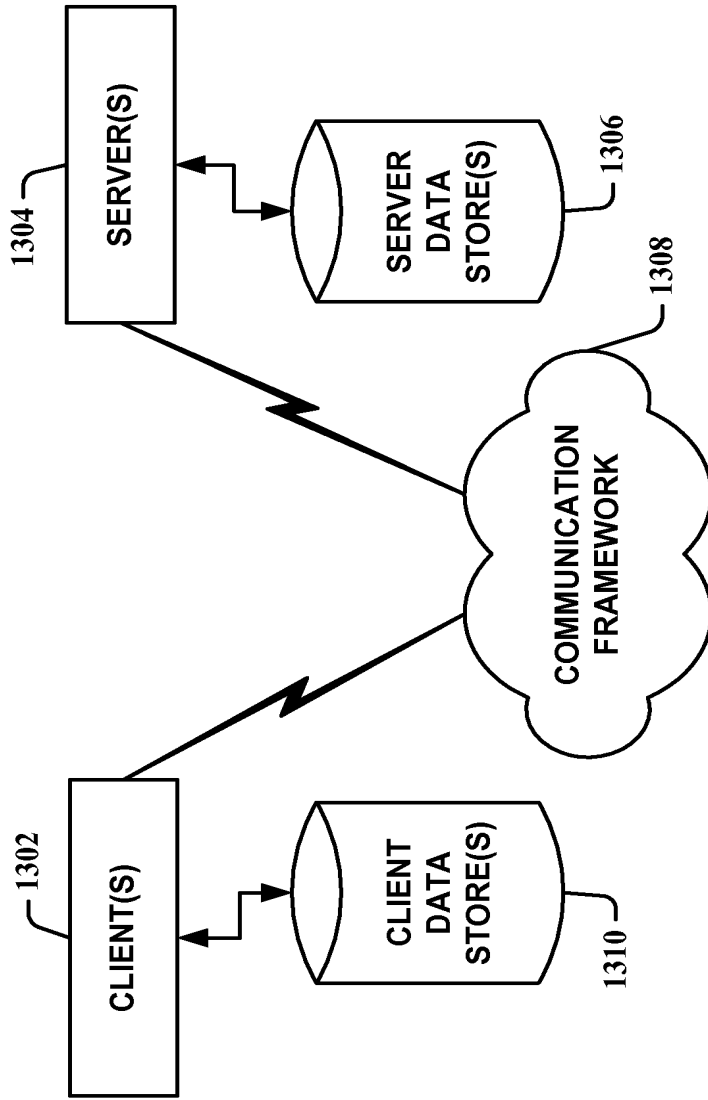


FIG. 13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matthew B. MacLaurin
Serial No.: Not Yet Assigned
Confirmation No.: N/A
Filed: Concurrently Herewith
For: SELECTION-BASED ITEM TAGGING
Examiner: Not Yet Assigned
Art Unit: N/A

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. § 1.97

This Information Disclosure Statement has been filed concurrently with the application. No fee or certification is required.

PART II: Information Cited

Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant hereby makes the following additional information of record in the above-identified application.

The above-identified U.S. application claims priority to application Serial No. 11/193,586. If the Examiner has not had the benefit of review of the file history of 11/193,586, then he/she is asked to contact the undersigned, who will provide a copy of same.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. § 102.

Notwithstanding any statements by Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Serial No.: Not Yet Assigned
Conf. No.: N/A

- 3 -

Art Unit: N/A

The Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825 under Docket No. M1103.70799US01 from which the undersigned is authorized to draw.

Respectfully submitted,

By:



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Docket No.: M1103.70799US01
Date: September 21, 2010

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| | | | | FILING DATE: Concurrently Herewith | CONFIRMATION NO.: N/A |
| | | | | APPLICANT: Matthew B. MacLaurin | |
| | | | | GROUP ART UNIT: N/A | EXAMINER: Not Yet Assigned |
| Sheet | 1 | of | 3 | | |

U.S. PATENT DOCUMENTS

| Examiner's Initials # | Cite No. | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication or Issue of Cited Document MM-DD-YYYY |
|-----------------------|----------|----------------------|-----------|---|---|
| | | Number | Kind Code | | |
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| | | | | | |
|--|---|------------------------------------|---|-----------------------------------|--|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | APPLICATION NO.: Not Yet Assigned | | ATTY. DOCKET NO.: M1103.70799US01 | |
| | | FILING DATE: Concurrently Herewith | | CONFIRMATION NO.: N/A | |
| | | APPLICANT: Matthew B. MacLaurin | | | |
| | | GROUP ART UNIT: N/A | | EXAMINER: Not Yet Assigned | |
| Sheet | 2 | of | 3 | | |

| | | | | | |
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FOREIGN PATENT DOCUMENTS

| Examiner's Initials # | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Translation (Y/N) |
|--------------------------|-------------|-------------------------|--------|--------------|--|---|----------------------|
| | | Office/ Country | Number | Kind Code | | | |
| | | | | | | | |
| | | | | | | | |

OTHER ART — NON PATENT LITERATURE DOCUMENTS

| Examiner's Initials # | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation (Y/N) |
|--------------------------|------------|---|----------------------|
| | | | |
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|---|---|----|---|------------------------------------|-----------------------------------|
| FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | APPLICATION NO.: Not Yet Assigned | ATTY. DOCKET NO.: M1103.70799US01 |
| | | | | FILING DATE: Concurrently Herewith | CONFIRMATION NO.: N/A |
| | | | | APPLICANT: Matthew B. MacLaurin | |
| | | | | GROUP ART UNIT: N/A | EXAMINER: Not Yet Assigned |
| Sheet | 3 | of | 3 | | |

| | |
|-----------|------------------|
| EXAMINER: | DATE CONSIDERED: |
|-----------|------------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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| | | | |
|--|------|--------------------------|----------------------|
| Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2009</h3> | | Complete if Known | |
| | | Application Number | Not Yet Assigned |
| | | Filing Date | |
| | | First Named Inventor | Matthew B. Maclaurin |
| | | Examiner Name | Not Yet Assigned |
| | | Art Unit | N/A |
| | | Attorney Docket No. | M1103.70799US01 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | | |
| TOTAL AMOUNT OF PAYMENT | (\$) | 1,090.00 | |

METHOD OF PAYMENT (check all that apply)

Check
 Credit Card
 Money Order
 None
 Other (please identify): _____

Deposit Account
 Deposit Account Number: 23/2825
 Deposit Account Name: Wolf, Greenfield & Sacks, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below
 Charge fee(s) indicated below, **except for the filing fee**
 Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 330 | 165 | 540 | 270 | 220 | 110 | 1,090.00 |
| Design | 220 | 110 | 100 | 50 | 140 | 70 | |
| Plant | 220 | 110 | 330 | 165 | 170 | 85 | |
| Reissue | 330 | 165 | 540 | 270 | 650 | 325 | |
| Provisional | 220 | 110 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 52 | 26 |
| Each independent claim over 3 (including Reissues) | 220 | 110 |
| Multiple dependent claims | 390 | 195 |

20 - 20 or HP = _____ x _____ = _____
 Multiple Dependent Claims
 Fee (\$): _____ Fee Paid (\$): _____

HP = highest number of total claims paid for, if greater than 20.

3 - 3 or HP = _____ x _____ = _____
 Multiple Dependent Claims
 Fee (\$): _____ Fee Paid (\$): _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE


If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

28 - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

| | | | |
|---------------------|---|-----------------------------------|--------------------|
| SUBMITTED BY | | | |
| Signature |  | Registration No. (Attorney/Agent) | 65,139 |
| Name (Print/Type) | Andrew J. Tibbetts | Telephone | 617.646.8000 |
| | | Date | September 21, 2010 |

Electronic Patent Application Fee Transmittal

| | | | | |
|--|-----------------------------------|-----------------|---------------|-----------------------------|
| Application Number: | | | | |
| Filing Date: | | | | |
| Title of Invention: | SELECTION-BASED ITEM TAGGING | | | |
| First Named Inventor/Applicant Name: | Matthew B. Maclaurin | | | |
| Filer: | Andrew J. Tibbetts/Trish McDonald | | | |
| Attorney Docket Number: | M1103.70799US01 | | | |
| Filed as Large Entity | | | | |
| Utility under 35 USC 111(a) Filing Fees | | | | |
| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
| Basic Filing: | | | | |
| Utility application filing | 1011 | 1 | 330 | 330 |
| Utility Search Fee | 1111 | 1 | 540 | 540 |
| Utility Examination Fee | 1311 | 1 | 220 | 220 |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|--|----------|----------|--------|----------------------|
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |
| Miscellaneous: | | | | |
| Total in USD (\$) | | | | 1090 |

Electronic Acknowledgement Receipt

| | |
|---|-----------------------------------|
| EFS ID: | 8468231 |
| Application Number: | 12887406 |
| International Application Number: | |
| Confirmation Number: | 2445 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. Maclaurin |
| Customer Number: | 45840 |
| Filer: | Andrew J. Tibbetts/Trish McDonald |
| Filer Authorized By: | Andrew J. Tibbetts |
| Attorney Docket Number: | M1103.70799US01 |
| Receipt Date: | 21-SEP-2010 |
| Filing Date: | |
| Time Stamp: | 19:30:08 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|--|--------------------|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | \$1090 |
| RAM confirmation Number | 7443 |
| Deposit Account | 232825 |
| Authorized User | TIBBETTS,ANDREW J. |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

| File Listing: | | | | | |
|---|--|-----------------------------------|---|-------------------------|-------------------------|
| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
| 1 | Transmittal of New Application | M110370799US01-UTLTRN-AJT. PDF | 63564 7fe438393016aad8310ebce69cbfa2760cb fb61 | no | 1 |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | Application Data Sheet | M110370799US01-ADS-AJT. PDF | 45241 cd7527ec305922ab147e2a2c7a528b98ea0 5f453 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| This is not an USPTO supplied ADS fillable form | | | | | |
| 3 | Oath or Declaration filed | M110370799US01-DEC-AJT. PDF | 99451 951925364307a7cd42a532886a25d08dfad ce666 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| 4 | | M110370799US01-UTLAPL-AJT. PDF | 1252681 8da1751397b8c125c520e384906aa5a70ba 867bd | yes | 24 |
| | Multipart Description/PDF files in .zip description | | | | |
| | Document Description | Start | End | | |
| | Specification | 1 | 18 | | |
| | Claims | 19 | 23 | | |
| | Abstract | 24 | 24 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 5 | Drawings-other than black and white line drawings | M110370799US01-DRW-AJT. PDF | 400063 a5f23854bff888a316ad33a6f06b8fb9ebcb 5d99 | no | 13 |
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| 6 | | M110370799US01-IDS-AJT.PDF | 284204 e2303ee34ce8deb42f91a9df1b2a4170291 93fab | yes | 6 |
| | Multipart Description/PDF files in .zip description | | | | |
| | Document Description | Start | End | | |

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| | Transmittal Letter | 1 | 3 |
| | Information Disclosure Statement (IDS) Filed (SB/08) | 4 | 6 |

Warnings:

Information:

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| 7 | Fee Worksheet (PTO-875) | M110370799US01-FEE-AJT.PDF | 60947 | no | 1 |
| | | | c220471f4942a838462c621dfe0c9ae3f78d6164 | | |

Warnings:

Information:

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| 8 | Fee Worksheet (PTO-875) | fee-info.pdf | 32938 | no | 2 |
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Warnings:

Information:

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|-------------------------------------|--|--|---------|--|--|
| Total Files Size (in bytes): | | | 2239089 | | |
|-------------------------------------|--|--|---------|--|--|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

SCORE Placeholder Sheet for IFW Content

Application Number: 12887406

Document Date: 9/21/2010

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

To access the documents in the SCORE database, refer to instructions developed by SIRA.

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- Examiners may access SCORE content via the eDAN interface using the Supplemental Content tab.
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| | |
|---|---|
| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | Application or Docket Number 12/887,406 |
|---|---|

| APPLICATION AS FILED – PART I | | | SMALL ENTITY | | OTHER THAN SMALL ENTITY | |
|---|--|--------------|--------------|----------|-------------------------|-------------|
| (Column 1) (Column 2) | | | | | | |
| FOR | NUMBER FILED | NUMBER EXTRA | RATE (\$) | FEE (\$) | RATE (\$) | FEE (\$) |
| BASIC FEE (37 CFR 1.16(a), (b), or (c)) | N/A | N/A | N/A | | N/A | 330 |
| SEARCH FEE (37 CFR 1.16(k), (l), or (m)) | N/A | N/A | N/A | | N/A | 540 |
| EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | N/A | N/A | N/A | | N/A | 220 |
| TOTAL CLAIMS (37 CFR 1.16(i)) | 20 | minus 20 = | x\$26 | | x\$52 | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | 3 | minus 3 = * | x\$110 | | x\$220 | |
| APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR | | | | | |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | 195 | | 390 | |
| | | | TOTAL | | TOTAL | 1090 |

* If the difference in column 1 is less than zero, enter "0" in column 2.

| APPLICATION AS AMENDED – PART II | | | | | SMALL ENTITY | | OTHER THAN SMALL ENTITY | |
|----------------------------------|---|------------------------------------|---------------|-----------|--------------|---------------------|-------------------------|---------------------|
| (Column 1) (Column 2) (Column 3) | | | | | | | | |
| AMENDMENT A | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | | RATE (\$) | ADDITIONAL FEE (\$) | RATE (\$) | ADDITIONAL FEE (\$) |
| | Total (37 CFR 1.16(i)) | Minus ** | = | | X = | | X = | |
| | Independent (37 CFR 1.16(h)) | Minus *** | = | | X = | | X = | |
| | Application Size Fee (37 CFR 1.16(s)) | | | | | | | |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | N/A | | N/A | |
| | | | | TOTAL | | TOTAL | | |
| | | | | ADD'T FEE | | ADD'T FEE | | |

| | | | | | | | | |
|-------------|---|------------------------------------|---------------|-----------|-----------|---------------------|-----------|---------------------|
| AMENDMENT B | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | | RATE (\$) | ADDITIONAL FEE (\$) | RATE (\$) | ADDITIONAL FEE (\$) |
| | Total (37 CFR 1.16(i)) | Minus ** | = | | X = | | X = | |
| | Independent (37 CFR 1.16(h)) | Minus *** | = | | X = | | X = | |
| | Application Size Fee (37 CFR 1.16(s)) | | | | | | | |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | N/A | | N/A | |
| | | | | TOTAL | | TOTAL | | |
| | | | | ADD'T FEE | | ADD'T FEE | | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Table with 6 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 12/887,406, 09/21/2010, 1090, M1103.70799US01, 20, 3

CONFIRMATION NO. 2445

45840
WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

FILING RECEIPT



Date Mailed: 10/07/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Matthew B. MacLaurin, Woodinville, WA;

Assignment For Published Patent Application

Microsoft Corporation, Redmond, WA

Power of Attorney: The patent practitioners associated with Customer Number 27195

Domestic Priority data as claimed by applicant

This application is a CON of 11/193,586 07/29/2005

Foreign Applications

If Required, Foreign Filing License Granted: 10/04/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 12/887,406

Projected Publication Date: 01/13/2011

Non-Publication Request: No

Early Publication Request: No

Title

SELECTION-BASED ITEM TAGGING

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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Table with 4 columns: APPLICATION NUMBER (12/887,406), FILING OR 371(C) DATE (09/21/2010), FIRST NAMED APPLICANT (Matthew B. MacLaurin), ATTY. DOCKET NO./TITLE (M1103.70799US01)

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 12/887,406 filed 09/21/2010 by Matthew B. MacLaurin, attorney M1103.70799US01, examiner WIENER, ERIC A, art unit 2142, notified 04/03/2013 via ELECTRONIC mode.

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):

Patents_eOfficeAction@WolfGreenfield.com
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| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 12/887,406 | Applicant(s) MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | |

-- 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 21 September 2010.
- 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) 1-20 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) 1-20 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 21 September 2010 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).
 - 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) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/21/2010.
- 3) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 4) Other: _____.

DETAILED ACTION

1. Claims 1-20 have been presented for examination based on applicant's disclosure filed on 9/21/2010, claiming priority as a continuation of Application 11/193,586, now US Patent 7,831,913, filed on 7/29/2005.
2. The status of the claims is as follows:
 - a. Claims 1-20 are pending.
 - b. Claims 1, 10, and 16 are the independent claims.
 - c. Claims 1-20 are rejected by the Examiner.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 9/21/2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS has been considered by the Examiner.

Claim Rejections - 35 USC § 101

4. 35 USC § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. **Claims 10-15 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.**

Independent claim 10 is nonstatutory, because "at least one computer-readable storage medium" is claimed, wherein such a medium is not claimed in such a way that would prevent the medium from possibly being interpreted as a nonstatutory medium. In addition, such terminology corresponding to "at least one computer-readable storage medium" is not defined in the Specification in such a way that would prevent the medium from possibly being interpreted as a nonstatutory medium.

A claim must be *directed to* a non-transitory, tangible hardware element to be considered statutory under 35 USC § 101. Furthermore, it is of note that software, in and of itself, is not statutory under 35 USC § 101. Because claim 10 may be interpreted to exist solely as transitory signals or waves, claim 10 is thus rejected under 35 USC § 101.

Claims 11-15 are nonstatutory for the same reasons as claim 10, because they depend from claim 10 and do not further overcome the present 35 U.S.C. 101 issues of claim 10.

The Examiner recommends that the Applicant amend claims 10-15 to explicitly tie them and direct them explicitly to at least one non-transitory, tangible hardware element in order for the claims to be considered statutory under 35 USC § 101.

Claim Rejections - 35 USC § 112

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6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 4, 11-13 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

Regarding claims 4, 11, and 18; the claims include the limitation of “determining the at least one suggested tag based at least in part on a first tag previously applied to one of the at least one particular file, a second tag previously applied to a file similar to the at least one particular file, a recently-applied tag, and a commonly-applied tag,” where this limitation is claimed in such a way that the at least one suggested tag must as least partially be based on a first tag previously applied to one of the at least one particular file. This requirement implies that a first tag that was previously applied must always exist in order to carry out the step of "determining the at least one suggested tag." However, tagging a file with a first tag is not specifically enabled by the Specification. It is unclear how one would be enabled to practice the step of determining the at least one suggested tag for a file that does not already have at least a first tag applied to it. In addition, it is also unclear how the invention would be enabled to only operate on files that already have at least a first tag applied to them. Furthermore, it is also unclear how a suggested tag may be determined at least in part on ALL of the listed limitations of claims 4, 11, and 18. Therefore, claims 4, 11, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Regarding claim 12, the claim includes the limitation of “displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the file by the user.” This limitation is not enabled by the Specification. Therefore, claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Regarding claim 13, the claim depends from claim 12 and fails to comply with the enablement requirement for the same reasons as claim 12, *supra*. Furthermore, claim 13 includes the limitation of “displaying to the user each tag associated with the file and, for each tag, an associated confidence level of the tag, wherein the automatic tag has a lower confidence value

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than the at least one explicit tag.” This limitation is not enabled by the Specification. Therefore, claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

9. **Claims 4, 11-13 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.**

Regarding claims 4, 11, and 18; the claims include the limitation of “determining the at least one suggested tag based at least in part on a first tag previously applied to one of the at least one particular file, a second tag previously applied to a file similar to the at least one particular file, a recently-applied tag, and a commonly-applied tag,” where this limitation is claimed in such a way that the at least one suggested tag must as least partially be based on a first tag previously applied to one of the at least one particular file. This requirement implies that a first tag that was previously applied must always exist in order to carry out the step of “determining the at least one suggested tag.” However, tagging a file with a first tag is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Specification does not convey how one would be enabled to practice the step of determining the at least one suggested tag for a file that does not already have at least a first tag applied to it. In addition, the Specification also does not convey how the invention would be enabled to only operate on files that already have at least a first tag applied to them. Furthermore, the Specification also does not convey how a suggested tag may be determined at least in part on ALL of the listed limitations of claims 4, 11, and 18. Therefore, claims 4, 11, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Regarding claim 12, the claim includes the limitation of “displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the file by the user.” This limitation is was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Therefore, claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Regarding claim 13, the claim depends from claim 12 and fails to comply with the written description requirement for the same reasons as claim 12, *supra*. Furthermore, claim 13 includes

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the limitation of “displaying to the user each tag associated with the file and, for each tag, an associated confidence level of the tag, wherein the automatic tag has a lower confidence value than the at least one explicit tag.” This limitation is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Therefore, claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

10. Claims 4, 11, and 18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4, 11, and 18; the claimed phrase "a file similar to the at least one particular file" is a relative phrase, which renders the claims indefinite. A “similar” file is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Therefore, claims 4, 11, and 18 are rendered indefinite and, thus, rejected under 35 USC § 112, second paragraph.

11. Claims 16-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 16, the claimed phrase “a second selection of tags” lacks antecedent basis, because no first selection of tags is claimed. Therefore, claim 16 is rendered indefinite and, thus, rejected under 35 USC § 112, second paragraph. Claims 17-19 are rejected under 35 USC § 112, second paragraph, for the same reason as claim 16, because they depend from claim 16 and do not resolve the lack of antecedent basis of claim 16.

Claim Rejections - 35 USC § 103

12. 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.

13. Claims 1-8 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 5,404,295).

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As per independent claim 1, Katz discloses *a method for applying tags to files of a file system comprising operating at least one programmed processor to carry out a series of acts identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:*

- *displaying a user interface* (column 7, line 67 – column 8, line 5).

Katz does not explicitly disclose that the user interface is a graphical user interface having a window in which information regarding one or more files is displayed.

However, based on the Katz's disclosure in column 7, line 67 – column 8, line 5; it would have been obvious to one of ordinary skill in the art at the time of invention that the disclosure of "standard output devices" and also that "a user may be able to interact with display 20 by use of one of the input devices" would infer that a *graphical user interface* would be an obvious interface for which to implement Katz's teachings.

Furthermore, reference is made to Katz's disclosure in column 5, lines 42 – 53 and column 5, line 68 – column 6, line 14; wherein Katz discloses "While, for discussion purposes, the database will generally be considered to be a textual database in the following discussion, this is not a limitation on the invention, and, as indicated earlier, databases from which material may be retrieved utilizing the teachings of this invention include ones containing graphics (i.e. pictures, graphs, charts, drawings, video images, etc.), audio (i.e. speech, music, sound effects, etc.), text (including computer programs in various codes or languages, object classes and action specifications) and *any other type of material which may be computer storable*." Therefore, based on this disclosure, it also would have been obvious to one of ordinary skill in the art at the time of invention that the annotation methods of Katz such as disclosed in column 8, lines 6 – 41 may pertain to *any* such material that may be computer storable, and is only described in the particular citations as being textual subdivisions of a database "for discussion purposes" which are not to be limiting. Thus, it would have been obvious that the selected items that Katz gives examples of annotating may be items such as files and, therefore, it would have been obvious that the teachings of Katz may be implemented with *a graphical user interface having a window in which information regarding one or more files is displayed*.

Taking into account that it would have been obvious that Katz's selected items may be files displayed in a window of a graphical user interface, as disclosed *supra*, Katz further discloses:

- *detecting, while information regarding one or more files is displayed in a window of a graphical user interface, a selection by a user of at least one particular file of the one or more files* (column 8, lines 6 – 51); *and*

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- *receiving, following detecting of the selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file (column 8, line 42 – column 9, line 2).*

However, Katz does not explicitly disclose that following detecting of the selection and receiving of the input, displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

Nevertheless, particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement the step of: *following detecting of the selection and receiving of the input, displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.* This would have been obvious to be included within the teachings of Katz, because the disclosure of "semiautomatically or automatically" would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of "proposing annotations" would infer a desire to suggest tags or annotations. Additionally, the disclosure that "the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation" and that the proposed/suggested annotation may be "an annotation which is the same or similar [that] has been used before" (column 11, lines 48 – 60); would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested based at least in part of the user input.

As per independent claim 10, the claim pertains to *at least one computer-readable storage medium encoded with computer-executable instructions that, when executed, cause a computer to carry out a method for applying tags to files of a file system, the method comprising:*

- *displaying information regarding one or more files of a file system in a window of a graphical user interface;*
- *detecting, while the information regarding the one or more files is displayed in the window, a selection by a user of at least one particular file of the one or more files;*
- *receiving, following detecting of the selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more*

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- characters included in a tag that the user desires to apply to the at least one particular file;*
- *following detecting of the selection and receiving of the input, determining at least one suggested tag based at least in part on the input from the user; and*
 - *displaying in the window the at least one suggested tag to be applied to the at least one particular file.*

These claim limitations of the medium of claim 10 correspond to the same limitations of the method of claim 1. Therefore, taking into account the citations of Katz in the rejection of claim 1, *supra*, it additionally would have been obvious to one of ordinary skill in the art at the time of invention to implement the above listed limitations of claim 10 for the same reasons that these similar limitations would have been obvious as disclosed in the rejection of claim 1, *supra*.

Furthermore, taking into account the rejection of these above listed limitations of claim 10, Katz further discloses the remaining limitations of claim 10, comprising:

- *the at least one suggested tag including at least some of the input (column 11, lines 48-60 and column 12, lines 54-65); and*
- *in response to detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file (column 12, lines 54-65).*

As per independent claim 16, the claim pertains to *an apparatus configured to apply tags to files of a file system, the apparatus comprising:*

- *a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a first selection of files, input regarding desired tags, and a second selection of tags; and*
- *at least one processor programmed to:*
 - o *detect, while information regarding one or more files is displayed in a window of the user interface, the first selection of at least one particular file of the one or more files;*
 - o *receive, following detection of the first selection and while the information regarding the one or more files is displayed in the window, the input from a user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and*
 - o *following detection of the first selection and reception of the input, display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.*

These claim limitations of the apparatus of claim 16, they correspond to the same limitations of the method of claim 1. Therefore, taking into account the citations of Katz in the rejection of claim 1, *supra*, it additionally would have been obvious to one of ordinary skill in the art at the

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time of invention to implement the above listed limitations of claim 16 for the same reasons that these similar limitations would have been obvious as disclosed in the rejection of claim 1, *supra*.

As per claim 2, and taking into account the rejection of claim 1, Katz further discloses that *the series of acts further comprises: in response to a second input from the user selecting a particular tag of the at least one suggested tag displayed in the window, storing the particular tag in association with the at least one particular file* (column 12, lines 54-65).

As per claims 3 and 17, and taking into account the rejections of claims 1 and 16, Katz further discloses *determining the at least one suggested tag based at least in part on the input from the user* (column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65).

As per claims 4, 11, and 18; and taking into account the rejections of claims 3, 10, and 17; Katz further discloses that *determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on a first tag previously applied to one of the at least one particular file, a second tag previously applied to a file similar to the at least one particular file, a recently-applied tag, and a commonly-applied tag* (column 11, lines 48-60; column 12, lines 54-65; and column 14, lines 17-26).

As per claims 5 and 19, and taking into account the rejections of claims 3 and 17, Katz further discloses that *determining the at least one suggested tag comprises querying an external data source of tags* (column 12, line 54 – column 13, line 37 and column 13, lines 50-62).

As per claim 6, and taking into account the rejection of claim 5, Katz further discloses that *querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file* (column 12, line 54 – column 13, line 37 and column 13, lines 50-62).

As per claim 7, and taking into account the rejection of claim 5, Katz further discloses that *querying the external data source of tags comprises transmitting to the external data source information about the user* (column 12, line 65 – column 13, line 14 and column 14, lines 17-26).

As per claims 8 and 20, and taking into account the rejections of claims 7 and 19, Katz further discloses that *transmitting to the external data source information about the user comprises transmitting information about a user's preferences, profession, a current project on which the user is working, and/or a current activity in which the user is engaging* (column 6, lines 27-48).

As per claim 12, and taking into account the rejection of claim 10, Katz further discloses *generating an automatic tag based at least in part on an analysis of content of a file; storing the automatic tag in association with the file; and displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the file by the user* (column 11, lines 48-60 and column 13, line 42 – column 14, line 26).

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As per claim 13, and taking into account the rejection of claim 12, Katz further discloses that *displaying the automatic tag to the user in the different manner comprises: displaying to the user each tag associated with the file and, for each tag, an associated confidence level of the tag, wherein the automatic tag has a lower confidence value than the at least one explicit tag* (column 11, lines 48-60 and column 13, line 42 – column 14, line 26).

As per claim 14, and taking into account the rejection of claim 13, Katz further discloses: *monitoring user interaction with automatic tags associated with files; learning, based at least in part on the user interaction, information about user preferences regarding tags; and generating at least one additional tag based at least in part on the information about user preferences regarding tags* (column 13, lines 43-50 and column 14, lines 17-26).

As per claim 15, and taking into account the rejection of claim 10, Katz further discloses that *determining the at least one suggested tag comprises determining a suggested tag that includes all of the one or more characters of the input from the user* (column 11, lines 48-60).

14. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 5,404,295) in view of Wantanabe et al. (US 6,795,094 B1).

As per claim 9, Katz sufficiently renders obvious the limitations of claim 1.

However, Katz does not explicitly disclose that detecting the selection of the at least one particular file while the information regarding one or more files is displayed in a window of a graphical user interface comprises detecting the selection while metadata regarding files stored in a folder of a file system is displayed in the window.

Nevertheless, in an analogous art, Watanabe discloses that *detecting selection of at least one particular file while information regarding one or more files is displayed in a window of a graphical user interface comprises detecting the selection while metadata regarding files stored in a folder of a file system is displayed in the window* (Figs. 2 and 8).

Both Katz and Watanabe pertain to the analogous art of interfaces using keywords to retrieve particular data from databases (Katz; column 1, lines 12-18 and Wantanabe; column 1, lines 8-12) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Furthermore, Wantanabe also discloses that the entering of keywords through a keyboard from one image file to another becomes difficult when a plurality of such files are generally displayed one by one and, additionally, when a plurality of types of files are displayed as thumbnails, it is difficult to display keywords associated with the respective images in a limited display area and thus the user cannot know which keywords are assigned to the

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respective images (Wantanabe; column 17-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Katz and Watanabe.

Conclusion

15. *It is noted that any citation 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. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).*

16. ***The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.***

17. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401 and whose fax number is 571-270-2401. The Examiner can normally be reached during regular Office business hours, Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Robert Stevens, can be reached on 571-272-4102. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Eric Wiener/

Examiner, Art Unit 2142

/Robert Stevens/

Supervisory Patent Examiner, Art Unit 2142

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|-----------------------------------|---------------------------------------|--|-------------|
| Notice of References Cited | Application/Control No. 12/887,406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. | |
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| FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | APPLICATION NO.: Not Yet Assigned | ATTY. DOCKET NO.: M1103.70799US01 |
| | | | | FILING DATE: Concurrently Herewith | CONFIRMATION NO.: N/A |
| | | | | APPLICANT: Matthew B. MacLaurin | |
| | | | | GROUP ART UNIT: N/A | EXAMINER: Not Yet Assigned |
| Sheet | 1 | of | 3 | | |

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| | | FILING DATE: Concurrently Herewith | | CONFIRMATION NO.: N/A | |
| | | APPLICANT: Matthew B. MacLaurin | | | |
| | | GROUP ART UNIT: N/A | | EXAMINER: Not Yet Assigned | |
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| FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | APPLICATION NO.: Not Yet Assigned | ATTY. DOCKET NO.: M1103.70799US01 |
| | | | | FILING DATE: Concurrently Herewith | CONFIRMATION NO.: N/A |
| | | | | APPLICANT: Matthew B. MacLaurin | |
| | | | | GROUP ART UNIT: N/A | EXAMINER: Not Yet Assigned |
| Sheet | 3 | of | 3 | | |

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| EXAMINER: /Eric Wiener/ (01/27/2013) | DATE CONSIDERED: 01/27/2013 |
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CONFIRMATION NO. 2445

| | | | | | |
|--|---|-------------------------------|---|---|--------------------------------|
| SERIAL NUMBER 12/887,406 | FILING or 371(c) DATE 09/21/2010 RULE | CLASS 715 | GROUP ART UNIT 2142 | ATTORNEY DOCKET NO. M1103.70799US01 | |
| APPLICANTS Matthew B. MacLaurin, Woodinville, WA; | | | | | |
| ** CONTINUING DATA ***** This application is a CON of 11/193,586 07/29/2005 PAT 7,831,913 | | | | | |
| ** FOREIGN APPLICATIONS ***** | | | | | |
| ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 10/04/2010 | | | | | |
| Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/ERIC A WIENER/</u> Examiner's Signature | <input type="checkbox"/> Met after Allowance Initials | STATE OR COUNTRY WA | SHEETS DRAWINGS 13 | TOTAL CLAIMS 20 | INDEPENDENT CLAIMS 3 |
| ADDRESS WOLF GREENFIELD (Microsoft Corporation) C/O WOLF, GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206 UNITED STATES | | | | | |
| TITLE SELECTION-BASED ITEM TAGGING | | | | | |
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| Index of Claims  | Application/Control No. 12887406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. |
| | Examiner ERIC WIENER | Art Unit 2142 |

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| N | Non-Elected |
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| A | Appeal |
| O | Objected |

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
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| CLAIM | | DATE | | | | | | | |
|-------|----------|------------|--|--|--|--|--|--|--|
| Final | Original | 02/25/2013 | | | | | | | |
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| | |
|------------------------|------------------------------|
| Application Number | 12/887,406 |
| Filing Date | 09-21-2010 |
| First Named Inventor | Matthew B. MacLaurin |
| Title | SELECTION-BASED ITEM TAGGING |
| Art Unit | 2142 |
| Examiner Name | ERIC A WIENER |
| Attorney Docket Number | M1103.70799US01 |

SIGNATURE of Applicant or Patent Practitioner

| | | | |
|---------------------|----------------------------------|-----------|----------------|
| Signature | /Margo Livesay, Reg. No. 41,946/ | Date | May 29, 2013 |
| Name | Margo Livesay | Telephone | (202) 684-8685 |
| Registration Number | 41,946 | | |

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SIGNATURE of Applicant for Patent

Signature

Date

09/14/2012

Name

Dr. Bartley Eppanauer

Telephone

425-882-8080

Title and Company

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

| | |
|---|------------------------------|
| EFS ID: | 15889975 |
| Application Number: | 12887406 |
| International Application Number: | |
| Confirmation Number: | 2445 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Customer Number: | 45840 |
| Filer: | Margo Livesay |
| Filer Authorized By: | |
| Attorney Docket Number: | M1103.70799US01 |
| Receipt Date: | 29-MAY-2013 |
| Filing Date: | 21-SEP-2010 |
| Time Stamp: | 00:16:37 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------|-------------------|--|------------------|------------------|
| 1 | Power of Attorney | 312979-02-POA.pdf | 328336 f50da0d540e0cc18621a2d7fb129d2c4e30f bac4 | no | 3 |

Warnings:

The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing

Information:

Total Files Size (in bytes):

328336

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 12/887,406 | 09/21/2010 | Matthew B. MacLaurin | M1103.70799US01 |

CONFIRMATION NO. 2445

45840
 WOLF GREENFIELD (Microsoft Corporation)
 C/O WOLF, GREENFIELD & SACKS, P.C.
 600 ATLANTIC AVENUE
 BOSTON, MA 02210-2206



Cc: MICROSOFT CORPORATION
 ONE MICROSOFT WAY
 REDMOND, WA 98052

Date Mailed: 06/03/2013

DENIAL OF REQUEST FOR POWER OF ATTORNEY

The request for Power of Attorney filed 05/29/2013 is acknowledged. However, the request cannot be granted at this time for the reason stated below.

- The Power of Attorney you provided did not comply with the new Power of Attorney rules that became effective on June 25, 2004. See 37 CFR 1.32.
- The revocation is not signed by the applicant, the assignee of the entire interest, or one particular principal attorney having the authority to revoke.
- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.
- The person signing for the assignee has omitted their empowerment to sign on behalf of the assignee.
- The inventor(s) is without authority to appoint attorneys since the assignee has intervened as provided by 37 CFR 3.71.
- The signature(s) of _____, a co-inventor in this application, has been omitted. The Power of Attorney will be entered upon receipt of confirmation signed by said co-inventor(s).
- The person(s) appointed in the Power of Attorney is not registered to practice before the U.S. Patent and Trademark Office.

Questions relating to this Notice should be directed to the Application Assistance Unit.

dul
 Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/887,406 | 09/21/2010 | Matthew B. MacLaurin | M1103.70799US01 |

CONFIRMATION NO. 2445

MISCELLANEOUS NOTICE

45840
WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206



Date Mailed: 06/04/2013

A communication which cannot be delivered in electronic form has been mailed to the applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Microsoft Corporation

Application No./Patent No.: 12/887,406 Filed/Issue Date: 09-21-2010

Titled: SELECTION-BASED ITEM TAGGING

Microsoft Corporation, a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest in;
 - 2. an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
 - 3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
- the patent application/patent identified above, by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 016656, Frame 0361, or for which a copy therefore is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Margo Livesay, Reg. No. 41,946/

June 10, 2013

Signature

Date

Margo Livesay

Attorney for Assignee

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

Practitioners associated with the Customer Number: 69316

OR

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

| Name | Registration Number |
|------|---------------------|
| | |
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as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

The address associated with Customer Number: 69316

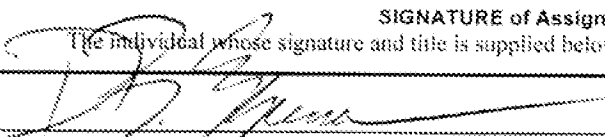
Assignee Name and Address:

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

| | | |
|-----------|---|------------------------|
| Signature |  | Date 02-15-2011 |
| Name | D. BART EPPENAUE | Telephone 425 882-8080 |
| Title | ASSISTANT CORPORATE SECRETARY | |

Electronic Acknowledgement Receipt

| | |
|---|------------------------------|
| EFS ID: | 15997693 |
| Application Number: | 12887406 |
| International Application Number: | |
| Confirmation Number: | 2445 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Customer Number: | 45840 |
| Filer: | Margo Livesay |
| Filer Authorized By: | |
| Attorney Docket Number: | M1103.70799US01 |
| Receipt Date: | 10-JUN-2013 |
| Filing Date: | 21-SEP-2010 |
| Time Stamp: | 17:40:33 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------|----------------------|---|------------------|------------------|
| 1 | Power of Attorney | 312979-02-sb0096.pdf | 423169 <small>ff68ccc717280a7ab9c91ce6398657775bbccf13</small> | no | 2 |

Warnings:

Information:

| | | | | | |
|---|-------------------|-------------------|--|----|---|
| 2 | Power of Attorney | 312979-02-POA.pdf | 114458 | no | 1 |
| | | | 7ac27e2e8a81948df70da4477035a2836c9d1c22 | | |

Warnings:

Information:

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|-------------------------------------|--------|
| Total Files Size (in bytes): | 537627 |
|-------------------------------------|--------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/887,406 | 09/21/2010 | Matthew B. MacLaurin | M1103.70799US01 |

CONFIRMATION NO. 2445

POWER OF ATTORNEY NOTICE

45840
WOLF GREENFIELD (Microsoft Corporation)
C/O WOLF, GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206



Date Mailed: 06/17/2013

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/10/2013.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/erimando/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/887,406 | 09/21/2010 | Matthew B. MacLaurin | M1103.70799US01 |

CONFIRMATION NO. 2445

POA ACCEPTANCE LETTER

69316
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052



Date Mailed: 06/17/2013

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/10/2013.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/erimando/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Table with columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 12/887,406, 09/21/2010, Matthew B. MacLaurin, 312979.02, 2445
Row 2: 69316, 7590, 09/26/2013, EXAMINER WIENER, ERIC A
Row 3: MICROSOFT CORPORATION, ONE MICROSOFT WAY, REDMOND, WA 98052, ART UNIT 2142, PAPER NUMBER
Row 4: NOTIFICATION DATE 09/26/2013, DELIVERY MODE 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):

- vffiling@microsoft.com
stevensp@microsoft.com
lamart@microsoft.com

| | | | |
|--|--------------------------------------|--|--|
| Applicant-Initiated Interview Summary | Application No. 12/887,406 | Applicant(s) MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | |

All participants (applicant, applicant's representative, PTO personnel):

- (1) ERIC WIENER. (3) _____.
(2) Margo Livesay. (4) _____.

Date of Interview: 13 September 2013.

Type: Telephonic Video Conference
 Personal [copy given to: applicant applicant's representative]

Exhibit shown or demonstration conducted: Yes No.
If Yes, brief description: _____.

Issues Discussed 101 112 102 103 Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 4, 10-15 and 18.

Identification of prior art discussed: Katz.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The claims were discussed, focusing on ways to amend the claims in order to overcome the 112 and 101 rejections, wherein the examiner explained the relative nature of particular claims previously rejected as being indefinite and further explained the lack of antecedent basis and the corresponding lack of enablement and support in the specification for "first" selection of tags. No specific agreement regarding the allowability of the claims was presently reached.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/Eric Wiener/
Examiner, Art Unit 2142

/Robert Stevens/
Supervisory Patent Examiner, Art Unit 2142

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|------------------------------|-------------|----------------|
| Applicant: | Matthew B. MacLaurin | Examiner: | Eric A. Wiener |
| Serial No.: | 12/887,406 | Art Unit: | 2142 |
| Filed: | September 21, 2010 | Docket No.: | 312979.02 |
| Conf. No.: | 2445 | | |
| Title: | SELECTION-BASED ITEM TAGGING | | |

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Office Action mailed on April 3, 2013. Please amend and reconsider the above-identified patent application as follows.

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IN THE CLAIMS

Please amend and consider the claims as follows:

What is claimed is:

1. (Currently Amended) A method for applying tags to files of a file system, the method comprising:

operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

first detecting, while information regarding one or more files is displayed in a computing window of a graphical user interface, a user selection by a user of at least one particular file of the one or more files;

second detecting receiving, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface window, a computing interface [[an]] input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and

upon following the first detecting of the selection and the second detecting receiving of the input, displaying in the window at least one suggested automatically initiating a tagging state of the computing interface without further user interaction, other than the user selection and computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

2. (Currently Amended) The method of claim 1, wherein the series of acts further comprises:

utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface;

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in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface window, storing the particular tag in association with the at least one particular file.

3. (Currently Amended) The method of claim [[1]] 2, wherein the series of acts further comprises:

determining the at least one suggested tag based at least in part on the computing interface input from the user.

4. (Currently Amended) The method of claim 3, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,
a second tag previously applied to [[a]] another file that is determined to be similar to the at least one particular file based on a comparison of file types ,
a recently-applied tag, [[and]] or
a commonly-applied tag.

5. (Original) The method of claim 3, wherein determining the at least one suggested tag comprises querying an external data source of tags.

6. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file.

7. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the user.

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8. (Currently Amended) The method of claim 7, wherein transmitting to the external data source information about the user comprises transmitting information regarding one or more of: about a user's

preferences of the user,

a profession of the user,

a current project on which the user is working, ~~and/or~~ or

a current activity in which the user is engaging.

9. (Currently Amended) The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in ~~a window of a graphical user~~ the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the ~~window~~ computing interface.

10. (Currently Amended) At least one ~~computer-readable~~ memory storage device ~~medium~~ encoded with computer-executable instructions that, when executed, cause a computer to carry out a method for applying tags to files of a file system, the method comprising:

displaying information regarding one or more files of a file system in a window of a graphical user interface;

first detecting, while the information regarding the one or more files is displayed in the window, a user selection ~~by a user~~ of at least one particular file of the one or more files;

second detecting ~~receiving~~, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file;

following upon the first detecting of the selection and the second detecting ~~receiving~~ of the input, automatically initiating a tagging state of the graphical user interface without further user interaction, other than the user selection and the input from the user, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;

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displaying in the window the at least one suggested tag to be applied to the at least one particular file; and

in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

11. (Currently Amended) The at least one ~~computer-readable~~ memory storage device medium of claim 10, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

- a first tag previously applied to one of the at least one particular file,
- a second tag previously applied to [[a]] another file that is determined to be similar to the at least one particular file based on a comparison of file types,
- a recently-applied tag, [[and]] or
- a commonly-applied tag.

12. (Currently Amended) The at least one ~~computer-readable~~ memory storage device medium of claim 10, wherein the method further comprises:

- generating an automatic tag based at least in part on an analysis of content of [[a]] one of the at least one particular file;
- storing the automatic tag in association with the one of the at least one particular file; and
- displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

13. (Currently Amended) The at least one ~~computer-readable~~ memory storage device medium of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:

- displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

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14. (Currently Amended) The at least one ~~computer-readable~~ memory storage device medium of claim 13, further comprising:
monitoring user interaction with the automatic tag tags associated with files; and
learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and
generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system.

15. (Currently Amended) The at least one ~~computer-readable~~ memory storage device medium of claim 10, wherein determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user.

16. (Currently Amended) An apparatus configured to apply tags to files of a file system, the apparatus comprising:
a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a [[first]] selection of [[files]] at least one file, input regarding desired tags, and a ~~second~~ selection of tags; and
at least one processor programmed to:
first detect, while information regarding one or more files is displayed in a window of the user interface, the [[first]] selection of at least one particular file of the one or more files;
second detect ~~receive~~, following the first detection of the [[first]] selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, the input from [[a]] the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and
~~following~~ upon the first detection of the [[first]] selection of the at least one particular file and the second detection ~~reception~~ of the input from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and display in the

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window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

17. (Original) The apparatus of claim 16, wherein the at least one processor is further programmed to:

determine the at least one suggested tag based at least in part on the input from the user.

18. (Currently Amended) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,

a second tag previously applied to [[a]] another file that is determined to be similar to the at least one particular file based on a comparison of file types,

a recently-applied tag, [[and]] or

a commonly-applied tag.

19. (Original) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by querying an external data source of tags.

20. (Currently Amended) The apparatus of claim 19, wherein the at least one processor is programmed to query the external data source of tags at least by transmitting to the external data source information regarding one or more of: ~~about a user's~~

preferences of the user,

a profession of the user,

a current project on which the user is working, ~~and/or~~ or

a current activity in which the user is engaging.

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REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 3, 2013, and the references cited therewith.

Claims 1-4, 8-16, 18, and 20 are amended; as a result, claims 1-20 are pending in this application. Applicant respectfully submits that no new matter is added by these amendments (*see, e.g.*, paragraphs [0025]-[0027], [0032]- [0033], [0036], [0037], [0040], and [0043] of the originally filed specification). Applicant respectfully traverses all pending rejections of the claims, and requests swift indication of allowance of the present application, as discussed below.

Examiner Interview September 13, 2013

Applicant acknowledges with gratitude the courtesy extended by Examiner Wiener in meeting with Applicant's representative Margo Livesay by telephone on September 13, 2013.

Claims 4, 10-15 and 18 were discussed, focusing on ways to amend the claims in order to overcome the rejections under 35 USC § 112 and 35 USC § 101. Examiner Wiener discussed his reasoning regarding the alleged relative nature of particular claims previously rejected as being indefinite and further discussed the alleged lack of antecedent basis and the alleged corresponding lack of enablement and support in the specification for "first" selection of tags. No specific agreement regarding the allowability of the claims was reached.

Rejections under 35 USC § 101

Claims 10-15

Claims 10-15 were rejected under 35 USC § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses the rejection of these claims, as discussed below.

Applicant respectfully submits that claims 10-15 have been amended to recite "at least one *memory storage device*." It is believed that no new matter is added by this amendment (*see, e.g.*, paragraph [0043] of the originally filed specification).

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Applicant respectfully submits that a "memory storage device" is not a "transitory signal" or "wave, " and thus, Applicant respectfully requests withdrawal of the rejection of claims 10-15 under 35 USC § 101.

Rejections under 35 USC § 112, first paragraph

Claims 4, 11-13 and 18

Claims 4, 11-13 and 18 were rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicant respectfully traverses the rejection of these claims, as discussed below.

With regard to claims 4, 11, and 18, the Office Action (page 3, lines 14-28) alleges that "determining the at least one suggested tag based at least in part on a first tag previously applied to one of the at least one particular file" is not enabled by the specification. The Office Action states, "It is unclear how one would be enabled to practice the step of determining the at least one suggested tag for a file that does not already have at least a first tag applied to it." However, Applicant respectfully submits that these dependent claims do not require a set of files in a file system in which no tags have been applied (although this scenario could (or might not) be the case for the independent claims). Further, Applicant respectfully submits that "a first tag previously applied to one of the at least one particular file" only recites a "first tag" that has previously been applied to "one" of the "at least one particular file," which can refer to multiple files, for example, for which "one" (or more, for example) has previously had a tag applied to it (*see, e.g.*, paragraphs [0026], [0033] of the originally filed specification). Applicant further respectfully submits that claims 4, 11, and 18 have been amended to recite, "determining the at least one suggested tag based at least in part on **one or more of**" the recited features, with "and" amended to "or."

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With regard to claim 12, the Office Action (page 3, lines 29-32) alleges that "displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the file by the user" is not enabled by the Specification. However, Applicant respectfully submits that this feature is enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification.

With regard to claim 13, the Office Action (page 3, line 33- page 4, line 3) alleges that "displaying to the user each tag associated with the file and, for each tag, an associated confidence level of the tag, wherein the automatic tag has a lower confidence value than the at least one explicit tag" is not enabled by the Specification. Applicant respectfully submits that claim 13 has been amended to recite "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag." Applicant respectfully submits that this feature is enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 4, 11-13 and 18 under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Rejections under 35 USC § 112, first paragraph

Claims 4, 11-13 and 18

Claims 4, 11-13 and 18 were rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action (page 4, lines 5-8) that the "claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention." Applicant respectfully traverses the rejection of these claims, as discussed below.

With regard to claims 4, 11, and 18, the Office Action (page 4, lines 9-26) alleges that "determining the at least one suggested tag based at least in part on a first tag previously applied to one of the at least one particular file" fails to comply with the written description requirement.

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As discussed above, Applicant respectfully submits that these dependent claims do not require a set of files in a file system in which no tags have been applied (although this scenario could (or might not) be the case for the independent claims). Further, Applicant respectfully submits that "a first tag previously applied to one of the at least one particular file" only recites a "first tag" that has previously been applied to "one" of the "at least one particular file," which can refer to multiple files, for example, for which "one" (or more, for example) has previously had a tag applied to it (*see, e.g.*, paragraphs [0026], [0033] of the originally filed specification). Applicant further respectfully submits that the specification discloses applying tags to files.

Applicant further respectfully submits that claims 4, 11, and 18 have been amended to recite, "determining the at least one suggested tag based at least in part on **one or more of**" the recited features, with "and" amended to "or."

With regard to claim 12, the Office Action (page 4, lines 27-32) alleges that "displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the file by the user" fails to comply with the written description requirement. However, Applicant respectfully submits that this feature is clearly enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification, and is described in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

With regard to claim 13, the Office Action (page 4, line 33- page 5, line 7) alleges that "displaying to the user each tag associated with the file and, for each tag, an associated confidence level of the tag, wherein the automatic tag has a lower confidence value than the at least one explicit tag" fails to comply with the written description requirement. Applicant respectfully submits that claim 13 has been amended to recite "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag." Applicant respectfully submits that this feature is enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification, and is described in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

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Therefore, Applicant respectfully requests withdrawal of the rejection of claims 4, 11-13 and 18 under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Rejections under 35 USC § 112, second paragraph

Claims 4, 11, and 18

Claims 4, 11, and 18 were rejected under 35 USC § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses the rejection of these claims, as discussed below.

The Office Action (page 5, lines 8-16) alleges that "a file similar to the at least one particular file," as recited by claims 4, 11, and 18, renders the claims indefinite. Applicant respectfully submits that claims 4, 11, and 18 have been amended to recite, "a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types," and that, at least, paragraph [0033] of the originally filed specification discusses "similar" files.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 4, 11, and 18 under 35 USC § 112, second paragraph, as allegedly being indefinite.

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Rejections under 35 USC § 112, second paragraph

Claims 16-20

Claims 16-20 were rejected under 35 USC § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses the rejection of these claims, as discussed below.

With regard to independent claim 16, the Office Action (page 5, lines 17-24) alleges, "the claimed phrase 'a second selection of tags' lacks antecedent basis, because no first selection of tags is claimed." Dependent claims 17-20 recite these features by virtue of their respective dependencies from claim 16.

However, Applicant respectfully submits that claim 16 recites (*emphasis added*), "information from the user indicating a *first selection* of files, input regarding desired tags, and a *second selection* of tags." Thus, claim 16 recites a "first selection" and a "second selection."

However, without conceding that claims 16-20 were indefinite, Applicant respectfully submits that claim 16 has been amended to recite a "selection of at least one file, input regarding desired tags, and a selection of tags."

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 16-20 under 35 USC § 112, second paragraph, as allegedly being indefinite.

Rejections under 35 USC § 103(a)

Claims 1-8 and 10-20

Claims 1-8 and 10-20 were rejected under 35 USC § 103(a) as allegedly being unpatentable over *Katz et al.* (U.S. Patent No. 5,404,295). Applicant respectfully traverses the rejection of these claims, as discussed below.

Amended independent claim 1 recites (**emphasis added**):

1. A method for applying tags to files of a file system, the method comprising:
operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

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first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input from the user; and

upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user interaction, other than the user selection and computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.

Katz et al. (per Title) is directed to "utilizing annotations to facilitate computer retrieval of database material," stating (per Abstract):

A method and apparatus for computer retrieval of database material which may be text, computer programs, graphics, audio, object classes, action specifications or other material which may be machine stored. Annotations are provided for at least selected database subdivisions, preferably with natural language questions, assertions or noun phrases or some combination/collection thereof. However, the annotations may also initially be generated in a structured form. Annotations are, if required, converted to a structured form and are stored in that form along with connections to corresponding subdivisions. Searching for relevant subdivisions involves entering a query in natural language or structured form, converting natural language queries to structured form, matching the structured form query against stored annotations and retrieving database subdivisions connected to matched annotations. The annotation process may be aided by utilizing various techniques for automatically or semiautomatically generating the annotations.

The Office Action (page 7, lines 5-14) states, "Katz does not explicitly disclose that following detecting of the selection and receiving of the input, displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input," and then alleges obviousness, by referring to "column 8, line 48 - column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of

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Katz; which discloses that the annotations may be generated either 'semiautomatically or automatically,' that 'other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision,' and that 'the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision.'"

The Office Action (page 7, lines 14-22) states:

Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement the step of: following detecting of the selection and receiving of the input, displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input. This would have been obvious to be included within the teachings of Katz, because the disclosure of "semiautomatically or automatically" would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of "proposing annotations" would infer a desire to suggest tags or annotations.

Applicant respectfully disagrees with the Office Action, and without conceding that the "suggested tag" feature is obvious over these cited portions of *Katz et al.*, in the interests of advancing prosecution, Applicant has amended independent claim 1 to recite, "**upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user interaction**, other than the user selection and computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file."

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that this feature is neither disclosed nor suggested by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 1.

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Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 2-8, which recite the features of claim 1 by virtue of their respective dependencies from claim 1, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

In another aspect, amended independent claim 10 recites (**emphasis added**):

10. At least one memory storage device encoded with computer-executable instructions that, when executed, cause a computer to carry out a method for applying tags to files of a file system, the method comprising:

- displaying information regarding one or more files of a file system in a window of a graphical user interface;
- first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;
- second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file;
- upon the first detecting of the selection and the second detecting of the input, automatically initiating a tagging state of the graphical user interface without further user interaction, other than the user selection and the input from the user,** and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;
- displaying in the window the at least one suggested tag to be applied to the at least one particular file; and
- in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

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The Office Action (page 8, lines 7-11) relies on its rejection of claim 1, to allege several features of claim 10 are obvious over *Katz et al.* For reasons similar to those discussed above with regard to claim 1, Applicant again respectfully disagrees with the Office Action, and, again, without conceding that the "suggested tag" feature is obvious over these cited portions of *Katz et al.*, and in the interests of advancing prosecution, Applicant has amended independent claim 10 to recite, "**upon the first detecting of the selection and the second detecting of the input, automatically initiating a tagging state of the graphical user interface without further user interaction, other than the user selection and the input from the user**, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input."

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that this feature is neither disclosed nor suggested by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 10.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 11-15, which recite the features of claim 10 by virtue of their respective dependencies from claim 10, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

In another aspect, amended independent claim 16 recites (**emphasis added**):

16. An apparatus configured to apply tags to files of a file system, the apparatus comprising:

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Filing Date: September 21, 2010
Title: SELECTION-BASED ITEM TAGGING

Docket No: 312979.02

a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and at least one processor programmed to:

first detect, while information regarding one or more files is displayed in a window of the user interface, the selection of at least one particular file of the one or more files;

second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, the input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and

upon the first detection of the selection of the at least one particular file and the second detection of the input from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

The Office Action (page 8, line 35 - page 9, line 2) relies entirely on its rejection of claim 1, to allege that the features of claim 16 are obvious over *Katz et al.* For reasons similar to those discussed above with regard to claim 1, Applicant again respectfully disagrees with the Office Action, and, again, without conceding that the "suggested tag" feature is obvious over these cited portions of *Katz et al.*, and in the interests of advancing prosecution, Applicant has amended independent claim 16 to recite, "**upon the first detection of the selection of the at least one particular file and the second detection of the input from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.**"

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

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Title: SELECTION-BASED ITEM TAGGING

Docket No: 312979.02

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that this feature is neither disclosed nor suggested by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 16.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 17-20, which recite the features of claim 16 by virtue of their respective dependencies from claim 16, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claim 9

Claim 9 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Katz et al.* in view of *Wantanabe et al.* (U.S. Patent No. 6,795,094). Applicant respectfully traverses the rejection of claim 9, as discussed below.

Amended dependent claim 9 recites:

9. The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

The Office Action (page 10, lines 16-24) states (*emphasis added*):

As per claim 9, *Katz sufficiently renders obvious the limitations of claim 1.*

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

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However, Katz does not explicitly disclose that detecting the selection of the at least one particular file while the information regarding one or more files is displayed in a window of a graphical user interface comprises detecting the selection while metadata regarding files stored in a folder of a file system is displayed in the window.

Nevertheless, in an analogous art, *Watanabe discloses that detecting selection of at least one particular file while information regarding one or more files is displayed in a window of a graphical user interface comprises detecting the selection while metadata regarding files stored in a folder of a file system is displayed in the window* (Figs. 2 and 8).

Wantanabe et al. (per Abstract) is directed to:

An image processor in which images are displayed on the screen of a display device in such a manner that visually recognizable labels corresponding to keywords assigned to respective images are displayed near the corresponding images thereby making it easy for a user to see which keywords are assigned to the respective images.

Applicant respectfully submits that the addition of *Wantanabe et al.* fails to cure the deficiencies of *Katz et al.* with regard to rendering obvious the features of amended independent claim 1 (as discussed above), from which amended claim 9 depends. Applicant respectfully submits that the claimed features of amended independent claim 1 are neither disclosed nor suggested by *Katz et al.*, nor by *Wantanabe et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended dependent claim 9, which depends from amended independent claim 1.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

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Title: SELECTION-BASED ITEM TAGGING

Docket No: 312979.02

Conclusion

Applicant respectfully requests withdrawal of all pending rejections. Applicant further respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is invited to telephone Applicant's attorney at 202-684-8685 to facilitate prosecution of this application.

Respectfully submitted,

Microsoft Corporation
Customer Number 69316
Phone: 425-707-9382

Date September 29, 2013

By /Margo Livesay, Reg. No. 41,946/
Margo Livesay, Ph.D.
Reg. No. 41,946

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

September 29, 2013
Date

/Margo Livesay, Reg. No. 41,946/
Signature

Margo Livesay
Printed Name

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|-----------------------------------|---------------------------------------|
| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) | | Docket Number (Optional) 312979.02 |
| Application Number 12/887,406 | Filed 09-21-2010 | |
| For SELECTION-BASED ITEM TAGGING | | |
| Art Unit 2142 | Examiner WIENER, ERIC A | |

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

| | Fee | Small Entity Fee | Micro Entity Fee | |
|--|---------|------------------|------------------|--------------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$200 | \$100 | \$50 | \$ _____ |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$600 | \$300 | \$150 | \$ _____ |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1,400 | \$700 | \$350 | \$ <u>1,400.00</u> |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$2,200 | \$1,100 | \$550 | \$ _____ |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$3,000 | \$1,500 | \$750 | \$ _____ |

Applicant asserts small entity status. See 37 CFR 1.27.

Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number _____.

Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

attorney or agent of record. Registration number 41,946.

attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Margo Livesay, Reg. No. 41,946/

September 29, 2013

Signature

Date

Margo Livesay

(202) 684-8685

Typed or printed name

Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

* Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

| | |
|---|------------------------------|
| Application Number: | 12887406 |
| Filing Date: | 21-Sep-2010 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Filer: | Margo Livesay |
| Attorney Docket Number: | 312979.02 |

Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|--|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |
| Extension - 3 months with \$0 paid | 1253 | 1 | 1400 | 1400 |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|--------------------------|----------|----------|--------|----------------------|
| Miscellaneous: | | | | |
| Total in USD (\$) | | | | 1400 |

Electronic Acknowledgement Receipt

| | |
|---|------------------------------|
| EFS ID: | 16986588 |
| Application Number: | 12887406 |
| International Application Number: | |
| Confirmation Number: | 2445 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Customer Number: | 69316 |
| Filer: | Margo Livesay |
| Filer Authorized By: | |
| Attorney Docket Number: | 312979.02 |
| Receipt Date: | 29-SEP-2013 |
| Filing Date: | 21-SEP-2010 |
| Time Stamp: | 23:49:14 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|--|-------------|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | \$1400 |
| RAM confirmation Number | 10184 |
| Deposit Account | |
| Authorized User | |

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part/ZIP | Pages in App |
|-----------------|----------------------|-----------|-------------------------------------|-------------------|-----------------|
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|---|----------------------|---|--|------------|----|
| 1 | | 312979-02-Response.pdf | 179684 d98a9ee8022c56e4d8982346c0c6aeb6bbe87675 | yes | 21 |
| Multipart Description/PDF files in .zip description | | | | | |
| | | Document Description | Start | End | |
| | | Amendment/Req. Reconsideration-After Non-Final Reject | 1 | 1 | |
| | | Claims | 2 | 7 | |
| | | Applicant Arguments/Remarks Made in an Amendment | 8 | 21 | |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | Extension of Time | 312979-02-EOT.pdf | 187211 a57ec0039567df4c1ba8f3d983788eb9184149dd | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| 3 | Fee Worksheet (SB06) | fee-info.pdf | 30275 015986bbbcf841d603457905771ecd29472577c5 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| Total Files Size (in bytes): | | | | 397170 | |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> | | | | | |



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/887,406 09/21/2010 Matthew B. MacLaurin 312979.02 2445

69316 7590 12/04/2013
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

EXAMINER

WIENER, ERIC A

ART UNIT PAPER NUMBER

2142

NOTIFICATION DATE DELIVERY MODE

12/04/2013

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):

vffiling@microsoft.com
stevensp@microsoft.com
lamart@microsoft.com

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 12/887,406 | Applicant(s) MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | AIA (First Inventor to File) Status No |

-- 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 9/29/2013.
 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) 1-20 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) 1-20 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 _____ 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) <input type="checkbox"/> Notice of References Cited (PTO-892) | 3) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.
2. This action is responsive to the following communications: Amendment filed on 9/29/2013.

This action is made final.

3. The status of the claims is as follows:
 - a. Claims 1-20 are pending.
 - b. Claims 1, 10, and 16 are the independent claims.
 - c. Claims 1-4, 8-16, 18, and 20 are currently amended.
 - d. Claims 1-20 are rejected by the Examiner.

4. *Please note that any specific prior art relied upon in rejecting any pending claims is considered the most relevant art pertaining to those claims of all prior art of current record. However, the prior art made of record and not relied upon is still considered pertinent to the Applicant's Disclosure. Please refer to the Conclusion of this Office Action for additional reference to other such pertinent prior art.*

Claim Rejections - 35 USC § 101

5. 35 USC § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 10-15 are rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter.**

Independent claim 10 is nonstatutory, because “at least one memory storage device” is claimed, wherein such a device is not claimed in such a way that would prevent the device from possibly being interpreted as a nonstatutory device. In addition, such terminology corresponding to “at least one memory storage device” is not defined in the Specification in such a way that would prevent the device from possibly being interpreted as a nonstatutory device.

A claim must be *directed to* a non-transitory, tangible hardware element to be considered statutory under 35 USC § 101. Furthermore, it is of note that software, in and of itself, is not statutory under 35 USC § 101. Because claim 10 may be interpreted to exist solely as transitory signals or waves, claim 10 is thus rejected under 35 USC § 101.

Claims 11-15 are nonstatutory for the same reasons as claim 10, because they depend from claim 10 and do not further overcome the present 35 U.S.C. 101 issues of claim 10.

Art Unit: 2142

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

Regarding claim 12, the claim includes the limitation of “displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.” This limitation is not enabled by the Specification. Therefore, claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Regarding claim 13, the claim depends from claim 12 and fails to comply with the enablement requirement for the same reasons as claim 12, *supra*. Furthermore, claim 13 includes the limitation of “displaying to the user each tag associated with the one of the at least one particular file and, for each tag, an indication of an associated confidence level of the each tag, based on the displaying in the different manner wherein the automatic tag has a lower confidence value than the at least one explicit tag.” This limitation is not enabled by the Specification. Therefore, claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

9. **Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.**

Regarding claim 12, the claim includes the limitation of “displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.” This limitation is was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Therefore, claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Art Unit: 2142

Regarding claim 13, the claim depends from claim 12 and fails to comply with the written description requirement for the same reasons as claim 12, *supra*. Furthermore, claim 13 includes the limitation of “displaying to the user each tag associated with the one of the at least one particular file and, for each tag, an indication of an associated confidence level of the each tag, based on the displaying in the different manner wherein the automatic tag has a lower confidence value than the at least one explicit tag.” This limitation is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Therefore, claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim Rejections - 35 USC § 103

10. 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.

11. **Claims 1-8 and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 5,404,295).**

As per independent claim 1, Katz discloses *a method for applying tags to files of a file system comprising operating at least one programmed processor to carry out a series of acts identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:*

- *first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files (column 8, lines 6 – 51), disclosing user selecting for annotation; and*
- *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input from the user (column 8, lines 6 – 51), disclosing user selecting for annotation, which has been interpreted as sufficiently corresponding to “computing interface input from a user” and may be interpreted to be part of the same “user selection.”*

Katz does not explicitly disclose that upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user

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interaction, other than the user selection and computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.

Nevertheless, particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement the step of: *upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user interaction, other than the user selection and computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.* This would have been obvious to be included within the teachings of Katz, because the disclosure of "semiautomatically or automatically" would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of "proposing annotations" would infer a desire to suggest tags or annotations. Additionally, the disclosure that "the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation" and that the proposed/suggested annotation may be "an annotation which is the same or similar [that] has been used before" (column 11, lines 48 – 60); would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user.

In addition, it is of note that the act of "first detecting" and the act of "second detecting" may be interpreted to be two parts of one single detecting act.

As per independent claim 10, Katz discloses *at least one memory storage device encoded with computer-executable instructions that, when executed, cause a computer to carry out a method for applying tags to files of a file system, the method comprising:*

- *displaying a user interface* (column 7, line 67 – column 8, line 5), describing displaying user interfaces.

Katz does not explicitly disclose that the user interface is a graphical user interface having a window in which information regarding one or more files is displayed.

However, based on the Katz's disclosure in column 7, line 67 – column 8, line 5; it would have been obvious to one of ordinary skill in the art at the time of invention that the disclosure of "standard output devices" and also that "a user may be able to interact with display 20 by use of

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one of the input devices” would infer that a *graphical user interface* would be an obvious interface for which to implement Katz's teachings.

Furthermore, reference is made to Katz's disclosure in column 5, lines 42 – 53 and column 5, line 68 – column 6, line 14; wherein Katz discloses “While, for discussion purposes, the database will generally be considered to be a textual database in the following discussion, this is not a limitation on the invention, and, as indicated earlier, databases from which material may be retrieved utilizing the teachings of this invention include ones containing graphics (i.e. pictures, graphs, charts, drawings, video images, etc.), audio (i.e. speech, music, sound effects, etc.), text (including computer programs in various codes or languages, object classes and action specifications) and *any other type of material which may be computer storable.*” Therefore, based on this disclosure, it also would have been obvious to one of ordinary skill in the art at the time of invention that the annotation methods of Katz such as disclosed in column 8, lines 6 – 41 may pertain to *any* such material that may be computer storable, and is only described in the particular citations as being textual subdivisions of a database “for discussion purposes” which are not to be limiting. Thus, it would have been obvious that the selected items that Katz gives examples of annotating may be items such as files and, therefore, it would have been obvious that the teachings of Katz may be implemented with *a graphical user interface having a window in which information regarding one or more files is displayed.*

Taking into account that it would have been obvious that Katz's selected items may be files displayed in a window of a graphical user interface, as disclosed *supra*, Katz further discloses:

- *first detecting, while information regarding one or more files is displayed in the window, a user selection of at least one particular file of the one or more files* (column 8, lines 6 – 51), disclosing user selecting for annotation; and
- *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file* (column 8, line 42 – column 9, line 2), disclosing a user generating an annotation using a keyboard that may also be performed automatically or semiautomatically.

Katz does not explicitly disclose that upon the first detecting of the selection and the second detecting of the input, automatically initiating a tagging state of the graphical user interface without further user interaction, other than the user selection and the input from the user, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input.

Nevertheless, particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be

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generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement the step of: *upon the first detecting of the selection and the second detecting of the input, automatically initiating a tagging state of the graphical user interface without further user interaction, other than the user selection and the input from the user, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input.* This would have been obvious to be included within the teachings of Katz, because the disclosure of "semiautomatically or automatically" would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of "proposing annotations" would infer a desire to suggest tags or annotations. Additionally, the disclosure that "the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation" and that the proposed/suggested annotation may be "an annotation which is the same or similar [that] has been used before" (column 11, lines 48 – 60); would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user. Furthermore, regarding the at least one suggested tag including at least some of the input, Katz, at column 11, lines 48-60 and column 12, lines 54-65 discloses annotations which may be the same or similar to input.

Furthermore, Katz further discloses:

- *displaying in the window the at least one suggested tag to be applied to the at least one particular file* (column 7, line 67 – column 8, line 5), describing displaying information regarding files in a graphical user interface;
- *in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file* (column 12, lines 54-65), disclosing selecting and storing annotations to apply them.

As per independent claim 16, Katz discloses *an apparatus configured to apply tags to files of a file system, the apparatus comprising:*

- *a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags* (column 7, line 67 – column 8, line 5), describing displaying user interfaces for displaying information and receiving information pertaining to tags.

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Katz does not explicitly disclose that the user interface is a graphical user interface having a window in which information regarding one or more files is displayed.

However, based on the Katz's disclosure in column 7, line 67 – column 8, line 5; it would have been obvious to one of ordinary skill in the art at the time of invention that the disclosure of “standard output devices” and also that “a user may be able to interact with display 20 by use of one of the input devices” would infer that a *graphical user interface* would be an obvious interface for which to implement Katz's teachings.

Furthermore, reference is made to Katz's disclosure in column 5, lines 42 – 53 and column 5, line 68 – column 6, line 14; wherein Katz discloses “While, for discussion purposes, the database will generally be considered to be a textual database in the following discussion, this is not a limitation on the invention, and, as indicated earlier, databases from which material may be retrieved utilizing the teachings of this invention include ones containing graphics (i.e. pictures, graphs, charts, drawings, video images, etc.), audio (i.e. speech, music, sound effects, etc.), text (including computer programs in various codes or languages, object classes and action specifications) and *any other type of material which may be computer storable*.” Therefore, based on this disclosure, it also would have been obvious to one of ordinary skill in the art at the time of invention that the annotation methods of Katz such as disclosed in column 8, lines 6 – 41 may pertain to *any* such material that may be computer storable, and is only described in the particular citations as being textual subdivisions of a database “for discussion purposes” which are not to be limiting. Thus, it would have been obvious that the selected items that Katz gives examples of annotating may be items such as files and, therefore, it would have been obvious that the teachings of Katz may be implemented with *a graphical user interface having a window in which information regarding one or more files is displayed*.

Taking into account that it would have been obvious that Katz's selected items may be files displayed in a window of a graphical user interface, as disclosed *supra*, Katz further discloses:

- *first detecting, while information regarding one or more files is displayed in a window of the user interface, the selection of at least one particular file of the one or more files (column 8, lines 6 – 51), disclosing user selecting for annotation; and*
- *second detecting, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, the input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file a computing interface input from the user (column 8, lines 6 – 51), disclosing user selecting for annotation, which has been interpreted as sufficiently corresponding to “computing interface input from a user” and may be interpreted to be part of the same “user selection.”*

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Katz does not explicitly disclose that upon the first detecting of the selection of the at least one particular file and the second detection of the input from the user, automatically initiating a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

Nevertheless, particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement the step of: *upon the first detecting of the selection of the at least one particular file and the second detection of the input from the user, automatically initiating a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.* This would have been obvious to be included within the teachings of Katz, because the disclosure of "semiautomatically or automatically" would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of "proposing annotations" would infer a desire to suggest tags or annotations. Additionally, the disclosure that "the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation" and that the proposed/suggested annotation may be "an annotation which is the same or similar [that] has been used before" (column 11, lines 48 – 60); would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user.

As per independent claim 16, the claim limitations of the apparatus of claim 16 are sufficiently similar to the limitations of the method of claim 1. Therefore, taking into account the citations of Katz in the rejection of claim 1, *supra*, it additionally would have been obvious to one of ordinary skill in the art at the time of invention to implement the above listed limitations of claim 16 for the same reasons that these similar limitations would have been obvious as disclosed in the rejection of claim 1, *supra*.

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As per claim 2, and taking into account the rejection of claim 1, Katz further discloses that *the series of acts further comprises:*

- *utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface* (column 8, line 59 – column 9, line 2), disclosing displaying annotations;
- *in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file* (column 12, lines 54-65), disclosing storing annotations.

As per claims 3 and 17, and taking into account the rejections of claims 2 and 16, Katz further discloses *determining the at least one suggested tag based at least in part on the computing interface input from the user* (column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65), disclosing various means for determining annotations based on user input.

As per claims 4, 11, and 18; and taking into account the rejections of claims 3, 10, and 17; Katz further discloses that *determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of a first tag previously applied to one of the at least one particular file, a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types, a recently-applied tag, or a commonly-applied tag* (column 11, lines 48-60; column 12, lines 54-65; and column 14, lines 17-26), disclosing various means for determining annotations based on stored annotation data.

As per claims 5 and 19, and taking into account the rejections of claims 3 and 17, Katz further discloses that *determining the at least one suggested tag comprises querying an external data source of tags* (column 12, line 54 – column 13, line 37 and column 13, lines 50-62), disclosing external data sources for such querying.

As per claim 6, and taking into account the rejection of claim 5, Katz further discloses that *querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file* (column 12, line 54 – column 13, line 37 and column 13, lines 50-62), disclosing transmitting file information in such a query.

As per claim 7, and taking into account the rejection of claim 5, Katz further discloses that *querying the external data source of tags comprises transmitting to the external data source information about the user* (column 12, line 65 – column 13, line 14 and column 14, lines 17-26), disclosing transmitting user information in such a query.

As per claims 8 and 20, and taking into account the rejections of claims 7 and 19, Katz further discloses that *transmitting to the external data source information about the user comprises transmitting information regarding one or more of preferences of the user, a*

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profession of the user, a current project on which the user is working, or a current activity in which the user is engaging (column 6, lines 27-48), disclosing such types of user information.

As per claim 12, and taking into account the rejection of claim 10, Katz further discloses *generating an automatic tag based at least in part on an analysis of content of one of the at least one particular file; storing the automatic tag in association with the one of the at least one particular file; and displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user* (column 11, lines 48-60 and column 13, line 42 – column 14, line 26), discloses automatic annotations provided in displayed manners different from such user annotations.

As per claim 13, and taking into account the rejection of claim 12, Katz further discloses that *displaying the automatic tag to the user in the different manner comprises: displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag* (column 11, lines 48-60 and column 13, line 42 – column 14, line 26), disclosing basing automatic tags on levels pertaining to confidence of relevance.

As per claim 14, and taking into account the rejection of claim 13, Katz further discloses: *monitoring user interaction with the automatic tag; learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system* (column 13, lines 43-50 and column 14, lines 17-26), disclosing types of artificial intelligence learning.

As per claim 15, and taking into account the rejection of claim 10, Katz further discloses that *determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user* (column 11, lines 48-60), disclosing that annotations may be based on all user input.

12. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 5,404,295) in view of Wantanabe et al. (US 6,795,094 B1).

As per claim 9, Katz sufficiently renders obvious the limitations of claim 1.

However, Katz does not explicitly disclose that the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

Nevertheless, in an analogous art, Watanabe discloses that *the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while*

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metadata regarding files that are stored in a folder of a file system is displayed in the computing interface (Figs. 2 and 8), disclosing the display of metadata during such methods.

Both Katz and Watanabe pertain to the analogous art of interfaces using keywords to retrieve particular data from databases (Katz; column 1, lines 12-18 and Watanabe; column 1, lines 8-12) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Furthermore, Watanabe also discloses that the entering of keywords through a keyboard from one image file to another becomes difficult when a plurality of such files are generally displayed one by one and, additionally, when a plurality of types of files are displayed as thumbnails, it is difficult to display keywords associated with the respective images in a limited display area and thus the user cannot know which keywords are assigned to the respective images (Watanabe; column 17-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Katz and Watanabe.

Response to Arguments

13. Applicant's arguments filed on 9/29/2013 have been fully considered, but are not persuasive.

14. Regarding claim 1, the Applicant has argued that Katz does not disclose or suggest "upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user interaction, other than the user selection and computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file."

In response to this argument, the Examiner respectfully disagrees. Please refer to the rejection of claim 1, *supra*.

Furthermore, particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement the step of: *upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user interaction, other than the user selection and*

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computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file. This would have been obvious to be included within the teachings of Katz, because the disclosure of “semiautomatically or automatically” would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of “proposing annotations” would infer a desire to suggest tags or annotations. Additionally, the disclosure that “the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation” and that the proposed/suggested annotation may be “an annotation which is the same or similar [that] has been used before” (column 11, lines 48 – 60); would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user.

In addition, it is of note that the act of “first detecting” and the act of “second detecting” may be interpreted to be two parts of one single detecting act.

15. Regarding claim 10, the Applicant has argued that Katz does not disclose or suggest “upon the first detecting of the selection and the second detecting of the input, automatically initiating a tagging state of the graphical user interface without further user interaction, other than the user selection and the input from the user, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input.”

In response to this argument, the Examiner respectfully disagrees. Please refer to the rejection of claim 10, *supra*.

Furthermore, particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either “semiautomatically or automatically,” that “other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision,” and that “the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision.” Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement the step of: *upon the first detecting of the selection and the second detecting of the input, automatically initiating a tagging state of the graphical user interface without further user interaction, other than the user selection and the input from the user, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input.* This would have been obvious to be included within the teachings of Katz, because the disclosure of “semiautomatically or automatically” would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of “proposing annotations” would infer a desire to suggest tags or annotations. Additionally, the disclosure that

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“the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation” and that the proposed/suggested annotation may be “an annotation which is the same or similar [that] has been used before” (column 11, lines 48 – 60); would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user. Furthermore, regarding the at least one suggested tag including at least some of the input, Katz, at column 11, lines 48-60 and column 12, lines 54-65 discloses annotations which may be the same or similar to input.

16. Regarding claim 16, the Applicant has argued that Katz does not disclose or suggest “upon the first detecting of the selection of the at least one particular file and the second detection of the input from the user, automatically initiating a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.”

In response to this argument, the Examiner respectfully disagrees. Please refer to the rejection of claim 10, *supra*.

Furthermore, particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either “semiautomatically or automatically,” that “other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision,” and that “the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision.” Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement the step of: *upon the first detecting of the selection of the at least one particular file and the second detection of the input from the user, automatically initiating a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input*. This would have been obvious to be included within the teachings of Katz, because the disclosure of “semiautomatically or automatically” would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of “proposing annotations” would infer a desire to suggest tags or annotations. Additionally, the disclosure that “the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation” and that the proposed/suggested annotation may be “an annotation which is the same or similar [that] has been used before” (column 11, lines 48 – 60); would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested

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tag may be suggested without further user interaction other than the user selection and the input from the user.

Conclusion

17. *It is noted that any citation 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. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).*

18. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

19. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401 and whose fax number is 571-270-2401. The Examiner can normally be reached during regular Office business hours, Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Robert Stevens, can be reached on 571-272-4102. 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).

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/Eric Wiener/
Examiner, Art Unit 2142

/Robert Stevens/
Supervisory Patent Examiner, Art Unit 2142

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| Index of Claims  | Application/Control No. 12887406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. |
| | Examiner ERIC WIENER | Art Unit 2142 |

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Claims renumbered in the same order as presented by applicant
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**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

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|----------------------|----------------------|-------------|------------|-------------------------------|----------------|----------|------|
| Application Number | 12/887,406 | Filing Date | 2010-09-21 | Docket Number (if applicable) | 312979.02 | Art Unit | 2142 |
| First Named Inventor | Matthew B. MacLaurin | | | Examiner Name | WIENER, ERIC A | | |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

Other _____

Enclosed

Amendment/Reply

Information Disclosure Statement (IDS)

Affidavit(s)/ Declaration(s)

Other _____

MISCELLANEOUS

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

Applicant Signature

| Signature of Registered U.S. Patent Practitioner | | | |
|--|----------------------------------|---------------------|------------|
| Signature | /Margo Livesay, Reg. No. 41,946/ | Date (YYYY-MM-DD) | 2014-04-11 |
| Name | Margo Livesay | Registration Number | 41946 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|------------------------------|-------------|----------------|
| Applicant: | Matthew B. MacLaurin | Examiner: | Eric A. Wiener |
| Serial No.: | 12/887,406 | Art Unit: | 2142 |
| Filed: | September 21, 2010 | Docket No.: | 312979.02 |
| Conf. No.: | 2445 | | |
| Title: | SELECTION-BASED ITEM TAGGING | | |

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the final Office Action mailed on December 4, 2013. Please amend and reconsider the above-identified patent application as follows.

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IN THE CLAIMS

Please amend and reconsider the claims as follows:

What is claimed is:

1. (Currently Amended) A method for applying tags to files of a file system, the method comprising:

operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input from the user; and

upon the first detecting and the second detecting following the first detecting, automatically entering ~~initiating~~ a tagging mode ~~[[state]]~~ of the computing interface without further user interaction, other than the user selection and computing interface input, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.

2. (Previously Presented) The method of claim 1, wherein the series of acts further comprises:

utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface;

in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file.

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3. (Previously Presented) The method of claim 2, wherein the series of acts further comprises:

determining the at least one suggested tag based at least in part on the computing interface input from the user.

4. (Previously Presented) The method of claim 3, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,
a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
a recently-applied tag, or
a commonly-applied tag.

5. (Original) The method of claim 3, wherein determining the at least one suggested tag comprises querying an external data source of tags.

6. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file.

7. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the user.

8. (Previously Presented) The method of claim 7, wherein transmitting to the external data source information about the user comprises transmitting information regarding one or more of:

preferences of the user,
a profession of the user,

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a current project on which the user is working, or
a current activity in which the user is engaging.

9. (Previously Presented) The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

10. (Currently Amended) ~~At least one memory storage device encoded with computer executable instructions that, when executed, cause a computer to carry out a method for applying tags to files of a file system, the~~ A method comprising:

displaying information regarding one or more files of a file system in a window of a graphical user interface;

first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file;

upon the first detecting of the selection and the second detecting of the input following the first detecting, automatically initiating a tagging mode ~~[[state]]~~ of the graphical user interface without further user interaction, other than the user selection and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;

displaying in the window the at least one suggested tag to be applied to the at least one particular file; and

in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

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11. (Currently Amended) The ~~at least one memory storage device~~ method of claim 10, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

- a first tag previously applied to one of the at least one particular file,
- a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
- a recently-applied tag, or
- a commonly-applied tag.

12. (Currently Amended) The ~~at least one memory storage device~~ method of claim 10, ~~wherein the method~~ further ~~comprises~~ comprising:

- generating an automatic tag based at least in part on an analysis of content of one of the at least one particular file;
- storing the automatic tag in association with the one of the at least one particular file; and
- displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

13. (Currently Amended) The ~~at least one memory storage device~~ method of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:

- displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

14. (Currently Amended) The ~~at least one memory storage device~~ method of claim 13, further comprising:

- monitoring user interaction with the automatic tag; and
- learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and

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generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system.

15. (Currently Amended) The ~~at least one memory storage device~~ method of claim 10, wherein determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user.

16. (Currently Amended) An apparatus configured to apply tags to files of a file system, the apparatus comprising:

a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and

at least one processor programmed to:

first detect, while information regarding one or more files is displayed in a window of the user interface, the selection of at least one particular file of the one or more files;

second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, the input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and

upon the first detection of the selection of the at least one particular file and the second detection of the input from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

17. (Original) The apparatus of claim 16, wherein the at least one processor is further programmed to:

determine the at least one suggested tag based at least in part on the input from the user.

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18. (Previously Presented) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by determining the at least one suggested tag based at least in part on one or more of:

- a first tag previously applied to one of the at least one particular file,
- a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
- a recently-applied tag, or
- a commonly-applied tag.

19. (Original) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by querying an external data source of tags.

20. (Previously Presented) The apparatus of claim 19, wherein the at least one processor is programmed to query the external data source of tags at least by transmitting to the external data source information regarding one or more of:

- preferences of the user,
- a profession of the user,
- a current project on which the user is working, or
- a current activity in which the user is engaging.

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REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on final Office Action mailed on December 4, 2013, and the references cited therewith.

Claims 1 and 10-16 are amended; as a result, claims 1-20 are pending in this application. Applicant respectfully submits that no new matter is added by these amendments (*see, e.g.*, paragraphs [0024] and [0036] of the originally filed specification). Applicant respectfully traverses all pending rejections of the claims, requests withdrawal of all pending rejections and/or objections, and requests swift indication of allowance of the present application, as discussed below.

Rejections under 35 USC § 101

Claims 10-15

Claims 10-15 were rejected under 35 USC § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses the rejection of these claims, as discussed below.

Without conceding that claims 10-15 were directed to non-statutory subject matter, and in the interests of advancing prosecution, Applicant respectfully submits that claims 10-15 have been amended to recite a "method." It is believed that no new matter is added by this amendment.

Applicant respectfully submits that a "method" is not a "transitory signal" or "wave," and thus, Applicant respectfully requests withdrawal of the rejection of claims 10-15 under 35 USC § 101.

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Rejections under 35 USC § 112, first paragraph (enablement)

Claims 12-13

Claims 12-13 were rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicant respectfully traverses the rejection of these claims, as discussed below.

With regard to claim 12, the Office Action (page 3, lines 11-15) alleges that "displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the file by the user" is not enabled by the Specification. However, Applicant respectfully submits that this feature is enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification.

With regard to claim 13, the Office Action (page 3, lines 16- 23) alleges that "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag" is not enabled by the Specification. Applicant respectfully submits that this feature is enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification. For example, paragraphs [0035]-[0036] (at least) state (*emphasis added*):

[0035] The tagging system can contain both automatic tags generated by the tagging system and explicit tags from a user. ***By distinguishing between the two types of tags easily, a user can be alerted to their confidence level with regard to the tags. A user may have high confidence in their explicit tags and lesser confidence in system generated tags.*** Users may also desire to make system tags their own by accepting them via a user interface mechanism. Thus, users may locate documents, for example, without totally agreeing or disagreeing with the tags associated with those documents. If they decide that the system tags are to their liking, they can change them to explicit tags. By doing so, the tagging system can learn from the changes and even employ machine learning techniques to facilitate in providing better tag suggestions. Both agreeing with a system generated tag and disagreeing with a system generated tag, can be utilized to increase the "intelligence" of the tagging system. Likewise, taking no action can also be employed in the learning process.

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[0036] As an example user interface, given a display of items, such as the list of files presented in a desktop file window, if the user has selected one or more items utilizing the user interface and begins to type, a light 'tagging mode' can be entered with the following characteristics:

- display a special icon and/or text message indicating that tagging is active
- accumulate each key a user types into a "tag buffer"
- use this tag buffer to guess at likely tags
- display the current "best guess" tag in a textual readout associated with the window
- allow a user to choose between "tag guesses" using cursor arrows
- allow a user to choose whether to accept guesses or simply use the buffer as is
- if a user hits the escape key (or similar), exit tagging mode
- if the user hits the enter / return key (or similar), apply the items to the tag

In addition, if an automated tag and an explicit tag (one entered by a user) are both presented to the user, each type of tag can be distinguished utilizing different sizes, fonts, colors, and/or symbols and the like. The above user interface characteristics are meant to be a representative process and one skilled in the art can appreciate that many variations are possible and are still within the scope of the disclosed subject matter herein. In general, once the tags are applied to the selected items, they are automatically utilized by the system to organize and retrieve content.

Thus, Applicant respectfully submits that, at least paragraph [0036] (e.g., "***if an automated tag and an explicit tag (one entered by a user) are both presented to the user, each type of tag can be distinguished utilizing different sizes, fonts, colors, and/or symbols and the like***") enables "displaying the automatic tag to the user in a different manner from at least one explicit tag," as recited by claim 12. Additionally, Applicant respectfully submits that, at least paragraph [0035] (e.g., "***By distinguishing between the two types of tags easily, a user can be alerted to their confidence level with regard to the tags. A user may have high confidence in their explicit tags and lesser confidence in system generated tags.***") enables "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an

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indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag," as recited by claim 13.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 12-13 under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Rejections under 35 USC § 112, first paragraph (written description)

Claims 12-13

Claims 12-13 were rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action (page 3, lines 24-28) that the "claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention." Applicant respectfully traverses the rejection of these claims, as discussed below.

With regard to claim 12, the Office Action (page 3, lines 29-35) alleges that "displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the file by the user" fails to comply with the written description requirement. However, Applicant respectfully submits that this feature is clearly enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification, and is described in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

With regard to claim 13, the Office Action (page 4, lines 1-10) alleges that "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag" fails to comply with the written description requirement. Applicant respectfully submits that this feature is enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification, and is described in such a way as to reasonably convey to one skilled in the

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relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. For example, paragraphs [0035]-[0036] (at least) state (*emphasis added*):

[0035] The tagging system can contain both automatic tags generated by the tagging system and explicit tags from a user. ***By distinguishing between the two types of tags easily, a user can be alerted to their confidence level with regard to the tags. A user may have high confidence in their explicit tags and lesser confidence in system generated tags.*** Users may also desire to make system tags their own by accepting them via a user interface mechanism. Thus, users may locate documents, for example, without totally agreeing or disagreeing with the tags associated with those documents. If they decide that the system tags are to their liking, they can change them to explicit tags. By doing so, the tagging system can learn from the changes and even employ machine learning techniques to facilitate in providing better tag suggestions. Both agreeing with a system generated tag and disagreeing with a system generated tag, can be utilized to increase the “intelligence” of the tagging system. Likewise, taking no action can also be employed in the learning process.

[0036] As an example user interface, given a display of items, such as the list of files presented in a desktop file window, if the user has selected one or more items utilizing the user interface and begins to type, a light ‘tagging mode’ can be entered with the following characteristics:

- display a special icon and/or text message indicating that tagging is active
- accumulate each key a user types into a “tag buffer”
- use this tag buffer to guess at likely tags
- display the current “best guess” tag in a textual readout associated with the window
- allow a user to choose between “tag guesses” using cursor arrows
- allow a user to choose whether to accept guesses or simply use the buffer as is
- if a user hits the escape key (or similar), exit tagging mode
- if the user hits the enter / return key (or similar), apply the items to the tag

In addition, if an automated tag and an explicit tag (one entered by a user) are both presented to the user, each type of tag can be

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distinguished utilizing different sizes, fonts, colors, and/or symbols and the like. The above user interface characteristics are meant to be a representative process and one skilled in the art can appreciate that many variations are possible and are still within the scope of the disclosed subject matter herein. In general, once the tags are applied to the selected items, they are automatically utilized by the system to organize and retrieve content.

Thus, Applicant respectfully submits that, at least paragraph [0036] (e.g., "*if an automated tag and an explicit tag (one entered by a user) are both presented to the user, each type of tag can be distinguished utilizing different sizes, fonts, colors, and/or symbols and the like*") provides an example description for "displaying the automatic tag to the user in a different manner from at least one explicit tag," as recited by claim 12. Additionally, Applicant respectfully submits that, at least paragraph [0035] (e.g., "*By distinguishing between the two types of tags easily, a user can be alerted to their confidence level with regard to the tags. A user may have high confidence in their explicit tags and lesser confidence in system generated tags.*") provides an example description for "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag," as recited by claim 13.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 12-13 under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Rejections under 35 USC § 103(a)

Claims 1-8 and 10-20

Claims 1-8 and 10-20 were rejected under 35 USC § 103(a) as allegedly being unpatentable over *Katz et al.* (U.S. Patent No. 5,404,295). Applicant respectfully traverses the rejection of these claims, as discussed below.

Amended independent claim 1 recites (**emphasis added**):

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1. A method for applying tags to files of a file system, the method comprising:
 - operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:
 - first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;
 - second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input from the user; and
 - upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection and computing interface input, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.**

Katz et al. (per Title) is directed to "utilizing annotations to facilitate computer retrieval of database material," stating (per Abstract):

A method and apparatus for computer retrieval of database material which may be text, computer programs, graphics, audio, object classes, action specifications or other material which may be machine stored. Annotations are provided for at least selected database subdivisions, preferably with natural language questions, assertions or noun phrases or some combination/collection thereof. However, the annotations may also initially be generated in a structured form. Annotations are, if required, converted to a structured form and are stored in that form along with connections to corresponding subdivisions. Searching for relevant subdivisions involves entering a query in natural language or structured form, converting natural language queries to structured form, matching the structured form query against stored annotations and retrieving database subdivisions connected to matched annotations. The annotation process may be aided by utilizing various techniques for automatically or semiautomatically generating the annotations.

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The Office Action (page 4, line 34 - page 5, line 8) states, "Katz does not explicitly disclose that upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user interaction, other than the user selection and computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file," and then alleges obviousness, by referring to "column 8, line 48 - column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision."

The Office Action (page 4, lines 8-24) states (*emphasis added*):

Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention *to be able to* implement the step of:
upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user interaction, other than the user selection and computing interface input, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file. This *would have been obvious to be included within the teachings of Katz*, because the disclosure of "semiautomatically or automatically" *would infer a desire to dynamically provide tags or annotations*, and furthermore because the disclosure of "proposing annotations" *would infer a desire to suggest tags or annotations*. Additionally, the disclosure that "the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation" and that the proposed/suggested annotation may be "an annotation which is the same or similar [that] has been used before" (column 11, lines 48 - 60); *would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user*.
In addition, it is of note that the act of "first detecting" and the act of "second detecting" may be interpreted to be two parts of one single detecting act.

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Applicant respectfully submits that the Office Action completely fails to provide an explanation of *Katz et al.* disclosing or suggesting “**upon the first detecting and the second detecting, automatically initiating a tagging state of the computing interface without further user interaction.**”

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

However, in the interests of advancing prosecution, and without conceding that the "**automatically initiating a tagging state**" feature is obvious over these cited portions of *Katz et al.*, independent claim 1 has been amended to recite, "**upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection and computing interface input, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.**" Applicant respectfully submits that no new matter is added by this amendment (*see, e.g.*, (at least) specification, paragraphs [0024], [0036]).

Applicant respectfully submits that these features are neither disclosed nor suggested by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 1.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 2-8, which recite the features of claim 1 by virtue of their respective dependencies from claim 1, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

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In another aspect, amended independent claim 10 recites (**emphasis added**):

10. A method comprising:
displaying information regarding one or more files of a file system in a window of a graphical user interface;
first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;
second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file;
upon the first detecting of the selection and the second detecting of the input following the first detecting, automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;
displaying in the window the at least one suggested tag to be applied to the at least one particular file; and
in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

The Office Action (page 6, line 30 - page 7, line 19) alleges several features of claim 10 are obvious over *Katz et al.* similarly to its rejection of claim 1 (e.g., “upon the first detecting ,,”). For reasons similar to those discussed above with regard to claim 1, Applicant again, without conceding that the **"automatically initiating a tagging state"** feature is obvious over these cited portions of *Katz et al.*, and in the interests of advancing prosecution, Applicant has amended independent claim 10 to recite, **"upon the first detecting of the selection and the second detecting of the input following the first detecting, automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and determining at least one suggested tag based at least in**

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part on the input from the user, the at least one suggested tag including at least some of the input."

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that these features are neither disclosed nor suggested by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 10.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 11-15, which recite the features of claim 10 by virtue of their respective dependencies from claim 10, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

In another aspect, amended independent claim 16 recites (**emphasis added**):

16. An apparatus configured to apply tags to files of a file system, the apparatus comprising:
 - a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and
 - at least one processor programmed to:
 - first detect, while information regarding one or more files is displayed in a window of the user interface, the selection of at least one particular file of the one or more files;
 - second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, the input from the user of one or more

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characters included in a tag that the user desires to apply to the at least one particular file; and

upon the first detection of the selection of the at least one particular file and the second detection of the input from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

With regard to the “upon the first detecting ...,” the Office Action (page 9, lines 1-28) relies on *Katz et al.* similarly to its rejections of claims 1 and 10, to allege that the features of claim 16 are obvious over *Katz et al.* For reasons similar to those discussed above with regard to claim 1 (and claim 10), Applicant again, without conceding that the **"automatically initiate a tagging mode of the user interface"** feature is obvious over these cited portions of *Katz et al.*, and in the interests of advancing prosecution, Applicant has amended independent claim 16 to recite, **"upon the first detection of the selection of the at least one particular file and the second detection of the input from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input."**

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that these features are neither disclosed nor suggested by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination.

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Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 16.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 17-20, which recite the features of claim 16 by virtue of their respective dependencies from claim 16, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claim 9

Claim 9 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Katz et al.* in view of *Wantanabe et al.* (U.S. Patent No. 6,795,094). Applicant respectfully traverses the rejection of claim 9, as discussed below.

Dependent claim 9 recites:

9. The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

The Office Action (page 11, line 29 - page 12, line 2) states (*emphasis added*):

As per claim 9, *Katz sufficiently renders obvious the limitations of claim 1.*

However, *Katz* does not explicitly disclose that the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

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Nevertheless, in an analogous art, Watanabe discloses that *the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface* (Figs. 2 and 8), disclosing the display of metadata during such methods.

Wantanabe et al. (per Abstract) is directed to:

An image processor in which images are displayed on the screen of a display device in such a manner that visually recognizable labels corresponding to keywords assigned to respective images are displayed near the corresponding images thereby making it easy for a user to see which keywords are assigned to the respective images.

Applicant respectfully submits that the addition of *Wantanabe et al.* fails to cure the deficiencies of *Katz et al.* with regard to rendering obvious the features of amended independent claim 1 (as discussed above), from which amended claim 9 depends. Applicant respectfully submits that the claimed features of amended independent claim 1 are neither disclosed nor suggested by *Katz et al.*, nor by *Wantanabe et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended dependent claim 9, which depends from amended independent claim 1.

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Conclusion

Applicant respectfully requests withdrawal of all pending rejections and/or objections. Applicant further respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is invited to telephone Applicant's attorney at 202-684-8685 to facilitate prosecution of this application.

Respectfully submitted,

Microsoft Corporation
Customer Number 69316
Phone: 425-707-9382

Date April 11, 2014

By / Margo Livesay, Reg. No. 41,946/
Margo Livesay, Ph.D.
Reg. No. 41,946

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| | |
|---|------------------------------|
| Application Number: | 12887406 |
| Filing Date: | 21-Sep-2010 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Filer: | Margo Livesay |
| Attorney Docket Number: | 312979.02 |

Filed as Large Entity

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|---|------------------------------|
| EFS ID: | 18746306 |
| Application Number: | 12887406 |
| International Application Number: | |
| Confirmation Number: | 2445 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Customer Number: | 69316 |
| Filer: | Margo Livesay |
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| 1 | Extension of Time | 312979-02-EOT.pdf | 187192 07a81c760077df69806cb7fb304c30c04ee31ac4 | no | 2 |
| Warnings: | | | | | |
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| 2 | Request for Continued Examination (RCE) | 312979-02-RCE.pdf | 697852 15aa693365ed370f3bb54647c7c1a7a4c49f18be | no | 3 |
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| Information: | | | | | |
| 3 | | 312979-02-Response.pdf | 183008 abe6d2fa8c2b698b648e6ef5a6badf8a017bc29 | yes | 22 |
| | Multipart Description/PDF files in .zip description | | | | |
| | Document Description | | Start | End | |
| | Amendment Submitted/Entered with Filing of CPA/RCE | | 1 | 1 | |
| | Claims | | 2 | 7 | |
| | Applicant Arguments/Remarks Made in an Amendment | | 8 | 22 | |
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| 4 | Fee Worksheet (SB06) | fee-info.pdf | 32202 36cf8c30b96940a6f47da13f42cb7e8ade731d5a | no | 2 |
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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) | | Docket Number (Optional) 312979.02 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|-----------------------------------|--|------------------|------------------|------------------|------------------|--|--|-------|-------|------|----------|--|-------|-------|-------|------------------|---|---------|-------|-------|----------|--|---------|---------|-------|----------|--|---------|---------|-------|----------|
| Application Number 12/887,406 | Filed 09-21-2010 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| For SELECTION-BASED ITEM TAGGING | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Art Unit 2142 | Examiner WIENER, ERIC A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.</p> <p>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: center; border-bottom: 1px solid black;">Fee</th> <th style="text-align: center; border-bottom: 1px solid black;">Small Entity Fee</th> <th style="text-align: center; border-bottom: 1px solid black;">Micro Entity Fee</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td> <td style="text-align: center;">\$200</td> <td style="text-align: center;">\$100</td> <td style="text-align: center;">\$50</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td> <td style="text-align: center;">\$600</td> <td style="text-align: center;">\$300</td> <td style="text-align: center;">\$150</td> <td style="text-align: center;">\$ 600.00</td> </tr> <tr> <td><input type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td> <td style="text-align: center;">\$1,400</td> <td style="text-align: center;">\$700</td> <td style="text-align: center;">\$350</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td> <td style="text-align: center;">\$2,200</td> <td style="text-align: center;">\$1,100</td> <td style="text-align: center;">\$550</td> <td style="text-align: center;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Five months (37 CFR 1.17(a)(5))</td> <td style="text-align: center;">\$3,000</td> <td style="text-align: center;">\$1,500</td> <td style="text-align: center;">\$750</td> <td style="text-align: center;">\$ _____</td> </tr> </tbody> </table> <p><input type="checkbox"/> Applicant asserts small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant certifies micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.</p> <p><input checked="" type="checkbox"/> Payment made via EFS-Web.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 41,946 _____.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number _____.</p> <p>/Margo Livesay, Reg. No. 41,946/ _____ April 11, 2014 _____ Signature Date</p> <p>Margo Livesay _____ (202) 684-8685 _____ Typed or printed name Telephone Number</p> <p>NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> * Total of _____ forms are submitted.</p> | | | | Fee | Small Entity Fee | Micro Entity Fee | | <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$200 | \$100 | \$50 | \$ _____ | <input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$600 | \$300 | \$150 | \$ 600.00 | <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1,400 | \$700 | \$350 | \$ _____ | <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$2,200 | \$1,100 | \$550 | \$ _____ | <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$3,000 | \$1,500 | \$750 | \$ _____ |
| | Fee | Small Entity Fee | Micro Entity Fee | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$200 | \$100 | \$50 | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$600 | \$300 | \$150 | \$ 600.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1,400 | \$700 | \$350 | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$2,200 | \$1,100 | \$550 | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$3,000 | \$1,500 | \$750 | \$ _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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12/887,406 09/21/2010 Matthew B. MacLaurin 312979.02 2445

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
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EXAMINER

WIENER, ERIC A

Table with 2 columns: ART UNIT, PAPER NUMBER

2142

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

07/03/2014

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):

- stevensp@microsoft.com
vfpros@microsoft.com
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| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 12/887,406 | Applicant(s) MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | AIA (First Inventor to File) Status No |

-- 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 4/11/2014.
- 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) 1-20 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) 1-20 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 FPHfeedback@uspto.gov.

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).

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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 3) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/2014 has been entered.
3. The status of the claims is as follows:
 - a. Claims 1-20 are pending.
 - b. Claims 1, 10, and 16 are the independent claims.
 - c. Claims 1-20 are rejected by the Examiner.
4. *Please note that any specific prior art relied upon in rejecting any pending claims is considered the most relevant art pertaining to those claims of all prior art of current record. However, the prior art made of record and not relied upon is still considered pertinent to the Applicant's Disclosure. Please refer to the Conclusion of this Office Action for additional reference to other such pertinent prior art.*

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. **Claim 13 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

Regarding claim 13, the claim includes the limitation of “displaying to the user each tag associated with the one of the at least one particular file and, for each tag, an indication of an associated confidence level of the each tag, based on the displaying in the different manner wherein the automatic tag has a lower confidence value than the at least one explicit tag.” This

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limitation is not enabled by the Specification. The Specification contains no enabling disclosure for “displaying... an indication of an associated confidence level of the each tag.” Paragraphs [0034]-[0035] of the Specification describe that a user “may” have a “confidence level with regard to the tags,” but this is not equivalent to describing a confidence level that is of the each tag. There may be supporting disclosure for an associated confidence level of the user with regard to the tags, but there is no supporting disclosure for an associated confidence level of the tag or of the each tag, let alone supporting disclosure for displaying an indication of an associated confidence level of the each tag.

Therefore, claim 13 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

8. Claim 13 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Regarding claim 13, the claim includes the limitation of “displaying to the user each tag associated with the one of the at least one particular file and, for each tag, an indication of an associated confidence level of the each tag, based on the displaying in the different manner wherein the automatic tag has a lower confidence value than the at least one explicit tag.” This limitation is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Specification contains no enabling disclosure for “displaying... an indication of an associated confidence level of the each tag.” Paragraphs [0034]-[0035] of the Specification describe that a user “may” have a “confidence level with regard to the tags,” but this is not equivalent to describing a confidence level that is of the each tag. There may be supporting disclosure for an associated confidence level of the user with regard to the tags, but there is no supporting disclosure for an associated confidence level of the tag or of the each tag, let alone supporting disclosure for displaying an indication of an associated confidence level of the each tag.

Therefore, claim 13 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

9. Claims 16-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding independent claim 16, the claim recites the limitations: “the selection of at least one particular file of the one or more files,” “the selection of the at least one particular file,” and “the first detection of the selection of the at least one particular file.” There is insufficient antecedent basis for these limitations in the claim, because, at the point in which these limitations occurs in the claim, the only related basis for these limitations is the language " receive information from the user indicating a selection of at least one file," which does not provide sufficient antecedent basis for these limitations. Therefore, this inconsistency renders claim 16 as indefinite and, thus, rejected under 35 U.S.C. § 112, second paragraph.

Furthermore, regarding independent claim 16, the claim recites the limitation “the input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file.” There is insufficient antecedent basis for this limitations in the claim, because, at the point in which this limitations occurs in the claim, the only related basis for this limitation is the language "receive information from the user indicating... input regarding desired tags," which does not provide sufficient antecedent basis for this limitation. Therefore, this inconsistency renders claim 16 as indefinite and, thus, rejected under 35 U.S.C. § 112, second paragraph.

Regarding dependent claims 17-20, the claims depend from independent claim 16 and do not fix the 35 U.S.C. 112, second paragraph deficiencies of independent claim 16. Therefore, dependent claims 17-20 are rejected under 35 U.S.C. § 112, second paragraph for the same reasons as independent claim 16, *supra*.

Claim Rejections - 35 USC § 103

10. The following is a quotation of pre-AIA 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.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

- i. Determining the scope and contents of the prior art.
- ii. Ascertaining the differences between the prior art and the claims at issue.
- iii. Resolving the level of ordinary skill in the pertinent art.
- iv. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claim 1 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1).

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Regarding independent claim 1, Freeborg discloses *a method for applying tags to files of a file system, the method comprising: operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:*

- *first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files ([0012] and [0025]), wherein [0025] describes “media manager 14 [having] a number of sections or columns appertaining thereto, corresponding to attributes of the media files, including media file name 16, user rating 18, associated tags 22, comments 24, [and additional file attributes and metadata],” further wherein [0012] describes that the media manager displays media files using a well-known form of a user interface for presenting files in a grid mode in which the columns of the grid mode are displayed as corresponding at least to attributes of the files, further wherein [0012] further describes that such files are *selectable* by a user. Regarding the media manager 14 presenting the *selectable* media files in the grid mode, as described in [0012] and [0015], these selectable media files are depicted in such a grid mode of a media manager in: area 14 of Fig. 1, area 14 of Fig. 2, area 14 of Fig. 3 (specifically in the Fig. 3B portion of Fig. 3), area 78 of Fig. 6, and in the grid mode area of Fig 8 (the combination of Figs. 8A and 8B) that corresponds to that referenced grid mode area of area 14 of Figs. 1-3 and area 78 of Fig. 6. Although Freeborg does not explicitly state detecting a user selection while information regarding one or more files is displayed in a computing interface, one of ordinary skill in the art at the time of invention would have viewed it as obvious to detect a user selection of a file that is selected while files and corresponding file information are displayed in a grid mode. It would have been obvious to one of ordinary skill in the art, because the grid mode user interface views depicted in Figs. 1-3, 6, and 8 of Freeborg represent files and information in the same way as, for example, the “details pane” of a Windows explorer file explorer user interface, which is well-known as providing a window of selectable files or objects that are arranged to display their corresponding attributes and metadata in the columns of the grid corresponding to the details view (*see PTO-892-20140617, Reference U, pp. 22-23*). Therefore, referring to the example media manager interface window of Fig. 8, it has been interpreted that each of the 26 media files displayed in each of the 26 rows of the media manager are able to be selected by a user and, furthermore, are able to be selected by a user while information regarding one or more files is displayed, wherein such selection is also able to be detected. Furthermore, referring to Fig. 8B, one of ordinary skill in the art would have viewed the media manager interface of Fig. 8B as obviously depicting a contextual pop-up menu that has been displayed in response to a user selection of the media file in row 9. This would have been obvious to*

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one of ordinary skill in the art, because the border of row 9 is displayed with an outline in Fig. 8B in the same, well-known fashion that other user interface objects are commonly indicated as selected or focused-on, which would thus infer to one of ordinary skill in the art that a first user selection of at least one particular file of the one or more files has been detected. Furthermore, one of ordinary skill in the art would have inferred that one action (i.e. "a user selection") both selected the media file in row 9 and caused the display of the contextual pop-up menu, for instance, by right-clicking on row 9, because it is well known in the art that right-clicking an item in a file explorer will cause such a contextual pop-up menu to be displayed for further input (*see PTO-892-20140617, Reference U, p. 70*).

- *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input from the user (Fig. 8B), wherein the contextual pop-up menu displayed over row 9 has been interpreted as being displayed "following the first detecting of the user selection" of the media file of row 9 and "while the information regarding the one or more files [continues to be] displayed in the [media manager] computing interface [of Fig. 8B]." Although Freeborg does not explicitly state detecting a second computing interface input from the user, one of ordinary skill in the art at the time of invention would have viewed such a second user input as being obvious, because Fig. 8B depicts the contextual pop-up menu as already having been displayed in response to the first detection of user input selection of the media file of row 9, as explained, *supra*, and, furthermore, because that contextual pop-up menu clearly depicts selectable options, which would be obvious selectable inputs to correspond to a second input that follows a first input that caused the contextual pop-up menu to be displayed. Therefore, following this rationale, it has been interpreted that *any* of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag." and*
- *upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection and computing interface input, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular*

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file ([0012]; [0025]; and [0033]), wherein, following the rationale provided *supra* that the first detection may sufficiently correspond to detecting a user selecting a media file and the second detection may sufficiently correspond to detecting the user inputting a selection of an option to “Add Tag” to that selected media file, it would thus have been obvious to one of ordinary skill in the art at the time of invention that a tagging mode would automatically be entered, in response to initiating the “Add Tag” option command, because selecting an “Add Tag” menu option command has been interpreted as sufficiently corresponding to initiating a mode of tagging in which a tag may be added. Furthermore, it would have been obvious to one of ordinary skill in the art that, upon initiating the “Add Tag” option command, the user interface would change in some way in order for a user to add a tag through the user interface. Therefore, it would have been obvious that some form of “indication” would be displayed in order to indicate that tagging mode has been initiated in order to perform the “Add Tag” option command, because, as disclosed in [0033], a user could create a custom tag to be added, which would have been obvious to implement through the user interacting with the graphical user interface in any practical mode that would enable a user to add a tag and which would thus indicate that a tagging mode has been activated.

13. Claims 2-8, 10, 11, and 15-20 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1) in view of Katz et al. (US 5,404,295).

Regarding independent claim 10, Freeborg discloses *a method comprising:*

- *displaying information regarding one or more files of a file system in a window of a graphical user interface* (Figs. 1-3, 6, and 8);
- *first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files* ([0012] and [0025]), wherein [0025] describes “media manager 14 [having] a number of sections or columns appertaining thereto, corresponding to attributes of the media files, including media file name 16, user rating 18, associated tags 22, comments 24, [and additional file attributes and metadata],” further wherein [0012] describes that the media manager displays media files using a well-known form of a user interface for presenting files in a grid mode in which the columns of the grid mode are displayed as corresponding at least to attributes of the files, further wherein [0012] further describes that such files are *selectable* by a user. Regarding the media manager 14 presenting the *selectable* media files in the grid mode, as described in [0012] and [0015], these selectable media files are depicted in such a grid mode of a media manager in: area 14 of Fig. 1, area 14 of Fig. 2, area 14 of Fig. 3 (specifically in the Fig. 3B portion of Fig. 3), area 78 of Fig. 6, and in

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the grid mode area of Fig 8 (the combination of Figs. 8A and 8B) that corresponds to that referenced grid mode area of area 14 of Figs. 1-3 and area 78 of Fig. 6. Although Freeborg does not explicitly state detecting a user selection while information regarding one or more files is displayed in a computing interface, one of ordinary skill in the art at the time of invention would have viewed it as obvious to detect a user selection of a file that is selected while files and corresponding file information are displayed in a grid mode. It would have been obvious to one of ordinary skill in the art, because the grid mode user interface views depicted in Figs. 1-3, 6, and 8 of Freeborg represent files and information in the same way as, for example, the "details pane" of a Windows explorer file explorer user interface, which is well-known as providing a window of selectable files or objects that are arranged to display their corresponding attributes and metadata in the columns of the grid corresponding to the details view (*see PTO-892-20140617, Reference U, pp. 22-23*). Therefore, referring to the example media manager interface window of Fig. 8, it has been interpreted that each of the 26 media files displayed in each of the 26 rows of the media manager are able to be selected by a user and, furthermore, are able to be selected by a user while information regarding one or more files is displayed, wherein such selection is also able to be detected. Furthermore, referring to Fig. 8B, one of ordinary skill in the art would have viewed the media manager interface of Fig. 8B as obviously depicting a contextual pop-up menu that has been displayed in response to a user selection of the media file in row 9. This would have been obvious to one of ordinary skill in the art, because the border of row 9 is displayed with an outline in Fig. 8B in the same, well-known fashion that other user interface objects are commonly indicated as selected or focused-on, which would thus infer to one of ordinary skill in the art that a first user selection of at least one particular file of the one or more files has been detected. Furthermore, one of ordinary skill in the art would have inferred that one action (i.e. "a user selection") both selected the media file in row 9 and caused the display of the contextual pop-up menu, for instance, by right-clicking on row 9, because it is well known in the art that right-clicking an item in a file explorer will cause such a contextual pop-up menu to be displayed for further input (*see PTO-892-20140617, Reference U, p. 70*).

- *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user* (Fig. 8B), wherein the contextual pop-up menu displayed over row 9 has been interpreted as being displayed "following the first detecting of the user selection" of the media file of row 9 and "while the information regarding the one or more files [continues to be] displayed in the [media manager] computing interface [of Fig. 8B]." Although Freeborg does not explicitly state detecting a second computing interface input from the user, one of ordinary skill in the art at the time of invention would have viewed such a

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second user input as being obvious, because Fig. 8B depicts the contextual pop-up menu as already having been displayed in response to the first detection of user input selection of the media file of row 9, as explained, *supra*, and, furthermore, because that contextual pop-up menu clearly depicts selectable options, which would be obvious selectable inputs to correspond to a second input that follows a first input that caused the contextual pop-up menu to be displayed. Therefore, following this rationale, it has been interpreted that *any* of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: “Remove the Column,” “Column Chooser,” “Custom Columns,” “Find Related Items,” “Add Tag,” “Remove Tag,” “Add to Project,” “Open with Player,” “Explore Containing Folder,” “Save Tags and Properties to File(s),” and “Remove from Library.” Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of “Add Tag.” *and*

- *upon the first detecting of the selection and the second detecting of the input following the first detecting, automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode ([0012]; [0025]; and [0033]), wherein, following the rationale provided *supra* that the first detection may sufficiently correspond to detecting a user selecting a media file and the second detection may sufficiently correspond to detecting the user inputting a selection of an option to “Add Tag” to that selected media file, it would thus have been obvious to one of ordinary skill in the art at the time of invention that a tagging mode would automatically be entered, in response to initiating the “Add Tag” option command, because selecting an “Add Tag” menu option command has been interpreted as sufficiently corresponding to initiating a mode of tagging in which a tag may be added. Furthermore, it would have been obvious to one of ordinary skill in the art that, upon initiating the “Add Tag” option command, the user interface would change in some way in order for a user to add a tag through the user interface. Therefore, it would have been obvious that some form of “indication” would be displayed in order to indicate that tagging mode has been initiated in order to perform the “Add Tag” option command, because, as disclosed in [0033], a user could create a custom tag to be added, which would have been obvious to implement through the user interacting with the graphical user interface in any practical mode that would enable a user to add a tag and which would thus indicate that a tagging mode has been activated.*

Freeborg does not explicitly disclose that the second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the

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window, detects an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file.

In addition, Freeborg does not explicitly disclose determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input; displaying in the window the at least one suggested tag to be applied to the at least one particular file; and in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

Nevertheless, in an analogous art, Katz discloses, in column 3, lines 42-58 and column 4, lines 33-44, that data may be tagged with annotations in order to facilitate searching and retrieval of such data.

Particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement a step of: *upon a first detecting of a selection of at least one particular file and a second detection of input from a user, automatically initiating a tagging mode of a user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in a window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.* This would have been obvious to one of ordinary skill in the art to be included within the teachings of Katz, because the disclosure of "semiautomatically or automatically" would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of "proposing annotations" would infer a desire to suggest tags or annotations. Additionally, the disclosure that "the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation" and that the proposed/suggested annotation may be "an annotation which is the same or similar [that] has been used before" (column 11, lines 48 – 60) would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user. Furthermore, regarding the at least one suggested tag including at least some of the input, Katz, at column 11, lines 48-60 and column 12, lines 54-65 discloses annotations which may be the same or similar to input.

In addition, Katz further discloses:

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- *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file* (column 8, line 42 – column 9, line 2), disclosing a user generating an annotation using a keyboard that may also be performed automatically or semiautomatically;
- *displaying in the window the at least one suggested tag to be applied to the at least one particular file* (column 7, line 67 – column 8, line 5), describing displaying information regarding files in a graphical user interface; and
- *in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file* (column 12, lines 54-65), disclosing selecting and storing annotations to apply them.

Furthermore, reference is made to Katz's disclosure in column 5, lines 42 – 53 and column 5, line 68 – column 6, line 14; wherein Katz discloses “While, for discussion purposes, the database will generally be considered to be a textual database in the following discussion, this is not a limitation on the invention, and, as indicated earlier, databases from which material may be retrieved utilizing the teachings of this invention include ones containing graphics (i.e. pictures, graphs, charts, drawings, video images, etc.), audio (i.e. speech, music, sound effects, etc.), text (including computer programs in various codes or languages, object classes and action specifications) and *any other type of material which may be computer storable.*” Therefore, based on this disclosure, it also would have been obvious to one of ordinary skill in the art at the time of invention that the annotation methods of Katz such as disclosed in column 8, lines 6 – 41 may pertain to *any* such material that may be computer storable, and is only described in the particular citations as being textual subdivisions of a database “for discussion purposes” which are not to be limiting. Thus, it would have been obvious that the selected items that Katz gives examples of annotating may be items such as files and, therefore, it would have been obvious that the teachings of Katz may be implemented with *a graphical user interface having a window in which information regarding one or more files is displayed.*

Both Freeborg and Katz pertain to the analogous art of interfaces using keywords to retrieve particular data from databases (Freeborg; [0033]-[0037] and Katz; column 1, lines 12-18) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text,

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graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Katz.

Regarding independent claim 16, Freeborg discloses *an apparatus configured to apply tags to files of a file system, the apparatus comprising: a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags* (Figs. 1-3, 6, and 8); *and at least one processor programmed to:*

- *first detect, while information regarding one or more files is displayed in a window of the user interface, the selection of at least one particular file of the one or more files* ([0012] and [0025]), wherein [0025] describes “media manager 14 [having] a number of sections or columns appertaining thereto, corresponding to attributes of the media files, including media file name 16, user rating 18, associated tags 22, comments 24, [and additional file attributes and metadata],” further wherein [0012] describes that the media manager displays media files using a well-known form of a user interface for presenting files in a grid mode in which the columns of the grid mode are displayed as corresponding at least to attributes of the files, further wherein [0012] further describes that such files are *selectable* by a user. Regarding the media manager 14 presenting the *selectable* media files in the grid mode, as described in [0012] and [0015], these selectable media files are depicted in such a grid mode of a media manager in: area 14 of Fig. 1, area 14 of Fig. 2, area 14 of Fig. 3 (specifically in the Fig. 3B portion of Fig. 3), area 78 of Fig. 6, and in the grid mode area of Fig 8 (the combination of Figs. 8A and 8B) that corresponds to that referenced grid mode area of area 14 of Figs. 1-3 and area 78 of Fig. 6. Although Freeborg does not explicitly state detecting a user selection while information regarding one or more files is displayed in a computing interface, one of ordinary skill in the art at the time of invention would have viewed it as obvious to detect a user selection of a file that is selected while files and corresponding file information are displayed in a grid mode. It would have been obvious to one of ordinary skill in the art, because the grid mode user interface views depicted in Figs. 1-3, 6, and 8 of Freeborg represent files and information in the same way as, for example, the “details pane” of a Windows explorer file explorer user interface, which is well-known as providing a window of selectable files or objects that are arranged to display their corresponding attributes and metadata in the columns of the grid corresponding to the details view (*see PTO-892-20140617, Reference U, pp. 22-23*). Therefore, referring to the example media manager interface window of Fig. 8, it has been interpreted that each of the 26 media files displayed in each of the 26 rows of the media manager are able to be selected by a user and, furthermore, are able to be selected by a user while information regarding one or more files is

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displayed, wherein such selection is also able to be detected. Furthermore, referring to Fig. 8B, one of ordinary skill in the art would have viewed the media manager interface of Fig. 8B as obviously depicting a contextual pop-up menu that has been displayed in response to a user selection of the media file in row 9. This would have been obvious to one of ordinary skill in the art, because the border of row 9 is displayed with an outline in Fig. 8B in the same, well-known fashion that other user interface objects are commonly indicated as selected or focused-on, which would thus infer to one of ordinary skill in the art that a first user selection of at least one particular file of the one or more files has been detected. Furthermore, one of ordinary skill in the art would have inferred that one action (i.e. "a user selection") both selected the media file in row 9 and caused the display of the contextual pop-up menu, for instance, by right-clicking on row 9, because it is well known in the art that right-clicking an item in a file explorer will cause such a contextual pop-up menu to be displayed for further input (*see PTO-892-20140617, Reference U, p. 70*).

- *second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, the input from the user* (Fig. 8B), wherein the contextual pop-up menu displayed over row 9 has been interpreted as being displayed "following the first detecting of the user selection" of the media file of row 9 and "while the information regarding the one or more files [continues to be] displayed in the [media manager] computing interface [of Fig. 8B]." Although Freeborg does not explicitly state detecting a second computing interface input from the user, one of ordinary skill in the art at the time of invention would have viewed such a second user input as being obvious, because Fig. 8B depicts the contextual pop-up menu as already having been displayed in response to the first detection of user input selection of the media file of row 9, as explained, *supra*, and, furthermore, because that contextual pop-up menu clearly depicts selectable options, which would be obvious selectable inputs to correspond to a second input that follows a first input that caused the contextual pop-up menu to be displayed. Therefore, following this rationale, it has been interpreted that *any* of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag." *and*

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- *upon the first detection of the selection of the at least one particular file and the second detection of the input from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode ([0012]; [0025]; and [0033]), wherein, following the rationale provided supra that the first detection may sufficiently correspond to detecting a user selecting a media file and the second detection may sufficiently correspond to detecting the user inputting a selection of an option to "Add Tag" to that selected media file, it would thus have been obvious to one of ordinary skill in the art at the time of invention that a tagging mode would automatically be entered, in response to initiating the "Add Tag" option command, because selecting an "Add Tag" menu option command has been interpreted as sufficiently corresponding to initiating a mode of tagging in which a tag may be added. Furthermore, it would have been obvious to one of ordinary skill in the art that, upon initiating the "Add Tag" option command, the user interface would change in some way in order for a user to add a tag through the user interface. Therefore, it would have been obvious that some form of "indication" would be displayed in order to indicate that tagging mode has been initiated in order to perform the "Add Tag" option command, because, as disclosed in [0033], a user could create a custom tag to be added, which would have been obvious to implement through the user interacting with the graphical user interface in any practical mode that would enable a user to add a tag and which would thus indicate that a tagging mode has been activated.*

Freeborg does not explicitly disclose that the second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, detects an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file.

In addition, Freeborg does not explicitly disclose display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

Nevertheless, in an analogous art, Katz discloses, in column 3, lines 42-58 and column 4, lines 33-44, that data may be tagged with annotations in order to facilitate searching and retrieval of such data.

Particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text

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subdivision.” Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement a step of: *upon a first detecting of a selection of at least one particular file and a second detection of input from a user, automatically initiating a tagging mode of a user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in a window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.* This would have been obvious to one of ordinary skill in the art to be included within the teachings of Katz, because the disclosure of “semiautomatically or automatically” would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of “proposing annotations” would infer a desire to suggest tags or annotations. Additionally, the disclosure that “the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation” and that the proposed/suggested annotation may be “an annotation which is the same or similar [that] has been used before” (column 11, lines 48 – 60) would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user.

In addition, Katz further discloses *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file* (column 8, line 42 – column 9, line 2), disclosing a user generating an annotation using a keyboard that may also be performed automatically or semiautomatically;

Furthermore, reference is made to Katz’s disclosure in column 5, lines 42 – 53 and column 5, line 68 – column 6, line 14; wherein Katz discloses “While, for discussion purposes, the database will generally be considered to be a textual database in the following discussion, this is not a limitation on the invention, and, as indicated earlier, databases from which material may be retrieved utilizing the teachings of this invention include ones containing graphics (i.e. pictures, graphs, charts, drawings, video images, etc.), audio (i.e. speech, music, sound effects, etc.), text (including computer programs in various codes or languages, object classes and action specifications) and *any other type of material which may be computer storable.*” Therefore, based on this disclosure, it also would have been obvious to one of ordinary skill in the art at the time of invention that the annotation methods of Katz such as disclosed in column 8, lines 6 – 41 may pertain to **any** such material that may be computer storable, and is only described in the particular citations as being textual subdivisions of a database “for discussion purposes” which are not to be limiting. Thus, it would have been obvious that the selected items that Katz gives examples of annotating may be items such as files and, therefore, it would have been obvious

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that the teachings of Katz may be implemented with *a graphical user interface having a window in which information regarding one or more files is displayed.*

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Katz for the same reasons disclosed in the rejection of claim 10, *supra*.

Regarding claim 2, Freeborg sufficiently renders obvious the limitations of claim 1.

However, Freeborg does not explicitly disclose that the series of acts further comprises: utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface; and in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file.

Nevertheless, in an analogous art, Katz discloses, in column 3, lines 42-58 and column 4, lines 33-44, that data may be tagged with annotations in order to facilitate searching and retrieval of such data.

Particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement a step of: *upon a first detecting of a selection of at least one particular file and a second detection of input from a user, automatically initiating a tagging mode of a user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in a window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.* This would have been obvious to one of ordinary skill in the art to be included within the teachings of Katz, because the disclosure of "semiautomatically or automatically" would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of "proposing annotations" would infer a desire to suggest tags or annotations. Additionally, the disclosure that "the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation" and that the proposed/suggested annotation may be "an annotation which is the same or similar [that] has been used before" (column 11, lines 48 – 60) would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user. Furthermore, regarding the at least one suggested tag including at least some of

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the input, Katz, at column 11, lines 48-60 and column 12, lines 54-65 discloses annotations which may be the same or similar to input.

In addition, Katz further discloses *utilizing a computing interface input to generate a tag by displaying at least one suggested tag in the computing interface* (column 8, line 59 – column 9, line 2), disclosing displaying annotations; *and in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file* (column 12, lines 54-65), disclosing storing annotations.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Katz for the same reasons disclosed in the rejection of claim 10, *supra*.

As per claims 3 and 17, and taking into account the rejections of claims 2 and 16, Katz further discloses *determining the at least one suggested tag based at least in part on the computing interface input from the user* (column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65), disclosing various means for determining annotations based on user input.

As per claims 4, 11, and 18; and taking into account the rejections of claims 3, 10, and 17; Katz further discloses that *determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of a first tag previously applied to one of the at least one particular file, a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types, a recently-applied tag, or a commonly-applied tag* (column 11, lines 48-60; column 12, lines 54-65; and column 14, lines 17-26), disclosing various means for determining annotations based on stored annotation data.

As per claims 5 and 19, and taking into account the rejections of claims 3 and 17, Katz further discloses that *determining the at least one suggested tag comprises querying an external data source of tags* (column 12, line 54 – column 13, line 37 and column 13, lines 50-62), disclosing external data sources for such querying.

As per claim 6, and taking into account the rejection of claim 5, Katz further discloses that *querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file* (column 12, line 54 – column 13, line 37 and column 13, lines 50-62), disclosing transmitting file information in such a query.

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As per claim 7, and taking into account the rejection of claim 5, Katz further discloses that *querying the external data source of tags comprises transmitting to the external data source information about the user* (column 12, line 65 – column 13, line 14 and column 14, lines 17-26), disclosing transmitting user information in such a query

As per claims 8 and 20, and taking into account the rejections of claims 7 and 19, Katz further discloses that *transmitting to the external data source information about the user comprises transmitting information regarding one or more of preferences of the user, a profession of the user, a current project on which the user is working, or a current activity in which the user is engaging* (column 6, lines 27-48), disclosing such types of user information, such as preference of language.

As per claim 15, and taking into account the rejection of claim 10, Katz further discloses that *determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user* (column 11, lines 48-60), disclosing that annotations may be based on all user input.

14. Claim 9 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1) in view of Wantanabe et al. (US 6,795,094 B1).

As per claim 9, Freeborg sufficiently renders obvious the limitations of claim 1.

However, Freeborg does not explicitly disclose that the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

Nevertheless, in an analogous art, Watanabe discloses that *the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface* (Figs. 2 and 8), disclosing the display of metadata during such methods.

Both Freeborg and Watanabe pertain to the analogous art of interfaces using keywords to retrieve particular data from databases (Freeborg; [0033]-[0037] and Wantanabe; column 1, lines 8-12) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). Furthermore, Wantanabe also discloses that the entering of keywords through a keyboard from

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one image file to another becomes difficult when a plurality of such files are generally displayed one by one and, additionally, when a plurality of types of files are displayed as thumbnails, it is difficult to display keywords associated with the respective images in a limited display area and thus the user cannot know which keywords are assigned to the respective images (Watanabe; column 17-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Watanabe.

15. Claim 12 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1) and Katz et al. (US 5,404,295) in view of Graham et al. (US 2004/0095376 A1).

As per claim 12, Freeborg and Katz sufficiently render obvious the limitations of claim 10. In addition, Katz discloses *generating an automatic tag based at least in part on an analysis of content of one of at least one particular file; storing the automatic tag in association with the one of the at least one particular file* (column 12, lines 54-65), disclosing generating and storing automatic tags.

However, Freeborg and Katz do not explicitly disclose displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

Nevertheless, in an analogous art, Graham discloses *displaying automatically generated elements to a user in a different manner from elements generated and applied by the user* ([0363]), disclosing that “in order to differentiate between the manually generated and automatically generated [elements], different colors or styles may be used to display rectangular boxes that represent automatic [elements] and boxes that represent manual [elements].”

Freeborg, Katz, and Graham all pertain to the analogous art of graphical user interfaces for displaying representations of stored information of one or more types (Freeborg, [0033]-[0037]; Katz, column 1, lines 12-18; and Graham, Abstract) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Furthermore, Graham discloses that it is desirable to improve upon techniques for allowing users to view, analyze, and navigate multimedia information stored in multimedia documents, such as by automatically

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generating information to complement user generated information (Graham; [0014] and [0360]-[0363]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg, Katz, and Graham.

16. Claims 13 and 14 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1), Katz et al. (US 5,404,295), and Graham et al. (US 2004/0095376 A1) in view of Holt et al. (US 5,960,447).

As per claim 13, Freeborg, Katz, and Graham sufficiently render obvious the limitations of claim 12.

However, Freeborg, Katz, and Graham do not explicitly disclose that displaying the automatic tag to the user in the different manner comprises: displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

Nevertheless, in an analogous art, Holt discloses that *displaying an automatic tag to a user in a different manner comprises: displaying to the user each tag associated with one of at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag* (column 9, lines 7-61), describing confidence levels associated with words corresponding to tags, wherein column 9, lines 51-54 discloses that “words with a specific confidence level or range may be displayed in a different color from the other text/data being displayed. Similarly, one can establish that words in various colors represent various confidence levels or ranges of confidence levels.”

Freeborg, Katz, Graham, and Holt all pertain to the analogous art of graphical user interfaces for displaying representations of stored information of one or more types (Freeborg, [0033]-[0037]; Katz, column 1, lines 12-18; Graham, Abstract; and Holt, Abstract) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Furthermore, Graham discloses that it is desirable to improve upon techniques for allowing users to view, analyze, and navigate multimedia information stored in multimedia documents, such as

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by automatically generating information to complement user generated information (Graham; [0014] and [0360]-[0363]). In addition, Holt discloses that there is a great need for improved ways of editing and correcting text that is automatically generated and has varying levels of confidence (Holt; column 1, lines 63-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg, Katz, Graham, and Holt.

As per claim 14, and taking into account the rejection of claim 13, Katz further discloses: *monitoring user interaction with the automatic tag; learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system* (column 13, lines 43-50 and column 14, lines 17-26), disclosing types of such artificial intelligence learning.

Response to Arguments

17. Applicant's arguments filed on 4/11/2014 have been fully considered, but are not persuasive.
18. **Regarding Applicant's arguments on p. 1 pertaining to the rejection of claims 10-15 under 35 USC § 101**, the rejection of claims 10-15 under 35 USC 101 has been rescinded in light of the amendments to claims 10-15.
19. **Regarding Applicant's arguments on pp. 2-6 pertaining to the rejection of claims 12 and 13 under 35 USC § 112, first paragraph**, Applicant's arguments pertaining to claim 12 are persuasive and the rejection of claim 12 under 35 USC 112, first paragraph, has been rescinded.

However, Applicant's arguments pertaining to claim 13 are not persuasive. Applicant cites paragraphs [0035]-[0036] of the Specification as providing support, but the Examiner is unable to find support within paragraphs [0035]-[0036] of the limitation of "displaying to the user each tag associated with the one of the at least one particular file and, for each tag, an indication of an associated confidence level of the each tag, based on the displaying in the different manner wherein the automatic tag has a lower confidence value than the at least one explicit tag." The Specification contains no enabling disclosure for "displaying... an indication of an associated confidence level of the each tag." Paragraphs [0034]-[0035] describe that a user "may" have a "confidence level with regard to the tags," but this is not equivalent to describing a confidence level that is of the each tag. There may be supporting disclosure for an associated confidence level of the user with regard to the tags, but there is no supporting disclosure for an associated confidence level of the tag or of the each tag, let

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alone supporting disclosure for displaying an indication of an associated confidence level of the each tag.

Therefore, claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and as failing to comply with the enablement requirement.

- 20. Regarding Applicant's arguments on pp. 6-14 pertaining to the rejection of claims 1-20 under 35 USC § 103(a), Applicant's arguments are moot in view of new grounds of rejection, necessitated by amendment.**

Conclusion

21. *It is noted that any citation 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. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).*
22. ***The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.***
23. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401 and whose fax number is 571-270-2401. The Examiner can normally be reached during regular Office business hours, Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, William Bashore, can be reached on 571-272-4088. 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).

/ERIC WIENER/

Examiner, Art Unit 2142

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NON-PATENT DOCUMENTS

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|---|---|---|
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| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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|-----------------------------------|---------------------------------------|--|-------------|
| Notice of References Cited | Application/Control No. 12/887,406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | Page 2 of 2 |

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| | L | US- | | | |
| | M | US- | | | |


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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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|---|--|---|
| Index of Claims  | Application/Control No. 12887406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. |
| | Examiner ERIC WIENER | Art Unit 2142 |

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| ✓ | Rejected |
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| N | Non-Elected |
| I | Interference |

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| A | Appeal |
| O | Objected |

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

| CLAIM | | DATE | | | | | | | |
|-------|----------|------------|------------|------------|--|--|--|--|--|
| Final | Original | 02/25/2013 | 10/15/2013 | 06/27/2014 | | | | | |
| | 1 | ✓ | ✓ | ✓ | | | | | |
| | 2 | ✓ | ✓ | ✓ | | | | | |
| | 3 | ✓ | ✓ | ✓ | | | | | |
| | 4 | ✓ | ✓ | ✓ | | | | | |
| | 5 | ✓ | ✓ | ✓ | | | | | |
| | 6 | ✓ | ✓ | ✓ | | | | | |
| | 7 | ✓ | ✓ | ✓ | | | | | |
| | 8 | ✓ | ✓ | ✓ | | | | | |
| | 9 | ✓ | ✓ | ✓ | | | | | |
| | 10 | ✓ | ✓ | ✓ | | | | | |
| | 11 | ✓ | ✓ | ✓ | | | | | |
| | 12 | ✓ | ✓ | ✓ | | | | | |
| | 13 | ✓ | ✓ | ✓ | | | | | |
| | 14 | ✓ | ✓ | ✓ | | | | | |
| | 15 | ✓ | ✓ | ✓ | | | | | |
| | 16 | ✓ | ✓ | ✓ | | | | | |
| | 17 | ✓ | ✓ | ✓ | | | | | |
| | 18 | ✓ | ✓ | ✓ | | | | | |
| | 19 | ✓ | ✓ | ✓ | | | | | |
| | 20 | ✓ | ✓ | ✓ | | | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|------------------------------|-------------|----------------|
| Applicant: | Matthew B. MacLaurin | Examiner: | Eric A. Wiener |
| Serial No.: | 12/887,406 | Art Unit: | 2142 |
| Filed: | September 21, 2010 | Docket No.: | 312979.02 |
| Conf. No.: | 2445 | | |
| Title: | SELECTION-BASED ITEM TAGGING | | |

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Office Action mailed on July 3, 2014. Please amend and reconsider the above-identified patent application as follows.

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IN THE CLAIMS

Please amend and reconsider the claims as follows:

What is claimed is:

1. (Currently Amended) A method for applying tags to files of a file system, the method comprising:

operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input of one or more characters from the user; and

upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection and computing interface input of one or more characters, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.

2. (Previously Presented) The method of claim 1, wherein the series of acts further comprises:

utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface;

in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file.

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3. (Previously Presented) The method of claim 2, wherein the series of acts further comprises:

determining the at least one suggested tag based at least in part on the computing interface input from the user.

4. (Previously Presented) The method of claim 3, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,
a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
a recently-applied tag, or
a commonly-applied tag.

5. (Original) The method of claim 3, wherein determining the at least one suggested tag comprises querying an external data source of tags.

6. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file.

7. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the user.

8. (Previously Presented) The method of claim 7, wherein transmitting to the external data source information about the user comprises transmitting information regarding one or more of:

preferences of the user,
a profession of the user,

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a current project on which the user is working, or
a current activity in which the user is engaging.

9. (Previously Presented) The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

10. (Currently Amended) A method comprising:
displaying information regarding one or more files of a file system in a window of a graphical user interface;
first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;
second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file;

upon the first detecting of the selection and the second detecting of the input following the first detecting, automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input of one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;

displaying in the window the at least one suggested tag to be applied to the at least one particular file; and

in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

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11. (Previously Presented) The method of claim 10, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

- a first tag previously applied to one of the at least one particular file,
- a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
- a recently-applied tag, or
- a commonly-applied tag.

12. (Previously Presented) The method of claim 10, further comprising:
generating an automatic tag based at least in part on an analysis of content of one of the at least one particular file;

- storing the automatic tag in association with the one of the at least one particular file; and
- displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

13. (Currently Amended) The method of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:

- displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

14. (Previously Presented) The method of claim 13, further comprising:
monitoring user interaction with the automatic tag; and
learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and

- generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system.

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15. (Previously Presented) The method of claim 10, wherein determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user.

16. (Currently Amended) An apparatus configured to apply tags to files of a file system, the apparatus comprising:

a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and

at least one processor programmed to:

first detect, while information regarding one or more files is displayed in a window of the user interface, [[the]] a selection of at least one particular file of the one or more files;

second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, [[the]] input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and

upon the first detection of the selection of the at least one particular file and the second detection of the input of one or more characters from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input of one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

17. (Original) The apparatus of claim 16, wherein the at least one processor is further programmed to:

determine the at least one suggested tag based at least in part on the input from the user.

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18. (Previously Presented) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by determining the at least one suggested tag based at least in part on one or more of:

- a first tag previously applied to one of the at least one particular file,
- a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
- a recently-applied tag, or
- a commonly-applied tag.

19. (Original) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by querying an external data source of tags.

20. (Previously Presented) The apparatus of claim 19, wherein the at least one processor is programmed to query the external data source of tags at least by transmitting to the external data source information regarding one or more of:

- preferences of the user,
- a profession of the user,
- a current project on which the user is working, or
- a current activity in which the user is engaging.

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REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 3, 2014, and the references cited therewith.

Claims 1, 10, 13, and 16 are amended herein; as a result, claims 1-20 are pending in this application. Applicant respectfully submits that no new matter is added by these amendments (*see, e.g.*, paragraphs [0008], [0013], [0014], [0016], [0017], [0018], [0021], [0024], [0025], [0028], [0030], and [0034] - [0036] of the originally filed specification). Applicant respectfully traverses all pending rejections of the claims, requests withdrawal of all pending rejections and/or objections, and requests swift indication of allowance of the present application, as discussed below.

Rejection under 35 USC § 112, first paragraph (enablement)

Claim 13

Claim 13 was rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicant respectfully traverses this rejection of claim 13, as discussed below.

With regard to claim 13, the Office Action (pp. 2-3, item 7) alleges that "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag, based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag" is not enabled by the Specification. The Office Action (page 3, lines 1-6) states (emphasis added):

The Specification contains no enabling disclosure for "displaying ... an indication of an associated confidence level of the each tag." Paragraphs [0034]-[0035] of the Specification describe that a user "may" have a "confidence level with regard to the tags," but this is not equivalent to describing a confidence level that is of the each tag. ***There may be supporting disclosure for an associated confidence level of the user with regard to the tags ...***

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Without conceding that claim 13 fails to comply with the enablement requirement, Applicant submits that, in the interests of advancing prosecution, claim 13 is amended herein to recite, "...an indication of an associated confidence level of the user with regard to the each tag ..." in accordance with the suggestion of the Office Action referenced above.

Applicant respectfully submits that this feature is enabled by, at least, paragraphs [0035]-[0036] of the originally filed specification. For example, paragraphs [0035]-[0036] (at least) state (*emphasis added*):

[0035] The tagging system can contain both automatic tags generated by the tagging system and explicit tags from a user. ***By distinguishing between the two types of tags easily, a user can be alerted to their confidence level with regard to the tags. A user may have high confidence in their explicit tags and lesser confidence in system generated tags.*** Users may also desire to make system tags their own by accepting them via a user interface mechanism. Thus, users may locate documents, for example, without totally agreeing or disagreeing with the tags associated with those documents. If they decide that the system tags are to their liking, they can change them to explicit tags. By doing so, the tagging system can learn from the changes and even employ machine learning techniques to facilitate in providing better tag suggestions. Both agreeing with a system generated tag and disagreeing with a system generated tag, can be utilized to increase the "intelligence" of the tagging system. Likewise, taking no action can also be employed in the learning process.

[0036] As an example user interface, given a display of items, such as the list of files presented in a desktop file window, if the user has selected one or more items utilizing the user interface and begins to type, a light 'tagging mode' can be entered with the following characteristics:

- display a special icon and/or text message indicating that tagging is active
- accumulate each key a user types into a "tag buffer"
- use this tag buffer to guess at likely tags
- display the current "best guess" tag in a textual readout associated with the window
- allow a user to choose between "tag guesses" using cursor arrows

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- allow a user to choose whether to accept guesses or simply use the buffer as is
- if a user hits the escape key (or similar), exit tagging mode
- if the user hits the enter / return key (or similar), apply the items to the tag

In addition, if an automated tag and an explicit tag (one entered by a user) are both presented to the user, each type of tag can be distinguished utilizing different sizes, fonts, colors, and/or symbols and the like. The above user interface characteristics are meant to be a representative process and one skilled in the art can appreciate that many variations are possible and are still within the scope of the disclosed subject matter herein. In general, once the tags are applied to the selected items, they are automatically utilized by the system to organize and retrieve content.

Thus, Applicant respectfully submits that, at least paragraph [0035] (e.g., "***By distinguishing between the two types of tags easily, a user can be alerted to their confidence level with regard to the tags. A user may have high confidence in their explicit tags and lesser confidence in system generated tags.***") enables "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag," as recited by amended claim 13.

Therefore, Applicant respectfully requests withdrawal of the rejection of claim 13 under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

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Rejection under 35 USC § 112, first paragraph (written description)

Claim 13

Claim 13 was rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office Action (page 3, lines 24-28) that the "claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention." Applicant respectfully traverses this rejection of claim 13, as discussed below.

With regard to claim 13, the Office Action (page 3, item 8) alleges that "displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag" fails to comply with the written description requirement.

As discussed above, claim 13 is amended herein to recite, "...an indication of an associated confidence level of the user with regard to the each tag ..." in accordance with the suggestion of the Office Action referenced above. As discussed above, Applicant respectfully submits that the originally filed specification provides supporting disclosure for (at least) these features recited by amended claim 13.

Therefore, Applicant respectfully requests withdrawal of the rejection of claim 13 under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Rejections under 35 USC § 112, second paragraph

Claims 16-20

Claims 16-20 were rejected under 35 USC § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses these rejections of claims 16-20, as discussed below.

With regard to claim 16, the Office Action (page 4, lines 1-8) alleges that there is insufficient antecedent basis for "the selection of at least one particular file of the one or more

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files," "the selection of the at least one particular file," and "the first detection of the selection of the at least one particular file" in the claim. Without conceding that claim 16, as recited, is indefinite, Applicant respectfully submits that, in the interests of advancing prosecution, claim 16 is amended herein to recite, "a selection of at least one particular file of the one or more files," as antecedent basis to "the first detection of the selection of the at least one particular file."

With regard to claim 16, the Office Action (page 4, lines 9-16) further alleges that there is insufficient antecedent basis for "*the input* from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file." Without conceding that claim 16, as recited, is indefinite, Applicant respectfully submits that, in the interests of advancing prosecution, claim 16 is amended herein to recite, "*input* from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file."

Applicant respectfully submits that these amendments to claim 16 render moot the rejections of claims 16-20 under 35 USC § 112, second paragraph, as allegedly being indefinite.

Therefore, Applicant respectfully requests withdrawal of the rejections of claims 16-20 under 35 USC § 112, second paragraph, as allegedly being indefinite.

Rejections under 35 USC § 103(a)

Claim 1

Claim 1 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.* (U.S. Patent Application Publication No. 2006/0080335 A1). Applicant respectfully traverses the rejection of claim 1, as discussed below.

Amended independent claim 1 recites (**emphasis added**):

1. A method for applying tags to files of a file system, the method comprising:
operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

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first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, **a computing interface input of one or more characters from the user**; and

upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface **without further user interaction, other than the user selection and computing interface input of one or more characters**, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.

Freeborg et al. (per Title) is directed to a “method and apparatus for audio/video attribute and relationship storage and retrieval for efficient composition,” stating (per Abstract):

The invention provides a method and software for use within audio and video authoring software applications wherein the relationships between the source media files are saved and used as part of a media manager. The software allows the artist to efficiently recall which files were used together, as well as how they were used together musically or visually.

FIG. 8B of *Freeborg et al.* is shown below:

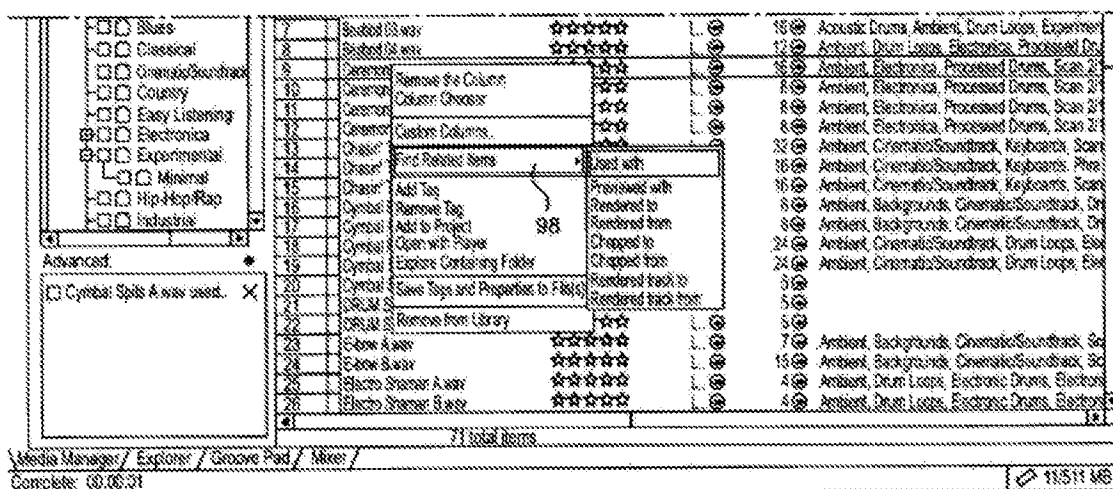


FIG. 8B

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As best understood, the Office Action (pp. 5-6) equates the “first detecting” recited by claim 1 with selections allegedly discussed in *Freeborg et al.*, the Office Action stating **(emphasis added)**:

Therefore, referring to the example media manager interface window of Fig. 8, it has been interpreted that each of the 26 media files displayed in each of the 26 rows of the media manager are able to be selected by a user and, furthermore, are able to be selected by a user while information regarding one or more files is displayed, wherein such selection is also able to be detected. Furthermore, referring to Fig. 8B, one of ordinary skill in the art would have viewed the media manager interface of Fig. 8B as obviously depicting a contextual pop-up menu that has been displayed in response to a user selection of the media file in row 9. This would have been obvious to one of ordinary skill in the art, because the border of row 9 is displayed with an outline in Fig. 8B in the same, well-known fashion that other user interface objects are commonly indicated as selected or focused-on, which would thus infer to one of ordinary skill in the art that a first user selection of at least one particular file of the one or more files has been detected. Furthermore, one of ordinary skill in the art would have inferred that **one action (i.e. "a user selection") both selected the media file in row 9 and caused the display of the contextual pop-up menu, for instance, by right-clicking on row 9**, because it is well known in the art that right-clicking an item in a file explorer will cause such a **contextual pop-up menu to be displayed for further input** (see *PT0-892-20140617, Reference U, p. 70*).

As best understood, the Office Action (p. 6) then equates the “second detecting” recited by claim 1 with an alleged **selection of an “Add Tag” option** in FIG. 8B of *Freeborg et al.*, the Office Action stating **(emphasis added)**:

... (Fig. 8B), wherein the contextual pop-up menu displayed over row 9 has been interpreted as being displayed "following the first detecting of the user selection" of the media file of row 9 and "while the information regarding the one or more files [continues to be] displayed in the [media manager] computing interface [of Fig. 8B]." **Although Freeborg does not explicitly state detecting a second computing interface input from the user**, one of ordinary skill in the art at the time of invention would have viewed

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such a second user input as being **obvious, because Fig. 8B depicts the contextual pop-up menu as already having been displayed in response to the first detection of user input selection of the media file of row 9**, as explained, supra, and, furthermore, **because that contextual pop-up menu clearly depicts selectable options, which would be obvious selectable inputs to correspond to a second input that follows a first input that caused the contextual pop-up menu to be displayed.** Therefore, following this rationale, **it has been interpreted that any of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input**, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." **Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag."**

Without conceding any of the Office Action's allegations of obviousness, Applicant respectfully submits that, in the interests of advancing prosecution, independent claim 1 is amended herein to recite, "**second detecting**, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, **a computing interface input of one or more characters from the user**" and "upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface **without further user interaction, other than the user selection and computing interface input of one or more characters**, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file."

Applicant respectfully submits that "**a computing interface input of one or more characters from the user**" does not correspond to the Office Action's allegation of "**an input that selects the option of 'Add Tag'**," as discussed above.

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

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"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that these features are neither disclosed nor suggested by *Freeborg et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 1.

Rejections under 35 USC § 103(a)

Claims 2-8, 10, 11, and 15-20

Claims 2-8, 10, 11, and 15-20 were rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.* in view of *Katz et al.* (U.S. Patent No. 5,404,295). Applicant respectfully traverses the rejection of these claims, as discussed below.

Amended independent claim 10 recites (**emphasis added**):

10. A method comprising:
 - displaying information regarding one or more files of a file system in a window of a graphical user interface;
 - first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;
 - second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file;**
 - upon the first detecting of the selection and the second detecting of the input following the first detecting, automatically initiating a tagging mode of the graphical user interface **without further user interaction, other than the user selection and the input of one or more characters from the user**, displaying an indication that tagging is active, upon initiating the tagging mode, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;
 - displaying in the window the at least one suggested tag to be applied to the at least one particular file; and

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in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

Katz et al. (per Title) is directed to "utilizing annotations to facilitate computer retrieval of database material," stating (per Abstract):

A method and apparatus for computer retrieval of database material which may be text, computer programs, graphics, audio, object classes, action specifications or other material which may be machine stored. Annotations are provided for at least selected database subdivisions, preferably with natural language questions, assertions or noun phrases or some combination/collection thereof. However, the annotations may also initially be generated in a structured form. Annotations are, if required, converted to a structured form and are stored in that form along with connections to corresponding subdivisions. Searching for relevant subdivisions involves entering a query in natural language or structured form, converting natural language queries to structured form, matching the structured form query against stored annotations and retrieving database subdivisions connected to matched annotations. The annotation process may be aided by utilizing various techniques for automatically or semiautomatically generating the annotations.

Somewhat similarly to claim 1 discussed above, claim 10 recites, "second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters,**" even more particularly reciting, "second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file.**" However, similarly to its rejection of claim 1 with regard to its "second detecting," the Office Action equates claim 10's "second detecting" with an alleged **selection of an "Add Tag" option** in FIG. 8B of *Freeborg et al.* (Office Action, page 9, lines 6-14), stating:

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... it has been interpreted that any of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." **Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag."**

Thus, the Office Action interprets the "computing user input" of claim 10 as corresponding an "input that selects the option of 'Add Tag'" of *Freeborg et al.* However, the Office Action **nowhere** explains how "**an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**" – as actually recited by claim 10 - corresponds to an "input that selects the option of 'Add Tag'" of *Freeborg et al.* Applicant respectfully submits that "**an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**" does not correspond to the Office Action's allegation of "**an input that selects the option of 'Add Tag',**" as discussed above.

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The Office Action then refers to *Katz et al.* extensively, including (Office Action, page 11, lines 1-6) (**emphasis added**):

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file** (column 8, line 42 - column 9, line 2), disclosing a user **generating an annotation using a keyboard that may also be performed automatically or semiautomatically;**

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However, at column 8, line 42 - column 9, line 2, *Katz et al.* states (**emphasis added**):

Once step 30 has been completed, the operation proceeds to either step 32 or 34, depending upon whether annotations are initially generated in English (or other natural language) or in a structured form. Assuming annotations are initially generated in a natural language, for example, as a question, assertion or noun phrase (or combination/collection thereof), the operation would proceed to step 32 during which an annotation for the selected subdivision would be generated. **This annotation could be generated by a person utilizing a keyboard** or other input device 16 to generate the annotation. Since generating annotations is a labor intensive task, it might be faster to permit the annotator to orally input annotations using the voice recognition module 18, with the module converting the oral input to machine readable form which is inputted to computer 10.

It is also possible that step 32 may be performed either semiautomatically or automatically. Ways in which automatic or semiautomatic generation may be performed are discussed later. Generally, these techniques involve finding some relationship between the current subdivision and a prior subdivision and either utilizing the annotations for the prior subdivision, as suitably modified for the current subdivision (automatic mode) or displaying the modified annotations to the annotator as proposed annotations with the annotator making selections from the proposals (semiautomatic operation).

Thus, the Office Action apparently here relies on “further input” from the user to allegedly establish obviousness of claim 10 over *Freeborg et al.* in view of *Katz et al.*

Applicant respectfully submits that none of the Office Action’s allegations provide any kind of *prima facie* showing of obviousness of claim 10 over *Freeborg et al.* in view of *Katz et al.*, most particularly with regard to “**second detecting**, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**” and “**upon the first detecting of the selection and the second detecting of the input** following the first detecting, **automatically initiating a tagging mode** of the graphical user interface **without further user interaction, other than the user selection and the input of one or more characters from the user**, displaying an indication that tagging is active, upon initiating the tagging mode, and determining at least one

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suggested tag based at least in part on the input from the user, **the at least one suggested tag including at least some of the input.**”

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that these features are neither disclosed nor suggested by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 10.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 11 and 15, which recite the features of claim 10 by virtue of their respective dependencies from claim 10, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Applicant further respectfully submits that *Katz et al.* fails to cure the deficiencies of *Freeborg et al.* discussed above with regard to independent claim 1. Thus, Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 2-8, which recite the features of claim 1 by virtue of their respective dependencies from claim 1, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

In another aspect, amended independent claim 16 recites (**emphasis added**):

16. An apparatus configured to apply tags to files of a file system, the apparatus comprising:

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a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and at least one processor programmed to:

first detect, while information regarding one or more files is displayed in a window of the user interface, a selection of at least one particular file of the one or more files;

second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, **input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**; and

upon the first detection of the selection of the at least one particular file and the second detection of the input of one or more characters from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input of one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and display in the window at least one suggested tag to be applied to the at least one particular file,

the at least one suggested tag being suggested based at least in part on the input.

With regard to the “**second detect**, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, **input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**” the Office Action (page 13, lines 28-37) relies on *Freeborg et al.* similarly to its rejections of claims 1 and 10, to allege that the features of claim 16 are obvious over *Freeborg et al.* in view of *Katz et al.*

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

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Applicant respectfully submits that, at least, these features are neither disclosed nor suggested by suggested by *Freeborg et al.*, nor by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 16.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 17-20, which recite the features of claim 16 by virtue of their respective dependencies from claim 16, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claim 9

Claim 9 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.* in view of *Wantanabe et al.* (U.S. Patent No. 6,795,094). Applicant respectfully traverses the rejection of claim 9, as discussed below.

Dependent claim 9 recites:

9. The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

The Office Action (pp. 18-19, item 14) states (*emphasis added*):

As per claim 9, *Freeborg sufficiently renders obvious the limitations of claim 1.*
However, *Freeborg* does not explicitly disclose that the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files

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that are stored in a folder of a file system is displayed in the computing interface.

Nevertheless, in an analogous art, Watanabe discloses that *the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface* (Figs. 2 and 8), disclosing the display of metadata during such methods.

Wantanabe et al. (per Abstract) is directed to:

An image processor in which images are displayed on the screen of a display device in such a manner that visually recognizable labels corresponding to keywords assigned to respective images are displayed near the corresponding images thereby making it easy for a user to see which keywords are assigned to the respective images.

Applicant respectfully submits that the addition of *Wantanabe et al.* fails to cure the deficiencies of *Freeborg et al.* with regard to rendering obvious the features of amended independent claim 1 (as discussed above), from which amended claim 9 depends. Applicant respectfully submits that the claimed features of amended independent claim 1 are neither disclosed nor suggested by *Freeborg et al.*, nor by *Wantanabe et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended dependent claim 9, which depends from amended independent claim 1.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

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Rejections under 35 USC § 103(a)

Claim 12

Claim 12 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.* and *Katz et al.* in view of *Graham et al.* (U.S. Patent Application Publication No. 2004/0095376 A1). Applicant respectfully traverses the rejection of claim 12, as discussed below.

Dependent claim 12 recites:

12. The method of claim 10, further comprising:
 - generating an automatic tag based at least in part on an analysis of content of one of the at least one particular file;
 - storing the automatic tag in association with the one of the at least one particular file; and
 - displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

The Office Action (pp. 19-20, item 15) states (*emphasis added*):

As per claim 12, *Freeborg* and *Katz* sufficiently render obvious the limitations of claim 10.

In addition, *Katz* discloses generating an automatic tag based at least in part on an analysis of content of one of at least one particular file; storing the automatic tag in association with the one of the at least one particular file (column 12, lines 54-65), disclosing generating and storing automatic tags.

However, *Freeborg* and *Katz* do not explicitly disclose displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

Nevertheless, in an analogous art, *Graham* discloses *displaying automatically generated elements to a user in a different manner from elements generated and applied by the user* ([0363]), disclosing that "in order to differentiate between the manually generated and automatically generated [elements], different colors or styles may be used to display rectangular boxes that represent automatic [elements] and boxes that represent manual [elements]."

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Graham et al. (per Abstract) states:

Techniques for providing a graphical user interface (GUI) that displays a representation of stored information that may include information of one or more types. The displayed representation may include representations of information of the one or more types. The GUI enables a user to navigate and skim through the stored information and to analyze the contents of the stored information. The stored information may include information captured along the same timeline or along different timelines.

Applicant respectfully submits that the addition of *Graham et al.* fails to cure the deficiencies of *Freeborg* and *Katz et al.* with regard to rendering obvious the features of amended independent claim 10 (as discussed above), from which amended claim 12 depends. Applicant respectfully submits that the claimed features of amended independent claim 10 are neither disclosed nor suggested by *Freeborg* and *Katz et al.*, nor by *Graham et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended dependent claim 12, which depends from amended independent claim 10.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claims 13 and 14

Claims 13 and 14 were rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.*, *Katz et al.*, and *Graham et al.* in view of *Holt et al.* (U.S. Patent No. 5,960,447). Applicant respectfully traverses the rejections of claims 13 and 14, as discussed below.

Amended dependent claim 13 recites:

13. The method of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:

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displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

The Office Action (pp. 20-21, item 16) states (*emphasis added*):

As per claim 13, Freeborg, Katz, and Graham sufficiently render obvious the limitations of claim 12.

However, Freeborg, Katz, and Graham do not explicitly disclose that displaying the automatic tag to the user in the different manner comprises: displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

Nevertheless, in an analogous art, Holt *discloses that displaying an automatic tag to a user in a different manner comprises: displaying to the user each tag associated with one of at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag* (column 9, lines 7-61), describing confidence levels associated with words corresponding to tags, wherein column 9, lines 51-54 discloses that "words with a specific confidence level or range may be displayed in a different color from the other text/data being displayed. Similarly, one can establish that words in various colors represent various confidence levels or ranges of confidence levels."

Holt et al. (per Abstract) states:

A word tagging and editing system for speech recognition receives recognized speech text from a speech recognition engine, and creates tagging information that follows the speech text as it is received by a word processing program or other program. The body of text to be edited in connection with the word processing program may be selected and cut and pasted and otherwise manipulated, and the tags follow the speech text. A word may be selected by a user, and the tag information used to point to a sound bite within the audio data file created initially by the speech recognition engine. The sound bite may be replayed to the user through a speaker. The practical results include that the user may confirm the correctness of a particular recognized word, in real

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time whilst editing text in the word processor. If the recognition is manually corrected, the correction information may be supplied to the engine for use in updating a user profile for the user who dictated the audio that was recognized. Particular tagging approaches are employed depending on the particular word processor being used.

Applicant respectfully submits that the addition of *Holt et al.* fails to cure the deficiencies of *Freeborg, Katz et al.*, and/or *Graham et al.* with regard to rendering obvious the features of amended independent claim 10 (as discussed above), from which amended claim 13 depends (via claim 12, discussed above). Applicant respectfully submits that the claimed features of amended independent claim 10 are neither disclosed nor suggested by *Freeborg, Katz et al.*, nor *Graham et al.*, nor by *Holt et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination.

Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended dependent claim 13 and dependent claim 14, which depend from amended independent claim 10.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

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Conclusion

Applicant respectfully requests withdrawal of all pending rejections and/or objections. Applicant further respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is invited to telephone Applicant's attorney at 202-684-8685 to facilitate prosecution of this application.

Respectfully submitted,

Date October 11, 2014

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|---|------------------------------|
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| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Filer: | Margo Livesay |
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Filed as Large Entity

Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|--|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
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| | Document Description | | Start | End | |
| | Amendment/Req. Reconsideration-After Non-Final Reject | | 1 | 1 | |
| | Claims | | 2 | 7 | |
| | Applicant Arguments/Remarks Made in an Amendment | | 8 | 28 | |
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| 3 | Fee Worksheet (SB06) | fee-info.pdf | 30276 ff5e2442a8762140204ebe9ef8054777f5940187 | no | 2 |
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|---|-----------------------------------|---------------------------------------|
| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) | | Docket Number (Optional) 312979.02 |
| Application Number 12/887,406 | Filed 09-21-2010 | |
| For SELECTION-BASED ITEM TAGGING | | |
| Art Unit 2142 | Examiner WIENER, ERIC A | |

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

| | Fee | Small Entity Fee | Micro Entity Fee | |
|---|---------|------------------|------------------|-----------|
| <input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$200 | \$100 | \$50 | \$ 200.00 |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$600 | \$300 | \$150 | \$ _____ |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1,400 | \$700 | \$350 | \$ _____ |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$2,200 | \$1,100 | \$550 | \$ _____ |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$3,000 | \$1,500 | \$750 | \$ _____ |

Applicant asserts small entity status. See 37 CFR 1.27.

Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number _____.

Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

attorney or agent of record. Registration number 41,946.

attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Margo Livesay, Reg. No. 41,946/

October 11, 2014

Signature

Date

Margo Livesay

(202) 684-8685

Typed or printed name

Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

* Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

EXAMINER

WIENER, ERIC A

ART UNIT PAPER NUMBER

2142

NOTIFICATION DATE DELIVERY MODE

01/14/2015

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):

- stevensp@microsoft.com
chriochs@microsoft.com
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DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.
2. This action is responsive to the following communications: Amendment filed on 10/11/2014.

This action is made final.

3. The status of the claims is as follows:
 - a. Claims 1-20 are pending.
 - b. Claims 1, 10, and 16 are the independent claims.
 - c. Claims 1, 10, 13, and 16 have been amended.
 - d. Claims 1-20 are rejected by the Examiner.
4. *Please note that any specific prior art relied upon in rejecting any pending claims is considered the most relevant art pertaining to those claims of all prior art of current record. However, the prior art made of record and not relied upon is still considered pertinent to the Applicant's Disclosure. Please refer to the Conclusion of this Office Action for additional reference to other such pertinent prior art.*

Claim Rejections - 35 USC § 103

5. The following is a quotation of pre-AIA 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.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:
 - i. Determining the scope and contents of the prior art.
 - ii. Ascertaining the differences between the prior art and the claims at issue.
 - iii. Resolving the level of ordinary skill in the pertinent art.
 - iv. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. **Claim 1 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg**

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et al. (US 2006/0080335 A1) in view of Carroll (US 6,762,777 B2).

Regarding independent claim 1, Freeborg discloses *a method for applying tags to files of a file system, the method comprising: operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:*

- *first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files ([0012] and [0025]), wherein [0025] describes "media manager 14 [having] a number of sections or columns appertaining thereto, corresponding to attributes of the media files, including media file name 16, user rating 18, associated tags 22, comments 24, [and additional file attributes and metadata]," further wherein [0012] describes that the media manager displays media files using a well-known form of a user interface for presenting files in a grid mode in which the columns of the grid mode are displayed as corresponding at least to attributes of the files, further wherein [0012] further describes that such files are *selectable* by a user. Regarding the media manager 14 presenting the *selectable* media files in the grid mode, as described in [0012] and [0015], these selectable media files are depicted in such a grid mode of a media manager in: area 14 of Fig. 1, area 14 of Fig. 2, area 14 of Fig. 3 (specifically in the Fig. 3B portion of Fig. 3), area 78 of Fig. 6, and in the grid mode area of Fig 8 (the combination of Figs. 8A and 8B) that corresponds to that referenced grid mode area of area 14 of Figs. 1-3 and area 78 of Fig. 6. Although Freeborg does not explicitly state detecting a user selection while information regarding one or more files is displayed in a computing interface, one of ordinary skill in the art at the time of invention would have viewed it as obvious to detect a user selection of a file that is selected while files and corresponding file information are displayed in a grid mode. It would have been obvious to one of ordinary skill in the art, because the grid mode user interface views depicted in Figs. 1-3, 6, and 8 of Freeborg represent files and information in the same way as, for example, the "details pane" of a Windows explorer file explorer user interface, which is well-known as providing a window of selectable files or objects that are arranged to display their corresponding attributes and metadata in the columns of the grid corresponding to the details view (see *PTO-892-20140617, Reference U, pp. 22-23*). Therefore, referring to the example media manager interface window of Fig. 8, it has been interpreted that each of the 26 media files displayed in each of the 26 rows of the media manager are able to be selected by a user and, furthermore, are able to be selected by a user while information regarding one or more files is displayed, wherein such selection is also able to be*

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detected. Furthermore, referring to Fig. 8B, one of ordinary skill in the art would have viewed the media manager interface of Fig. 8B as obviously depicting a contextual pop-up menu that has been displayed in response to a user selection of the media file in row 9. This would have been obvious to one of ordinary skill in the art, because the border of row 9 is displayed with an outline in Fig. 8B in the same, well-known fashion that other user interface objects are commonly indicated as selected or focused-on, which would thus infer to one of ordinary skill in the art that a first user selection of at least one particular file of the one or more files has been detected. Furthermore, one of ordinary skill in the art would have inferred that one action (i.e. "a user selection") both selected the media file in row 9 and caused the display of the contextual pop-up menu, for instance, by right-clicking on row 9, because it is well known in the art that right-clicking an item in a file explorer will cause such a contextual pop-up menu to be displayed for further input (*see PTO-892-20140617, Reference U, p. 70*).

- *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input from the user* (Fig. 8B), wherein the contextual pop-up menu displayed over row 9 has been interpreted as being displayed "following the first detecting of the user selection" of the media file of row 9 and "while the information regarding the one or more files [continues to be] displayed in the [media manager] computing interface [of Fig. 8B]." Although Freeborg does not explicitly state detecting a second computing interface input from the user, one of ordinary skill in the art at the time of invention would have viewed such a second user input as being obvious, because Fig. 8B depicts the contextual pop-up menu as already having been displayed in response to the first detection of user input selection of the media file of row 9, as explained, *supra*, and, furthermore, because that contextual pop-up menu clearly depicts selectable options, which would be obvious selectable inputs to correspond to a second input that follows a first input that caused the contextual pop-up menu to be displayed. Therefore, following this rationale, it has been interpreted that *any* of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag." *and*

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- *upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection and computing interface input, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file ([0012]; [0025]; and [0033]), wherein, following the rationale provided supra that the first detection may sufficiently correspond to detecting a user selecting a media file and the second detection may sufficiently correspond to detecting the user inputting a selection of an option to "Add Tag" to that selected media file, it would thus have been obvious to one of ordinary skill in the art at the time of invention that a tagging mode would automatically be entered, in response to initiating the "Add Tag" option command, because selecting an "Add Tag" menu option command has been interpreted as sufficiently corresponding to initiating a mode of tagging in which a tag may be added. Furthermore, it would have been obvious to one of ordinary skill in the art that, upon initiating the "Add Tag" option command, the user interface would change in some way in order for a user to add a tag through the user interface. Therefore, it would have been obvious that some form of "indication" would be displayed in order to indicate that tagging mode has been initiated in order to perform the "Add Tag" option command, because, as disclosed in [0033], a user could create a custom tag to be added, which would have been obvious to implement through the user interacting with the graphical user interface in any practical mode that would enable a user to add a tag and which would thus indicate that a tagging mode has been activated.*

Freeborg does not explicitly disclose that the computing interface input is a computing interface input of one or more characters.

Nevertheless, in an analogous art, Carroll discloses a *computing interface input is a computing interface input of one or more characters and automatically entering a tagging mode without further user interaction other than a user selection and the computing interface input of one or more characters* (column 2, lines 30-62), disclosing a user highlighting a region of text, which sufficiently corresponds to user selection of an item, wherein a set of keystroke or keystrokes on keys will automatically initiate popup processing for tagging information to the user selected highlighted region of text, which sufficiently corresponds to automatically entering a tagging mode.

Both Freeborg and Carroll pertain to the analogous art of interfaces using keywords to associate particular data (Freeborg; [0033]-[0037] and Carroll; column 1, lines 36-55) and thus one would look to the other for possible variations to their teachings or improvements to

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overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, Carroll discloses that "more powerful document annotation technology is desirable" (Carroll; column 1, lines 21-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Carroll.

8. Claims 2-8, 10, 11, and 15-20 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1) in view of Katz et al. (US 5,404,295) and further in view of Carroll (US 6,762,777 B2).

Regarding independent claim 10, Freeborg discloses a method comprising:

- *displaying information regarding one or more files of a file system in a window of a graphical user interface (Figs. 1-3, 6, and 8);*
- *first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files ([0012] and [0025]), wherein [0025] describes "media manager 14 [having] a number of sections or columns appertaining thereto, corresponding to attributes of the media files, including media file name 16, user rating 18, associated tags 22, comments 24, [and additional file attributes and metadata]," further wherein [0012] describes that the media manager displays media files using a well-known form of a user interface for presenting files in a grid mode in which the columns of the grid mode are displayed as corresponding at least to attributes of the files, further wherein [0012] further describes that such files are *selectable* by a user. Regarding the media manager 14 presenting the *selectable* media files in the grid mode, as described in [0012] and [0015], these selectable media files are depicted in such a grid mode of a media manager in: area 14 of Fig. 1, area 14 of Fig. 2, area 14 of Fig. 3 (specifically in the Fig. 3B portion of Fig. 3), area 78 of Fig. 6, and in the grid mode area of Fig 8 (the combination of Figs. 8A and 8B) that corresponds to that referenced grid mode area of area 14 of Figs. 1-3 and area 78 of Fig. 6. Although Freeborg does not explicitly state detecting a user selection while information regarding one or more files is displayed in a computing interface, one of ordinary skill in the art at the time of invention would have viewed it as obvious to detect a user selection of a file that is selected while files and corresponding file information are displayed in a grid mode. It would have been obvious to one of ordinary skill in the art, because the grid mode user interface views depicted in Figs. 1-3, 6, and 8*

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of Freeborg represent files and information in the same way as, for example, the "details pane" of a Windows explorer file explorer user interface, which is well-known as providing a window of selectable files or objects that are arranged to display their corresponding attributes and metadata in the columns of the grid corresponding to the details view (see *PTO-892-20140617, Reference U, pp. 22-23*). Therefore, referring to the example media manager interface window of Fig. 8, it has been interpreted that each of the 26 media files displayed in each of the 26 rows of the media manager are able to be selected by a user and, furthermore, are able to be selected by a user while information regarding one or more files is displayed, wherein such selection is also able to be detected. Furthermore, referring to Fig. 8B, one of ordinary skill in the art would have viewed the media manager interface of Fig. 8B as obviously depicting a contextual pop-up menu that has been displayed in response to a user selection of the media file in row 9. This would have been obvious to one of ordinary skill in the art, because the border of row 9 is displayed with an outline in Fig. 8B in the same, well-known fashion that other user interface objects are commonly indicated as selected or focused-on, which would thus infer to one of ordinary skill in the art that a first user selection of at least one particular file of the one or more files has been detected. Furthermore, one of ordinary skill in the art would have inferred that one action (i.e. "a user selection") both selected the media file in row 9 and caused the display of the contextual pop-up menu, for instance, by right-clicking on row 9, because it is well known in the art that right-clicking an item in a file explorer will cause such a contextual pop-up menu to be displayed for further input (see *PTO-892-20140617, Reference U, p. 70*).

- *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user (Fig. 8B), wherein the contextual pop-up menu displayed over row 9 has been interpreted as being displayed "following the first detecting of the user selection" of the media file of row 9 and "while the information regarding the one or more files [continues to be] displayed in the [media manager] computing interface [of Fig. 8B]."* Although Freeborg does not explicitly state detecting a second computing interface input from the user, one of ordinary skill in the art at the time of invention would have viewed such a second user input as being obvious, because Fig. 8B depicts the contextual pop-up menu as already having been displayed in response to the first detection of user input selection of the media file of row 9, as explained, *supra*, and, furthermore, because that contextual pop-up menu clearly depicts selectable options, which would be obvious selectable inputs to correspond to a second input that follows a first input that caused the contextual pop-up menu to be displayed. Therefore, following

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this rationale, it has been interpreted that *any* of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag." *and*

- *upon the first detecting of the selection and the second detecting of the input following the first detecting, automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode ([0012]; [0025]; and [0033]), wherein, following the rationale provided supra that the first detection may sufficiently correspond to detecting a user selecting a media file and the second detection may sufficiently correspond to detecting the user inputting a selection of an option to "Add Tag" to that selected media file, it would thus have been obvious to one of ordinary skill in the art at the time of invention that a tagging mode would automatically be entered, in response to initiating the "Add Tag" option command, because selecting an "Add Tag" menu option command has been interpreted as sufficiently corresponding to initiating a mode of tagging in which a tag may be added. Furthermore, it would have been obvious to one of ordinary skill in the art that, upon initiating the "Add Tag" option command, the user interface would change in some way in order for a user to add a tag through the user interface. Therefore, it would have been obvious that some form of "indication" would be displayed in order to indicate that tagging mode has been initiated in order to perform the "Add Tag" option command, because, as disclosed in [0033], a user could create a custom tag to be added, which would have been obvious to implement through the user interacting with the graphical user interface in any practical mode that would enable a user to add a tag and which would thus indicate that a tagging mode has been activated.*

Freeborg does not explicitly disclose that the second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, detects an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file.

In addition, Freeborg does not explicitly disclose determining at least one suggested tag

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based at least in part on the input from the user, the at least one suggested tag including at least some of the input; displaying in the window the at least one suggested tag to be applied to the at least one particular file; and in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

Nevertheless, in an analogous art, Katz discloses, in column 3, lines 42-58 and column 4, lines 33-44, that data may be tagged with annotations in order to facilitate searching and retrieval of such data.

Particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement a step of: *upon a first detecting of a selection of at least one particular file and a second detection of input from a user, automatically initiating a tagging mode of a user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in a window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.* This would have been obvious to one of ordinary skill in the art to be included within the teachings of Katz, because the disclosure of "semiautomatically or automatically" would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of "proposing annotations" would infer a desire to suggest tags or annotations. Additionally, the disclosure that "the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation" and that the proposed/suggested annotation may be "an annotation which is the same or similar [that] has been used before" (column 11, lines 48 – 60) would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user. Furthermore, regarding the at least one suggested tag including at least some of the input, Katz, at column 11, lines 48-60 and column 12, lines 54-65 discloses annotations which may be the same or similar to input.

In addition, Katz further discloses:

- *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the*

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user of one or more characters included in a tag that the user desires to apply to the at least one particular file (column 8, line 42 – column 9, line 2), disclosing a user generating an annotation using a keyboard that may also be performed automatically or semiautomatically;

- *displaying in the window the at least one suggested tag to be applied to the at least one particular file* (column 7, line 67 – column 8, line 5), describing displaying information regarding files in a graphical user interface; *and*
- *in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file* (column 12, lines 54-65), disclosing selecting and storing annotations to apply them.

Furthermore, reference is made to Katz's disclosure in column 5, lines 42 – 53 and column 5, line 68 – column 6, line 14; wherein Katz discloses "While, for discussion purposes, the database will generally be considered to be a textual database in the following discussion, this is not a limitation on the invention, and, as indicated earlier, databases from which material may be retrieved utilizing the teachings of this invention include ones containing graphics (i.e. pictures, graphs, charts, drawings, video images, etc.), audio (i.e. speech, music, sound effects, etc.), text (including computer programs in various codes or languages, object classes and action specifications) and *any other type of material which may be computer storable.*" Therefore, based on this disclosure, it also would have been obvious to one of ordinary skill in the art at the time of invention that the annotation methods of Katz such as disclosed in column 8, lines 6 – 41 may pertain to **any** such material that may be computer storable, and is only described in the particular citations as being textual subdivisions of a database "for discussion purposes" which are not to be limiting. Thus, it would have been obvious that the selected items that Katz gives examples of annotating may be items such as files and, therefore, it would have been obvious that the teachings of Katz may be implemented with *a graphical user interface having a window in which information regarding one or more files is displayed.*

Both Freeborg and Katz pertain to the analogous art of interfaces using keywords to retrieve particular data from databases (Freeborg; [0033]-[0037] and Katz; column 1, lines 12-18) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of

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text, graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Katz.

Freeborg and Katz do not explicitly disclose that the computing interface input is a computing interface input of one or more characters.

Nevertheless, in an analogous art, Carroll discloses a *computing interface input is a computing interface input of one or more characters and automatically entering a tagging mode without further user interaction other than a user selection and the computing interface input of one or more characters* (column 2, lines 30-62), disclosing a user highlighting a region of text, which sufficiently corresponds to user selection of an item, wherein a set of keystroke or keystrokes on keys will automatically initiate popup processing for tagging information to the user selected highlighted region of text, which sufficiently corresponds to automatically entering a tagging mode.

Freeborg, Katz, and Carroll all pertain to the analogous art of interfaces using keywords to associate particular data (Freeborg, [0033]-[0037]; Katz, column 1, lines 12-18; and Carroll, column 1, lines 36-55) and thus one would look to the others for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Furthermore, Carroll discloses that “more powerful document annotation technology is desirable” (Carroll; column 1, lines 21-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg, Katz, and Carroll.

Regarding independent claim 16, Freeborg discloses *an apparatus configured to apply tags to files of a file system, the apparatus comprising: a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags* (Figs. 1-3, 6, and 8); *and at least one processor programmed to:*

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- *first detect, while information regarding one or more files is displayed in a window of the user interface, a selection of at least one particular file of the one or more files ([0012] and [0025]), wherein [0025] describes “media manager 14 [having] a number of sections or columns appertaining thereto, corresponding to attributes of the media files, including media file name 16, user rating 18, associated tags 22, comments 24, [and additional file attributes and metadata],” further wherein [0012] describes that the media manager displays media files using a well-known form of a user interface for presenting files in a grid mode in which the columns of the grid mode are displayed as corresponding at least to attributes of the files, further wherein [0012] further describes that such files are *selectable* by a user. Regarding the media manager 14 presenting the *selectable* media files in the grid mode, as described in [0012] and [0015], these selectable media files are depicted in such a grid mode of a media manager in: area 14 of Fig. 1, area 14 of Fig. 2, area 14 of Fig. 3 (specifically in the Fig. 3B portion of Fig. 3), area 78 of Fig. 6, and in the grid mode area of Fig 8 (the combination of Figs. 8A and 8B) that corresponds to that referenced grid mode area of area 14 of Figs. 1-3 and area 78 of Fig. 6. Although Freeborg does not explicitly state detecting a user selection while information regarding one or more files is displayed in a computing interface, one of ordinary skill in the art at the time of invention would have viewed it as obvious to detect a user selection of a file that is selected while files and corresponding file information are displayed in a grid mode. It would have been obvious to one of ordinary skill in the art, because the grid mode user interface views depicted in Figs. 1-3, 6, and 8 of Freeborg represent files and information in the same way as, for example, the “details pane” of a Windows explorer file explorer user interface, which is well-known as providing a window of selectable files or objects that are arranged to display their corresponding attributes and metadata in the columns of the grid corresponding to the details view (see *PTO-892-20140617, Reference U, pp. 22-23*). Therefore, referring to the example media manager interface window of Fig. 8, it has been interpreted that each of the 26 media files displayed in each of the 26 rows of the media manager are able to be selected by a user and, furthermore, are able to be selected by a user while information regarding one or more files is displayed, wherein such selection is also able to be detected. Furthermore, referring to Fig. 8B, one of ordinary skill in the art would have viewed the media manager interface of Fig. 8B as obviously depicting a contextual pop-up menu that has been displayed in response to a user selection of the media file in row 9. This would have been obvious to one of ordinary skill in the art, because the border of row 9 is displayed with an outline in Fig. 8B in the same, well-known fashion that other user interface objects are commonly indicated as selected or focused-on, which would*

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thus infer to one of ordinary skill in the art that a first user selection of at least one particular file of the one or more files has been detected. Furthermore, one of ordinary skill in the art would have inferred that one action (i.e. "a user selection") both selected the media file in row 9 and caused the display of the contextual pop-up menu, for instance, by right-clicking on row 9, because it is well known in the art that right-clicking an item in a file explorer will cause such a contextual pop-up menu to be displayed for further input (*see PTO-892-20140617, Reference U, p. 70*).

- *second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, input from the user (Fig. 8B), wherein the contextual pop-up menu displayed over row 9 has been interpreted as being displayed "following the first detecting of the user selection" of the media file of row 9 and "while the information regarding the one or more files [continues to be] displayed in the [media manager] computing interface [of Fig. 8B]." Although Freeborg does not explicitly state detecting a second computing interface input from the user, one of ordinary skill in the art at the time of invention would have viewed such a second user input as being obvious, because Fig. 8B depicts the contextual pop-up menu as already having been displayed in response to the first detection of user input selection of the media file of row 9, as explained, *supra*, and, furthermore, because that contextual pop-up menu clearly depicts selectable options, which would be obvious selectable inputs to correspond to a second input that follows a first input that caused the contextual pop-up menu to be displayed. Therefore, following this rationale, it has been interpreted that *any* of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag." *and**
- *upon the first detection of the selection of the at least one particular file and the second detection of the input from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, displaying an indication that tagging is active, upon initiating the tagging mode ([0012]; [0025]; and [0033]), wherein, following the rationale provided *supra* that the first detection may sufficiently correspond to*

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detecting a user selecting a media file and the second detection may sufficiently correspond to detecting the user inputting a selection of an option to "Add Tag" to that selected media file, it would thus have been obvious to one of ordinary skill in the art at the time of invention that a tagging mode would automatically be entered, in response to initiating the "Add Tag" option command, because selecting an "Add Tag" menu option command has been interpreted as sufficiently corresponding to initiating a mode of tagging in which a tag may be added. Furthermore, it would have been obvious to one of ordinary skill in the art that, upon initiating the "Add Tag" option command, the user interface would change in some way in order for a user to add a tag through the user interface. Therefore, it would have been obvious that some form of "indication" would be displayed in order to indicate that tagging mode has been initiated in order to perform the "Add Tag" option command, because, as disclosed in [0033], a user could create a custom tag to be added, which would have been obvious to implement through the user interacting with the graphical user interface in any practical mode that would enable a user to add a tag and which would thus indicate that a tagging mode has been activated.

Freeborg does not explicitly disclose that the second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, detects an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file.

In addition, Freeborg does not explicitly disclose display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

Nevertheless, in an analogous art, Katz discloses, in column 3, lines 42-58 and column 4, lines 33-44, that data may be tagged with annotations in order to facilitate searching and retrieval of such data.

Particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement a step of: *upon a first detecting of a selection of at least one particular file and a second detection of input from a*

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user, automatically initiating a tagging mode of a user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in a window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input. This would have been obvious to one of ordinary skill in the art to be included within the teachings of Katz, because the disclosure of “semiautomatically or automatically” would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of “proposing annotations” would infer a desire to suggest tags or annotations. Additionally, the disclosure that “the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation” and that the proposed/suggested annotation may be “an annotation which is the same or similar [that] has been used before” (column 11, lines 48 – 60) would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user.

In addition, Katz further discloses *second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file* (column 8, line 42 – column 9, line 2), disclosing a user generating an annotation using a keyboard that may also be performed automatically or semiautomatically;

Furthermore, reference is made to Katz’s disclosure in column 5, lines 42 – 53 and column 5, line 68 – column 6, line 14; wherein Katz discloses “While, for discussion purposes, the database will generally be considered to be a textual database in the following discussion, this is not a limitation on the invention, and, as indicated earlier, databases from which material may be retrieved utilizing the teachings of this invention include ones containing graphics (i.e. pictures, graphs, charts, drawings, video images, etc.), audio (i.e. speech, music, sound effects, etc.), text (including computer programs in various codes or languages, object classes and action specifications) and *any other type of material which may be computer storable.*” Therefore, based on this disclosure, it also would have been obvious to one of ordinary skill in the art at the time of invention that the annotation methods of Katz such as disclosed in column 8, lines 6 – 41 may pertain to **any** such material that may be computer storable, and is only described in the particular citations as being textual subdivisions of a database “for discussion purposes” which are not to be limiting. Thus, it would have been obvious that the selected items that Katz gives examples of annotating may be items such as files and, therefore, it would have been obvious that the teachings of Katz may be implemented with *a graphical user interface having a window in which information regarding one or more files is displayed.*

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It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Katz for the same reasons disclosed in the rejection of claim 10, *supra*.

Freeborg and Katz do not explicitly disclose that the computing interface input is a computing interface input of one or more characters.

Nevertheless, in an analogous art, Carroll discloses a *computing interface input is a computing interface input of one or more characters and automatically entering a tagging mode without further user interaction other than a user selection and the computing interface input of one or more characters* (column 2, lines 30-62), disclosing a user highlighting a region of text, which sufficiently corresponds to user selection of an item, wherein a set of keystroke or keystrokes on keys will automatically initiate popup processing for tagging information to the user selected highlighted region of text, which sufficiently corresponds to automatically entering a tagging mode.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg, Katz, and Carroll for the same reasons disclosed in the rejection of claim 10, *supra*.

Regarding claim 2, Freeborg sufficiently renders obvious the limitations of claim 1.

However, Freeborg does not explicitly disclose that the series of acts further comprises: utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface; and in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file.

Nevertheless, in an analogous art, Katz discloses, in column 3, lines 42-58 and column 4, lines 33-44, that data may be tagged with annotations in order to facilitate searching and retrieval of such data.

Particular reference is made to column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65 of Katz; which discloses that the annotations may be generated either "semiautomatically or automatically," that "other annotations from the annotation group or groups [may be] proposed for use to annotate the current subdivision," and that "the annotator [] could select from the proposed annotations the ones which are appropriate for the current text subdivision." Taking into account this disclosure, it would have been obvious to one of ordinary skill in the art at the time of invention to be able to implement a step of: *upon a first*

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detecting of a selection of at least one particular file and a second detection of input from a user, automatically initiating a tagging mode of a user interface without further user interaction, other than the selection of the at least one particular file and the input from the user, and displaying in a window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input. This would have been obvious to one of ordinary skill in the art to be included within the teachings of Katz, because the disclosure of “semiautomatically or automatically” would infer a desire to dynamically provide tags or annotations, and furthermore because the disclosure of “proposing annotations” would infer a desire to suggest tags or annotations. Additionally, the disclosure that “the annotations stored in memory [] are searched to find an annotation which is the same or similar to the inputted annotation” and that the proposed/suggested annotation may be “an annotation which is the same or similar [that] has been used before” (column 11, lines 48 – 60) would have made it obvious to one of ordinary skill in the art at the time of invention that the at least one suggested tag may be suggested without further user interaction other than the user selection and the input from the user. Furthermore, regarding the at least one suggested tag including at least some of the input, Katz, at column 11, lines 48-60 and column 12, lines 54-65 discloses annotations which may be the same or similar to input.

In addition, Katz further discloses *utilizing a computing interface input to generate a tag by displaying at least one suggested tag in the computing interface* (column 8, line 59 – column 9, line 2), disclosing displaying annotations; *and in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file* (column 12, lines 54-65), disclosing storing annotations.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Katz for the same reasons disclosed in the rejection of claim 10, *supra*.

As per claims 3 and 17, and taking into account the rejections of claims 2 and 16, Katz further discloses *determining the at least one suggested tag based at least in part on the computing interface input from the user* (column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65), disclosing various means for determining annotations based on user input.

As per claims 4, 11, and 18; and taking into account the rejections of claims 3, 10, and 17; Katz further discloses that *determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of a first tag previously*

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applied to one of the at least one particular file, a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types, a recently-applied tag, or a commonly-applied tag (column 11, lines 48-60; column 12, lines 54-65; and column 14, lines 17-26), disclosing various means for determining annotations based on stored annotation data.

As per claims 5 and 19, and taking into account the rejections of claims 3 and 17, Katz further discloses that *determining the at least one suggested tag comprises querying an external data source of tags* (column 12, line 54 – column 13, line 37 and column 13, lines 50-62), disclosing external data sources for such querying.

As per claim 6, and taking into account the rejection of claim 5, Katz further discloses that *querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file* (column 12, line 54 – column 13, line 37 and column 13, lines 50-62), disclosing transmitting file information in such a query.

As per claim 7, and taking into account the rejection of claim 5, Katz further discloses that *querying the external data source of tags comprises transmitting to the external data source information about the user* (column 12, line 65 – column 13, line 14 and column 14, lines 17-26), disclosing transmitting user information in such a query

As per claims 8 and 20, and taking into account the rejections of claims 7 and 19, Katz further discloses that *transmitting to the external data source information about the user comprises transmitting information regarding one or more of preferences of the user, a profession of the user, a current project on which the user is working, or a current activity in which the user is engaging* (column 6, lines 27-48), disclosing such types of user information, such as preference of language.

As per claim 15, and taking into account the rejection of claim 10, Katz further discloses that *determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user* (column 11, lines 48-60), disclosing that annotations may be based on all user input.

9. **Claim 9 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1) and Carroll (US 6,762,777 B2) in view of Wantanabe et al. (US 6,795,094 B1).**

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As per claim 9, Freeborg and Carroll sufficiently render obvious the limitations of claim 1.

However, Freeborg and Carroll do not explicitly disclose that the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

Nevertheless, in an analogous art, Watanabe discloses that *the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface* (Figs. 2 and 8), disclosing the display of metadata during such methods.

Freeborg, Carroll, and Wantanabe all pertain to the analogous art of interfaces using keywords to associate particular data (Freeborg, [0033]-[0037]; Carroll, column 1, lines 36-55; and Wantanabe, column 1, lines 8-12) and thus one would look to the others for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). Furthermore, Carroll discloses that “more powerful document annotation technology is desirable” (Carroll; column 1, lines 21-33). In addition, Wantanabe also discloses that the entering of keywords through a keyboard from one image file to another becomes difficult when a plurality of such files are generally displayed one by one and, additionally, when a plurality of types of files are displayed as thumbnails, it is difficult to display keywords associated with the respective images in a limited display area and thus the user cannot know which keywords are assigned to the respective images (Wantanabe; column 17-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg, Carroll, and Wantanabe.

10. Claim 12 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1), Katz et al. (US 5,404,295), and Carroll (US 6,762,777 B2) in view of Graham et al. (US 2004/0095376 A1).

As per claim 12, Freeborg, Katz, and Carroll sufficiently render obvious the limitations of claim 10. In addition, Katz discloses *generating an automatic tag based at least in part on an*

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analysis of content of one of at least one particular file; storing the automatic tag in association with the one of the at least one particular file (column 12, lines 54-65), disclosing generating and storing automatic tags.

However, Freeborg, Katz, and Carroll do not explicitly disclose displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

Nevertheless, in an analogous art, Graham discloses *displaying automatically generated elements to a user in a different manner from elements generated and applied by the user* ([0363]), disclosing that “in order to differentiate between the manually generated and automatically generated [elements], different colors or styles may be used to display rectangular boxes that represent automatic [elements] and boxes that represent manual [elements].”

Freeborg, Katz, Carroll, and Graham all pertain to the analogous art of graphical user interfaces for displaying representations of stored information of one or more types (Freeborg, [0033]-[0037]; Katz, column 1, lines 12-18; Carroll, column 1, lines 36-55; and Graham, Abstract) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Furthermore, Carroll discloses that “more powerful document annotation technology is desirable” (Carroll; column 1, lines 21-33). In addition, Graham discloses that it is desirable to improve upon techniques for allowing users to view, analyze, and navigate multimedia information stored in multimedia documents, such as by automatically generating information to complement user generated information (Graham; [0014] and [0360]-[0363]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg, Katz, Carroll, and Graham.

11. Claims 13 and 14 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Freeborg et al. (US 2006/0080335 A1), Katz et al. (US 5,404,295), Carroll (US 6,762,777 B2), and Graham et al. (US 2004/0095376 A1) in view of Holt et al. (US 5,960,447).

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As per claim 13, Freeborg, Katz, Carroll, and Graham sufficiently render obvious the limitations of claim 12.

However, Freeborg, Katz, Carroll, and Graham do not explicitly disclose that displaying the automatic tag to the user in the different manner comprises: displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

Nevertheless, in an analogous art, Holt discloses that *displaying an automatic tag to a user in a different manner comprises: displaying to the user each tag associated with one of at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag* (column 9, lines 7-61), describing confidence levels associated with words corresponding to tags, wherein column 9, lines 51-54 discloses that “words with a specific confidence level or range may be displayed in a different color from the other text/data being displayed. Similarly, one can establish that words in various colors represent various confidence levels or ranges of confidence levels.”

Freeborg, Katz, Carroll, Graham, and Holt all pertain to the analogous art of graphical user interfaces for displaying representations of stored information of one or more types (Freeborg, [0033]-[0037]; Katz, column 1, lines 12-18; Carroll, column 1, lines 36-55; Graham, Abstract; and Holt, Abstract) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, Katz discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (Katz; column 3, lines 10-20). Furthermore, Carroll discloses that “more powerful document annotation technology is desirable” (Carroll; column 1, lines 21-33). In addition, Graham discloses that it is desirable to improve upon techniques for allowing users to view, analyze, and navigate multimedia information stored in multimedia documents, such as by automatically generating information to complement user generated information (Graham; [0014] and [0360]-[0363]). Furthermore, Holt discloses that there is a great need for

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improved ways of editing and correcting text that is automatically generated and has varying levels of confidence (Holt; column 1, lines 63-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg, Katz, Carroll, Graham, and Holt.

As per claim 14, and taking into account the rejection of claim 13, Katz further discloses: *monitoring user interaction with the automatic tag; learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system* (column 13, lines 43-50 and column 14, lines 17-26), disclosing types of such artificial intelligence learning.

Response to Arguments

12. Applicant's arguments filed on 10/11/2014 have been fully considered, but are moot in view of new grounds of rejection necessitated by amendment.

Conclusion

13. *It is noted that any citation 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. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).*

14. ***The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.***

15. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401 and whose fax number is 571-270-2401. The Examiner can normally be reached during regular Office business hours, Monday through Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, William Bashore, can be reached on 571-272-4088. 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).

/ERIC WIENER/
Examiner, Art Unit 2142

/PATRICK RIEGLER/
Primary Examiner, Art Unit 2142

| | | | |
|-----------------------------------|---------------------------------------|--|-------------|
| Notice of References Cited | Application/Control No. 12/887,406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | Page 1 of 1 |

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| | J | US- | | |
| | K | US- | | |
| | L | US- | | |
| | M | US- | | |


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NON-PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification | |
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| | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) | | | | | |
| | U | Wilcox, L; Schilit, B.; Bly, S.; Chia, P., "Dynamite: A Dynamically Organized Ink and Audio Notebook," IEEE Seminar Living Life to the Full With Personal Technologies, The Institution of Electrical Engineers, Informatics Division., Digest No. 1998/268, June, 1998, p. 1/1 - 1/4. | | | | |
| | V | | | | | |
| | W | | | | | |
| | X | | | | | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

| | | |
|---|--|---|
| Index of Claims  | Application/Control No. 12887406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. |
| | Examiner ERIC WIENER | Art Unit 2142 |

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| ✓ | Rejected |
| = | Allowed |

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| - | Cancelled |
| ÷ | Restricted |

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| N | Non-Elected |
| I | Interference |

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| A | Appeal |
| O | Objected |

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

| CLAIM | | DATE | | | | | | | |
|-------|----------|------------|------------|------------|------------|--|--|--|--|
| Final | Original | 02/25/2013 | 10/15/2013 | 06/27/2014 | 12/30/2014 | | | | |
| | 1 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 2 | ✓ | ✓ | ✓ | ✓ | | | | |
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| | 9 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 10 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 11 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 12 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 13 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 14 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 15 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 16 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 17 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 18 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 19 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 20 | ✓ | ✓ | ✓ | ✓ | | | | |

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

| | | | | | | | |
|----------------------|----------------------|-------------|------------|-------------------------------|----------------|----------|------|
| Application Number | 12/887,406 | Filing Date | 2010-09-21 | Docket Number (if applicable) | 312979.02 | Art Unit | 2142 |
| First Named Inventor | Matthew B. MacLaurin | | | Examiner Name | WIENER, ERIC A | | |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

Other _____

Enclosed

Amendment/Reply

Information Disclosure Statement (IDS)

Affidavit(s)/ Declaration(s)

Other _____

MISCELLANEOUS

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

Applicant Signature

| Signature of Registered U.S. Patent Practitioner | | | |
|--|----------------------------------|---------------------|------------|
| Signature | /Margo Livesay, Reg. No. 41,946/ | Date (YYYY-MM-DD) | 2015-04-16 |
| Name | Margo Livesay | Registration Number | 41946 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

S/N 12/887,406

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|------------------------------|-------------|----------------|
| Applicant: | Matthew B. MacLaurin | Examiner: | Eric A. Wiener |
| Serial No.: | 12/887,406 | Art Unit: | 2142 |
| Filed: | September 21, 2010 | Docket No.: | 312979.02 |
| Conf. No.: | 2445 | | |
| Title: | SELECTION-BASED ITEM TAGGING | | |

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the final Office Action mailed on January 14, 2015. Please amend and reconsider the above-identified patent application as follows.

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IN THE CLAIMS

Please amend and reconsider the claims as follows:

What is claimed is:

1. (Currently Amended) A method for applying tags to files of a file system, the method comprising:

operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input of one or more characters from the user, each of the one or more characters in the computing interface input corresponding to successive characters of a desired tag to be applied to the at least one particular file; and

upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection of the at least one particular file and the computing interface input of the one or more characters, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file.

2. (Previously Presented) The method of claim 1, wherein the series of acts further comprises:

utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface;

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in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file.

3. (Previously Presented) The method of claim 2, wherein the series of acts further comprises:

determining the at least one suggested tag based at least in part on the computing interface input from the user.

4. (Previously Presented) The method of claim 3, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,
a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
a recently-applied tag, or
a commonly-applied tag.

5. (Original) The method of claim 3, wherein determining the at least one suggested tag comprises querying an external data source of tags.

6. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file.

7. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the user.

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8. (Previously Presented) The method of claim 7, wherein transmitting to the external data source information about the user comprises transmitting information regarding one or more of:

- preferences of the user,
- a profession of the user,
- a current project on which the user is working, or
- a current activity in which the user is engaging.

9. (Previously Presented) The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

10. (Currently Amended) A method comprising:

- displaying information regarding one or more files of a file system in a window of a graphical user interface;
- first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;
- second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive characters of a desired tag to be applied ~~included in a tag that the user desires to apply~~ to the at least one particular file;
- upon the first detecting of the selection of the at least one particular file and the second detecting of the input of the one or more characters, following the first detecting, automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input of the one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, and determining at least one

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suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;

displaying in the window the at least one suggested tag to be applied to the at least one particular file; and

in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

11. (Previously Presented) The method of claim 10, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,
a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
a recently-applied tag, or
a commonly-applied tag.

12. (Previously Presented) The method of claim 10, further comprising:
generating an automatic tag based at least in part on an analysis of content of one of the at least one particular file;

storing the automatic tag in association with the one of the at least one particular file; and
displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

13. (Previously Presented) The method of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:

displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

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14. (Previously Presented) The method of claim 13, further comprising:
monitoring user interaction with the automatic tag; and
learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and
generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system.

15. (Previously Presented) The method of claim 10, wherein determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user.

16. (Currently Amended) An apparatus configured to apply tags to files of a file system, the apparatus comprising:
a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and
at least one processor programmed to:
first detect, while information regarding one or more files is displayed in a window of the user interface, a selection of at least one particular file of the one or more files;
second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and
upon the first detection of the selection of the at least one particular file and the second detection of the input of the one or more characters from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input of the one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging

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mode, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

17. (Original) The apparatus of claim 16, wherein the at least one processor is further programmed to:

determine the at least one suggested tag based at least in part on the input from the user.

18. (Previously Presented) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,
a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
a recently-applied tag, or
a commonly-applied tag.

19. (Original) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by querying an external data source of tags.

20. (Previously Presented) The apparatus of claim 19, wherein the at least one processor is programmed to query the external data source of tags at least by transmitting to the external data source information regarding one or more of:

preferences of the user,
a profession of the user,
a current project on which the user is working, or
a current activity in which the user is engaging.

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REMARKS

Applicant has carefully reviewed and considered the final Office Action mailed on January 14, 2015, and the references cited therewith.

Claims 1, 10, and 16 are amended herein; as a result, claims 1-20 are pending in this application. Applicant respectfully submits that no new matter is added by these amendments (*see, e.g.*, paragraphs [0008], [0013], [0014], [0016], [0017], [0018], [0021], [0024], [0025], [0028], [0030], and [0034] - [0036] of the originally filed specification). Applicant respectfully traverses all pending rejections of the claims, requests withdrawal of all pending rejections and/or objections, and requests swift indication of allowance of the present application, as discussed below.

Rejections under 35 USC § 103(a)

Claim 1

Claim 1 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.* (U.S. Patent Application Publication No. 2006/0080335 A1) in view of *Carroll* (U.S. Patent No. 6,762,777 B2). Applicant respectfully traverses the rejection of claim 1, as discussed below.

Amended independent claim 1 recites (**emphasis added**):

1. A method for applying tags to files of a file system, the method comprising:

operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

first detecting, while information regarding one or more files is displayed in a computing interface, **a user selection of at least one particular file** of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, **a computing interface input of one or more characters from the user, each of the one or more characters in the computing interface input corresponding**

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to successive characters of a desired tag to be applied to the at least one particular file; and

upon the first detecting and the second detecting following the first detecting, **automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection of the at least one particular file and the computing interface input of the one or more characters,** displaying an indication that tagging is active, upon entering the tagging mode, and **utilizing the computing interface input to generate a tag to be applied to the at least one particular file.**

Freeborg et al. (per Title) is directed to a “method and apparatus for audio/video attribute and relationship storage and retrieval for efficient composition,” stating (per Abstract):

The invention provides a method and software for use within audio and video authoring software applications wherein the relationships between the source media files are saved and used as part of a media manager. The software allows the artist to efficiently recall which files were used together, as well as how they were used together musically or visually.

FIG. 8B of *Freeborg et al.* is shown below:

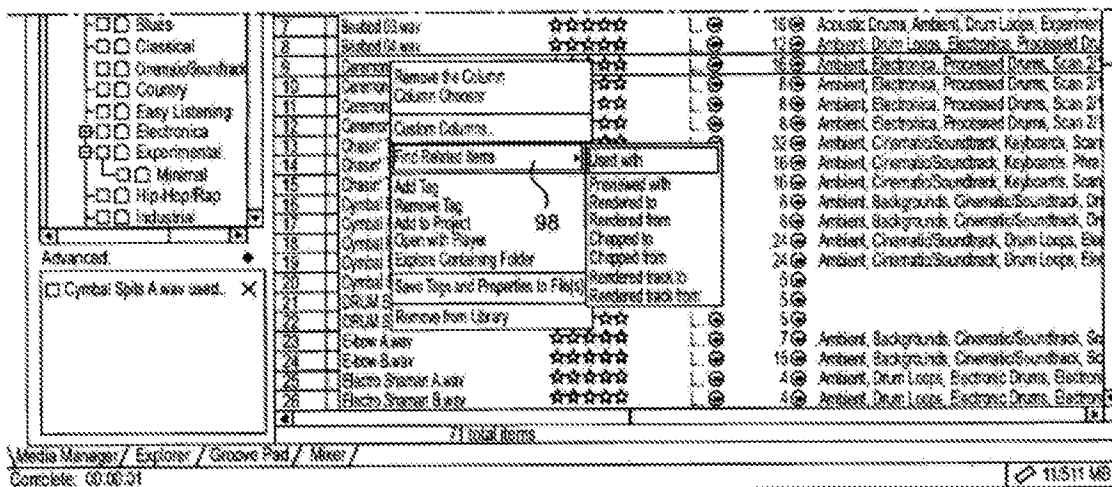


FIG. 8B

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As best understood, the Office Action (page 3, line 31 - page 4, line 13) equates the “first detecting” recited by claim 1 with selections allegedly discussed in *Freeborg et al.*, the Office Action stating (**emphasis added**):

Therefore, referring to the example media manager interface window of Fig. 8, it has been interpreted that each of the 26 media files displayed in each of the 26 rows of the media manager are able to be selected by a user and, furthermore, are able to be selected by a user while information regarding one or more files is displayed, wherein such selection is also able to be detected. Furthermore, referring to Fig. 8B, one of ordinary skill in the art would have viewed the media manager interface of Fig. 8B as obviously depicting a contextual pop-up menu that has been displayed in response to a user selection of the media file in row 9. This would have been obvious to one of ordinary skill in the art, because the border of row 9 is displayed with an outline in Fig. 8B in the same, well-known fashion that other user interface objects are commonly indicated as selected or focused-on, which would thus infer to one of ordinary skill in the art that a first user selection of at least one particular file of the one or more files has been detected. Furthermore, one of ordinary skill in the art would have inferred that **one action (i.e. "a user selection") both selected the media file in row 9 and caused the display of the contextual pop-up menu, for instance, by right-clicking on row 9**, because it is well known in the art that right-clicking an item in a file explorer will cause such a **contextual pop-up menu to be displayed for further input** (see *PTO-892-20140617, Reference U, p. 70*).

As best understood, the Office Action (p. 4) then equates the “second detecting” recited by claim 1 with an alleged **selection of an “Add Tag” option** in FIG. 8B of *Freeborg et al.*, the Office Action stating (**emphasis added**):

... (Fig. 8B), wherein the contextual pop-up menu displayed over row 9 has been interpreted as being displayed "following the first detecting of the user selection" of the media file of row 9 and "while the information regarding the one or more files [continues to be] displayed in the [media manager] computing interface [of Fig. 8B]." **Although Freeborg does not explicitly state detecting a second computing interface input from the user**, one of ordinary skill in the art at the time of invention would have viewed such a second user input as being **obvious, because Fig. 8B**

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depicts the contextual pop-up menu as already having been displayed in response to the first detection of user input selection of the media file of row 9, as explained, supra, and, furthermore, because that contextual pop-up menu clearly depicts selectable options, which would be obvious selectable inputs to correspond to a second input that follows a first input that caused the contextual pop-up menu to be displayed. Therefore, following this rationale, it has been interpreted that any of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag."

The Office Action further states (pp. 5-6, **emphasis added**):

Freeborg does not explicitly disclose that the computing interface input is a computing interface input of one or more characters.

Nevertheless, in an analogous art, *Carroll discloses a computing interface input is a computing interface input of one or more characters and automatically entering a tagging mode without further user interaction other than a user selection and the computing interface input of one or more characters (column 2, lines 30-62), disclosing a user highlighting a region of text, which sufficiently corresponds to user selection of an item, wherein a set of keystroke or keystrokes on keys will automatically initiate popup processing for tagging information to the user selected highlighted region of text, which sufficiently corresponds to automatically entering a tagging mode.*

Both Freeborg and Carroll pertain to the *analogous art of interfaces using keywords to associate particular data* (Freeborg; [0033]-[0037] and *Carroll; column 1, lines 36-55*) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, Freeborg discloses that it would be desirable to improve upon the known difficulty in which it is difficult for

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users to categorize files in multiple ways without making duplicate copies of files in duplicate folders, which is tedious and a waste of valuable disk space (Freeborg; [0005]). In addition, *Carroll* discloses that "more powerful **document annotation** technology is desirable" (Carroll; column 1, lines 21-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Freeborg and Carroll.

Applicant respectfully disagrees with the Office Action's assertions (at least) regarding *Carroll* (and *Freeborg et al.*). For example, *Carroll* (per column 1, lines 21-55) states:

One textual markup feature that is useful in some presentations is a **popup window**, that is, **a section of text which appears when a cursor or other onscreen locator hovers over a predetermined section of text**. This feature is used in Help menus and toolbars, for example, in which a small upper block of text appears when a given subject or section is hovered over, **adding comments or expanding a description of that section**. However in available word processing technologies, there is no ability to insert or edit popup windows freely within documents. Other drawbacks exist. More powerful document annotation technology is desirable.

SUMMARY OF THE INVENTION

The invention overcoming these and other problems in the art relates to a system and method for **associating popup windows with selected regions of a document**. The invention permits a user to take a highlighted or otherwise selected region within an electronic document and append or attach to it a popup window with embedded information of a desired type, for display when the document is subsequently viewed in that section. This is accomplished in part by employing freely movable popup delimiter tags, which can be positioned and re-positioned within a document to highlight the enclosed information and associate with that information a popup message, graphic or other information.

An object of the invention is to provide a system and method that allows users to select highlighted regions of electronic documents to insert freely editable popup windows.

Another object of the invention is to provide a system and method that allows user to create more flexible and information-rich documents.

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Applicant is unable to determine how this portion of *Carroll* “pertains” to “**interfaces using keywords to associate particular data**” as alleged by the Office Action – unless the Office Action is referring the “keystroke combinations” of *Carroll* that “**are utilized to associate a selected region in an electronic document with a popup window**” as discussed further below.

Applicant respectfully submits that *Carroll* (per title) is directed to “associating popup windows with **selective regions of a document**.” *Carroll* (per Abstract) states:

A system and method processes ***designating regions in an electronic text to associate with those selected regions freely editable popup windows***. In a preferred embodiment, ***embedded tag delimiters are used to mark out the boundaries of the selected region and the content of the popup window***. In an alternative embodiment, ***keystroke combinations are utilized to associate a selected region in an electronic document with a popup window, and the popup window is then freely editable***.

Thus, in contrast with the current claims in the present application, not only is *Carroll* directed to associating **selected text in a document** with a “freely editable” popup window, *Carroll* utilizes “keystroke combinations” to “**associate a selected region in an electronic document with a popup window, and the popup window is then freely editable**.” Thus, as clearly stated by *Carroll*, there are ***distinct actions*** of (1) selecting a region; (2) utilizing “keystroke combinations” **to associate a selected region in an electronic document with a popup window**; and (3) freely editing the popup window of *Carroll*.

As cited by the Office Action, *Carroll* further states (column 2, lines 30-62, **emphasis added**):

In a preferred embodiment, **the selected text is highlighted** and, **with a series of keystrokes or menu or icon selections, a popup window is associated with the selected text**. An example of this embodiment is provided in FIG. 1. In the electronic text 108, the user has **highlighted a region of the text** as highlighted region 106. Highlighted region 106 may be shown on display 102 in a different color, in a different intensity or otherwise displayed as a distinct region within electronic text 108. Alternatively, the highlighted region could have the same appearance as a non-highlighted region. In the illustrated embodiment, the

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user wishes to append a popup window 130 to the highlighted region 106. Cursor 104, which may be a blinking or solid bar, arrow or other onscreen marker is located two words from the end of the sentence, in the illustration.

In a preferred embodiment, **the association of the popup window 130 to the highlighted region 106 is executed by first striking a predetermined set of keystroke or keystrokes on keys 114, to initiate the popup processing. That set of keystrokes might be, for example, the depression of the "Control" key and holding that key down while hitting the "P" key, for popup. Once the *predetermined set of keystrokes is input*, the cursor 104 may be automatically shifted to an upper screen area called the display popup window 130 above the highlighted region 106. **Within the confines of popup window 130, the user can keyboard a textual messages or other popup information region 132 to be presented whenever the document is viewed and the cursor comes within a predetermined relationship with the highlighted region 106.** The popup information region 132 may include network linkages such as Internet URLs (Universal Resource Locator), graphical or other information.**

Thus, as discussed above, this cited portion of *Carroll* again discusses (at least) **three distinct actions of a user**: (1) selecting a region of text in the document (apparently **after selecting the document itself (i.e., after selecting the document "file")**), which *Applicant fairly interprets as yet another distinct action by the user*); (2) striking a predetermined set of keystroke or keystrokes on keys 114, to initiate the popup processing (**for example, the depression of the "Control" key and holding that key down while hitting the "P" key, for popup**); and – *after* actions (1) and (2), - (3) **within the confines of popup window 130, the user can keyboard a textual messages or other popup information region 132 to be presented whenever the document is viewed and the cursor comes within a predetermined relationship with the highlighted region 106 of *Carroll*.**

Without conceding/acquiescing in any of the Office Action's allegations of obviousness, Applicant respectfully submits that, only in the interests of advancing prosecution, independent claim 1 is amended herein to recite, "**second detecting**, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, **a computing interface input of one or more characters from the user, each of the one or more characters in the computing interface input corresponding to successive**

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characters of a desired tag to be applied to the at least one particular file,” and “upon the first detecting and the second detecting following the first detecting, **automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection of the at least one particular file and the computing interface input of the one or more characters**, displaying an indication that tagging is active, upon entering the tagging mode, and *utilizing the computing interface input to generate a tag to be applied to the at least one particular file.*”

Applicant respectfully submits that “**a computing interface input of one or more characters from the user, each of the one or more characters in the computing interface input corresponding to successive characters of a desired tag to be applied to the at least one particular file**” does not correspond to the Office Action’s allegation of “*set of keystroke or keystrokes on keys will automatically initiate popup processing for tagging information to the user selected highlighted region of text,*” as discussed above.

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that these features are neither disclosed nor suggested by *Freeborg et al.*, nor *Carroll*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 1.

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Rejections under 35 USC § 103(a)

Claims 2-8, 10, 11, and 15-20

Claims 2-8, 10, 11, and 15-20 were rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.* in view of *Katz et al.* (U.S. Patent No. 5,404,295) and further in view of *Carroll*. Applicant respectfully traverses the rejection of these claims, as discussed below.

Amended independent claim 10 recites (**emphasis added**):

10. A method comprising:
displaying information regarding one or more files of a file system in a window of a graphical user interface;
first detecting, while the information regarding the one or more files is displayed in the window, a **user selection of at least one particular file** of the one or more files;
second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an **input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive characters of a desired tag to be applied to the at least one particular file;**
upon the first detecting of the selection of the at least one particular file **and the second detecting of the input of the one or more characters, following the first detecting**, automatically initiating a tagging mode of the graphical user interface **without further user interaction, other than the user selection and the input of the one or more characters from the user,** displaying an indication that tagging is active, upon initiating the tagging mode, and **determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;**
displaying in the window the at least one suggested tag to be applied to the at least one particular file; and
in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

Katz et al. (per Title) is directed to "utilizing annotations to facilitate computer retrieval of database material," stating (per Abstract):

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A method and apparatus for computer retrieval of database material which may be text, computer programs, graphics, audio, object classes, action specifications or other material which may be machine stored. Annotations are provided for at least selected database subdivisions, preferably with natural language questions, assertions or noun phrases or some combination/collection thereof. However, the annotations may also initially be generated in a structured form. Annotations are, if required, converted to a structured form and are stored in that form along with connections to corresponding subdivisions. Searching for relevant subdivisions involves entering a query in natural language or structured form, converting natural language queries to structured form, matching the structured form query against stored annotations and retrieving database subdivisions connected to matched annotations. The annotation process may be aided by utilizing various techniques for automatically or semiautomatically generating the annotations.

Somewhat similarly to claim 1 discussed above, claim 10 recites, “second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters,**” even more particularly reciting, “second detecting, **detecting, following the first detecting** of the user selection and while the information regarding the one or more files is displayed in the window, an **input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive characters of a desired tag to be applied to the at least one particular file.**” However, similarly to its rejection of claim 1 with regard to its “second detecting,” the Office Action equates claim 10’s “second detecting” with an alleged **selection of an “Add Tag” option** in FIG. 8B of *Freeborg et al.* (Office Action, page 8, lines 1-9), stating:

... it has been interpreted that *any* of the selectable options of the contextual pop-up menu of Fig. 8B may, upon user selection, correspond to the second detected computing interface user input, wherein those selectable options include at least the options depicted in Fig. 8B of: "Remove the Column," "Column Chooser," "Custom Columns," "Find Related Items," "Add Tag," "Remove

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Tag," "Add to Project," "Open with Player," "Explore Containing Folder," "Save Tags and Properties to File(s)," and "Remove from Library." **Thus, it has been interpreted that the second detected computing interface user input may sufficiently correspond to an input that selects the option of "Add Tag."**

Thus, the Office Action interprets the "computing user input" of claim 10 as corresponding an "input that selects the option of 'Add Tag'" of *Freeborg et al.* However, the Office Action **nowhere** explains how "**an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**" – as actually recited by claim 10 - corresponds to an "input that selects the option of 'Add Tag'" of *Freeborg et al.* Applicant respectfully submits that "**an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**" does not correspond to the Office Action's allegation of "**an input that selects the option of 'Add Tag',**" as discussed above.

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

The Office Action then refers to *Katz et al.* extensively, including (Office Action, page 9, line 34- page 10, line 4) (**emphasis added**):

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file** (column 8, line 42 - column 9, line 2), disclosing a user **generating an annotation using a keyboard that may also be performed automatically or semiautomatically;**

However, at column 8, line 42 - column 9, line 2, *Katz et al.* states (**emphasis added**):

Once step 30 has been completed, the operation proceeds to either step 32 or 34, depending upon whether annotations are initially generated in English (or other natural language) or in a

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structured form. Assuming annotations are initially generated in a natural language, for example, as a question, assertion or noun phrase (or combination/collection thereof), the operation would proceed to step 32 during which an annotation for the selected subdivision would be generated. **This annotation could be generated by a person utilizing a keyboard** or other input device 16 to generate the annotation. Since generating annotations is a labor intensive task, it might be faster to permit the annotator to orally input annotations using the voice recognition module 18, with the module converting the oral input to machine readable form which is inputted to computer 10.

It is also possible that step 32 may be performed either semiautomatically or automatically. Ways in which automatic or semiautomatic generation may be performed are discussed later. Generally, these techniques involve finding some relationship between the current subdivision and a prior subdivision and either utilizing the annotations for the prior subdivision, as suitably modified for the current subdivision (automatic mode) or displaying the modified annotations to the annotator as proposed annotations with the annotator making selections from the proposals (semiautomatic operation).

Thus, the Office Action apparently here relies on “further input” from the user to allegedly establish obviousness of claim 10 over *Freeborg et al.* in view of *Katz et al.*

Applicant respectfully submits that none of the Office Action’s allegations provide any kind of *prima facie* showing of obviousness of claim 10 over *Freeborg et al.* in view of *Katz et al.*, most particularly with regard to “**second detecting**, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**” and “**upon the first detecting of the selection and the second detecting of the input** following the first detecting, **automatically initiating a tagging mode** of the graphical user interface **without further user interaction, other than the user selection and the input of one or more characters from the user**, displaying an indication that tagging is active, upon initiating the tagging mode, and determining at least one suggested tag based at least in part on the input from the user, **the at least one suggested tag including at least some of the input.**”

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The Office Action further states (page 11):

Freeborg and Katz do not explicitly disclose that the computing interface input is a computing interface input of one or more characters.

Nevertheless, in an analogous art, Carroll discloses a computing interface input is a computing interface input of one or more characters and automatically entering a tagging mode without further user interaction other than a user selection and the computing interface input of one or more characters (column 2, lines 30-62), disclosing a user highlighting a region of text, which sufficiently corresponds to user selection of an item, wherein a set of keystroke or keystrokes on keys will automatically initiate popup processing for tagging information to the user selected highlighted region of text, which sufficiently corresponds to automatically entering a tagging mode.

- which appears to be substantially a copy of the text used in the rejection of claim 1, discussed above.

Without conceding/acquiescing in any of the Office Action's allegations of obviousness, Applicant respectfully submits that, only in the interests of advancing prosecution, independent claim 10 is amended herein to recite, "**second detecting**, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, **an input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive characters of a desired tag to be applied to the at least one particular file,**" and "**upon the first detecting** of the selection of the at least one particular **file** and the **second detecting of the input** of the one or more characters, following the first detecting, automatically initiating a tagging mode of the graphical user interface **without further user interaction, other than the user selection and the input of the one or more characters from the user**, displaying an indication that tagging is active, upon initiating the tagging mode, and **determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input.**"

Applicant respectfully submits that "**an input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive**

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characters of a desired tag to be applied to the at least one particular file” does not correspond to the Office Action’s allegation of “*set of keystroke or keystrokes on keys will automatically initiate popup processing for tagging information to the user selected highlighted region of text,*” as discussed above.

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that these features are neither disclosed nor suggested by *Freeborg et al.*, nor *Carroll*, nor *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 10.

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 11 and 15, which recite the features of claim 10 by virtue of their respective dependencies from claim 10, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Applicant further respectfully submits that *Katz et al.* fails to cure the deficiencies of *Freeborg et al.* and *Carroll* discussed above with regard to independent claim 1. Thus, Applicant further respectfully requests withdrawal of the obviousness rejections of dependent

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claims 2-8, which recite the features of claim 1 by virtue of their respective dependencies from claim 1, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

In another aspect, amended independent claim 16 recites (**emphasis added**):

16. An apparatus configured to apply tags to files of a file system, the apparatus comprising:
a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and
at least one processor programmed to:
first detect, while information regarding one or more files is displayed in a window of the user interface, a selection of at least one particular file of the one or more files;
second detect, following the first detection of the selection of the at least one particular **file** and while the information regarding the one or more files is displayed in the window, **input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**; and
upon the first detection of the selection of the at least one particular file and the second detection of the input of the one or more characters from the user, automatically initiate a tagging mode of the user interface **without further user interaction, other than the selection of the at least one particular file and the input of the one or more characters from the user**, displaying an indication that tagging is active, upon initiating the tagging mode, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

With regard to the “**second detect**, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, **input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file**” the Office Action (page 13, lines 8-30)

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relies on *Freeborg et al.* similarly to its rejections of claims 1 and 10, to allege that the features of claim 16 are obvious over *Freeborg et al.* in view of *Katz et al.* – and in view of *Carroll* (Office Action, page 16, lines 4-16)

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that, at least, these features are neither disclosed nor suggested by suggested by *Freeborg et al.*, nor by *Katz et al.*, nor by *Carroll*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 16.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 17-20, which recite the features of claim 16 by virtue of their respective dependencies from claim 16, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claim 9

Claim 9 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.* and *Carroll* in view of *Wantanabe et al.* (U.S. Patent No. 6,795,094). Applicant respectfully traverses the rejection of claim 9, as discussed below.

Dependent claim 9 recites:

9. The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection

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while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

The Office Action (pp. 18-19, item 9) states (*emphasis added*):

As per claim 9, *Freeborg and Carroll sufficiently render obvious the limitations of claim 1.*

However, Freeborg and Carroll do not explicitly disclose that the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

Nevertheless, in an analogous art, Watanabe discloses that *the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface* (Figs. 2 and 8), disclosing the display of metadata during such methods.

Watanabe et al. (per Abstract) is directed to:

An image processor in which images are displayed on the screen of a display device in such a manner that visually recognizable labels corresponding to keywords assigned to respective images are displayed near the corresponding images thereby making it easy for a user to see which keywords are assigned to the respective images.

Applicant respectfully submits that the addition of *Watanabe et al.* fails to cure the deficiencies of *Freeborg et al.* and/or *Carroll* with regard to rendering obvious the features of amended independent claim 1 (as discussed above), from which amended claim 9 depends. Applicant respectfully submits that the claimed features of amended independent claim 1 are neither disclosed nor suggested by *Freeborg et al.*, nor by *Carroll*, nor by *Watanabe et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended dependent claim 9, which depends from amended independent claim 1.

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According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claim 12

Claim 12 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.*, *Katz et al.* and *Carroll* in view of *Graham et al.* (U.S. Patent Application Publication No. 2004/0095376 A1). Applicant respectfully traverses the rejection of claim 12, as discussed below.

Dependent claim 12 recites:

12. The method of claim 10, further comprising:
generating an automatic tag based at least in part on an analysis of content of one of the at least one particular file;
storing the automatic tag in association with the one of the at least one particular file; and
displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

The Office Action (pp. 19-20, item 10) states (*emphasis added*):

As per claim 12, *Freeborg, Katz, and Carroll sufficiently render obvious the limitations of claim 10*. In addition, Katz discloses generating an automatic tag based at least in part on an analysis of content of one of at least one particular file; storing the automatic tag in association with the one of the at least one particular file (column 12, lines 54-65), disclosing generating and storing automatic tags.

However, *Freeborg, Katz, and Carroll do not explicitly disclose displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user*.

Nevertheless, in an analogous art, *Graham discloses displaying automatically generated elements to a user in a different manner from elements generated and applied by the user ([0363])*, disclosing that "in order to differentiate between the manually generated and automatically

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generated [elements], different colors or styles may be used to display rectangular boxes that represent automatic [elements] and boxes that represent manual [elements]."

Graham et al. (per Abstract) states:

Techniques for providing a graphical user interface (GUI) that displays a representation of stored information that may include information of one or more types. The displayed representation may include representations of information of the one or more types. The GUI enables a user to navigate and skim through the stored information and to analyze the contents of the stored information. The stored information may include information captured along the same timeline or along different timelines.

Applicant respectfully submits that the addition of *Graham et al.* fails to cure the deficiencies of *Freeborg*, *Carroll*, and *Katz et al.* with regard to rendering obvious the features of amended independent claim 10 (as discussed above), from which amended claim 12 depends. Applicant respectfully submits that the claimed features of amended independent claim 10 are neither disclosed nor suggested by *Freeborg*, nor by *Carroll*, nor by *Katz et al.*, nor by *Graham et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of dependent claim 12, which depends from amended independent claim 10.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claims 13 and 14

Claims 13 and 14 were rejected under 35 USC § 103(a) as allegedly being unpatentable over *Freeborg et al.*, *Katz et al.*, *Carroll*, and *Graham et al.* in view of *Holt et al.* (U.S. Patent

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

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Title: SELECTION-BASED ITEM TAGGING

Docket No: 312979.02

No. 5,960,447). Applicant respectfully traverses the rejections of claims 13 and 14, as discussed below.

Dependent claim 13 recites:

13. The method of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:
displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

The Office Action (pp. 20-21, item 11) states (*emphasis added*):

As per claim 13, Freeborg, Katz, Carroll, and Graham sufficiently render obvious the limitations of claim 12.

However, Freeborg, Katz, Carroll, and Graham do not explicitly disclose that displaying the automatic tag to the user in the different manner comprises: displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

Nevertheless, in an analogous art, Holt *discloses that displaying an automatic tag to a user in a different manner comprises: displaying to the user each tag associated with one of at least one particular file and, for the each tag, an indication of an associated confidence level of the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag* (column 9, lines 7-61), describing confidence levels associated with words corresponding to tags, wherein column 9, lines 51-54 discloses that "words with a specific confidence level or range may be displayed in a different color from the other text/data being displayed. Similarly, one can establish that words in various colors represent various confidence levels or ranges of confidence levels."

Holt et al. (per Abstract) states:

A word tagging and editing system for speech recognition receives recognized speech text from a speech recognition engine, and creates tagging information that follows the speech text as it is received by a word processing program or other program. The

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

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body of text to be edited in connection with the word processing program may be selected and cut and pasted and otherwise manipulated, and the tags follow the speech text. A word may be selected by a user, and the tag information used to point to a sound bite within the audio data file created initially by the speech recognition engine. The sound bite may be replayed to the user through a speaker. The practical results include that the user may confirm the correctness of a particular recognized word, in real time whilst editing text in the word processor. If the recognition is manually corrected, the correction information may be supplied to the engine for use in updating a user profile for the user who dictated the audio that was recognized. Particular tagging approaches are employed depending on the particular word processor being used.

Applicant respectfully submits that the addition of *Holt et al.* fails to cure the deficiencies of *Freeborg, Katz et al., Carroll*, and/or *Graham et al.* with regard to rendering obvious the features of amended independent claim 10 (as discussed above), from which amended claim 13 depends (via claim 12, discussed above). Applicant respectfully submits that the claimed features of amended independent claim 10 are neither disclosed nor suggested by *Freeborg*, nor by *Katz et al.*, nor by *Carroll*, nor by *Graham et al.*, nor by *Holt et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination.

Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of dependent claim 13 and dependent claim 14, which depend from amended independent claim 10.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

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Serial Number: 12/887,406
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Title: SELECTION-BASED ITEM TAGGING

Docket No: 312979.02

Conclusion

Applicant respectfully requests withdrawal of all pending rejections and/or objections. Applicant further respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is invited to telephone Applicant's attorney at 202-684-8685 to facilitate prosecution of this application.

Respectfully submitted,

Date April 16, 2015

By /Margo Livesay, Reg. No. 41,946/
Margo Livesay, Ph.D.
Reg. No. 41,946
Phone: 202-684-8685

Microsoft Corporation
Customer Number 69316
Phone: 425-707-9382

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

April 16, 2015
Date

/Margo Livesay, Reg. No. 41,946/
Signature

Margo Livesay
Printed Name

Electronic Patent Application Fee Transmittal

| | | | | |
|--|------------------------------|-----------------|---------------|-----------------------------|
| Application Number: | 12887406 | | | |
| Filing Date: | 21-Sep-2010 | | | |
| Title of Invention: | SELECTION-BASED ITEM TAGGING | | | |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin | | | |
| Filer: | Margo Livesay | | | |
| Attorney Docket Number: | 312979.02 | | | |
| Filed as Large Entity | | | | |
| Filing Fees for Utility under 35 USC 111(a) | | | | |
| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-----------------------------------|----------|----------|--------|----------------------|
| Extension - 1 month with \$0 paid | 1251 | 1 | 200 | 200 |
| Miscellaneous: | | | | |
| RCE- 2nd and Subsequent Request | 1820 | 1 | 1700 | 1700 |
| Total in USD (\$) | | | | 1900 |

Electronic Acknowledgement Receipt

| | |
|---|------------------------------|
| EFS ID: | 22076708 |
| Application Number: | 12887406 |
| International Application Number: | |
| Confirmation Number: | 2445 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Customer Number: | 69316 |
| Filer: | Margo Livesay |
| Filer Authorized By: | |
| Attorney Docket Number: | 312979.02 |
| Receipt Date: | 16-APR-2015 |
| Filing Date: | 21-SEP-2010 |
| Time Stamp: | 01:44:28 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|--|-------------|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | \$1900 |
| RAM confirmation Number | 9087 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| File Listing: | | | | | |
|--|--|------------------------|--|-------------------------|-------------------------|
| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
| 1 | Extension of Time | 312979-02-EOT.pdf | 187562 0256a1c4bd5eb1f305de145ca0dcadfc009709 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | Request for Continued Examination (RCE) | 312979-02-RCE.pdf | 697603 3708279e1e19ed9a184a7759cc0de45d6efbe3a0 | no | 3 |
| Warnings: | | | | | |
| Information: | | | | | |
| 3 | | 312979-02-Response.pdf | 814653 f09c95efe4fc87f7ab0d04211ccd9b5289c795eb | yes | 29 |
| | Multipart Description/PDF files in .zip description | | | | |
| | Document Description | | Start | End | |
| | Amendment Submitted/Entered with Filing of CPA/RCE | | 1 | 1 | |
| | Claims | | 2 | 7 | |
| Applicant Arguments/Remarks Made in an Amendment | | 8 | 29 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 4 | Fee Worksheet (SB06) | fee-info.pdf | 32494 4ebca5b15250da9206e17c344e62e386ea857ac | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| Total Files Size (in bytes): | | | 1732312 | | |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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| | | |
|---|-----------------------------------|---------------------------------------|
| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) | | Docket Number (Optional) 312979.02 |
| Application Number 12/887,406 | Filed 09-21-2010 | |
| For SELECTION-BASED ITEM TAGGING | | |
| Art Unit 2142 | Examiner WIENER, ERIC A | |

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

| | Fee | Small Entity Fee | Micro Entity Fee | |
|---|---------|------------------|------------------|-----------|
| <input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$200 | \$100 | \$50 | \$ 200.00 |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$600 | \$300 | \$150 | \$ _____ |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1,400 | \$700 | \$350 | \$ _____ |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$2,200 | \$1,100 | \$550 | \$ _____ |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$3,000 | \$1,500 | \$750 | \$ _____ |

Applicant asserts small entity status. See 37 CFR 1.27.

Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number _____.

Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).

attorney or agent of record. Registration number 41,946.

attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Margo Livesay, Reg. No. 41,946/

April 16, 2015

Signature

Date

Margo Livesay

(202) 684-8685

Typed or printed name

Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

* Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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| | | | |
|---|---|----------------------------------|---------------------------------------|
| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | Application or Docket Number 12/887,406 | Filing Date 09/21/2010 | <input type="checkbox"/> To be Mailed |
|---|---|----------------------------------|---------------------------------------|

ENTITY: LARGE SMALL MICRO

APPLICATION AS FILED – PART I

| FOR | NUMBER FILED | NUMBER EXTRA | RATE (\$) | FEE (\$) |
|---|---|--------------|-----------|----------|
| <input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small> | N/A | N/A | N/A | |
| TOTAL CLAIMS <small>(37 CFR 1.16(i))</small> | minus 20 = | * | X \$ = | |
| INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small> | minus 3 = | * | X \$ = | |
| <input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small> | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small> | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | |

APPLICATION AS AMENDED – PART II

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) | |
|------------------|---|----------------------------------|------------------------------------|---------------|-----------------|---------------------|--|
| AMENDMENT | 04/16/2015 | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | | |
| | Total <small>(37 CFR 1.16(i))</small> | * 20 | Minus | ** 20 | = 0 | X \$80 = 0 | |
| | Independent <small>(37 CFR 1.16(h))</small> | * 3 | Minus | ***3 | = 0 | X \$420 = 0 | |
| | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | | |
| | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | | |
| | | | | | TOTAL ADD'L FEE | 0 | |

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) | |
|------------------|---|----------------------------------|------------------------------------|---------------|-----------------|---------------------|--|
| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | | |
| | Total <small>(37 CFR 1.16(i))</small> | * | Minus | ** | = | X \$ = | |
| | Independent <small>(37 CFR 1.16(h))</small> | * | Minus | *** | = | X \$ = | |
| | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | | |
| | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | | |
| | | | | | TOTAL ADD'L FEE | | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/MYRTLE LEIGH/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/887,406 09/21/2010 Matthew B. MacLaurin 312979.02 2445

69316 7590 10/05/2015
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

EXAMINER

WIENER, ERIC A

ART UNIT PAPER NUMBER

2142

NOTIFICATION DATE DELIVERY MODE

10/05/2015

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):

stevensp@microsoft.com
chriochs@microsoft.com
usdoCKET@microsoft.com

DETAILED ACTION

1. STATUS OF THE APPLICATION

1.1. The present application is being examined under the pre-AIA first to invent provisions.

1.2. Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/2015 has been entered.

2. STATUS OF THE CLAIMS

The status of the claims is as follows:

- Claims 1-20 are pending.
- Claims 1, 10, and 16 are the independent claims.
- Claims 1, 10, and 16 are presently amended.
- Claims 1-20 are rejected by the Examiner.

3. 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*

Art Unit: 2142

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).

3.1. Claims 1-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 7,831,913.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the present application are broader than those of the parent Patent.

Other correspondence in dependent claims exists.

4. CLAIM INTERPRETATIONS – MPEP 2111

Although claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. See *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. See *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

To make the record clear, it is noted that particular claim terms/phrases of the present claims, when given their broadest reasonable interpretation in light of the specification, have been interpreted in particular ways for the purpose of examination.

Given their broadest reasonable interpretation in light of the specification, the following claim terms/phrases, which do not appear to have an explicit definition within the specification, have been interpreted as meaning the following:

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- **tag:** “generally an arbitrary text string associated with an item that is utilized to recall that item at a later time... without requiring the actual item to be moved or placed into a folder” (see Applicant’s Specification at paragraph [0005])
- **tagging mode:** a mode in which operations for applying tags or labels may be input, received, and applied

For the benefit of compact prosecution, the claim language XXXXX has been interpreted in a more limiting way to mean XXXXX. However, use of this interpretation within the present office action should not be construed to mean that the claims could not also be interpreted more broadly and, thus, also be anticipated by or obvious in view of broader teachings of prior art.

These interpretations are not inconsistent with the specification. If Applicant disagrees with any of these interpretations, it is requested that they please point to the exact location within the specification where an alternate meaning is explicitly defined in a limiting way that is not consistent with the above interpretations.

5. RESPONSE TO ARGUMENTS

5.1. Applicant’s arguments filed on 4/16/2015 have been fully considered, but are moot in view of new grounds of rejection necessitated by amendment.

6. CLAIM REJECTIONS - 35 USC § 102

The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.1. Claims 1 and 9 rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by MARKOWITZ (US 2003/0100999 A1).

Regarding independent claim 1, MARKOWITZ discloses a method for applying tags to files of a file system, the method comprising operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

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- **first detecting, while information regarding one or more files is displayed in a computing interface** (MARKOWITZ; [0077]: *“The Workspace window contains a tree view, called the Workspace Navigator, used to display and manage the data objects... The look and feel is similar to that of the Macintosh Finder or the Windows Explorer”* and [0080]: *“The object attributes displayed include the owner of the object, the date and time it was created and last modified, its permissions, and its object type.”*), **a user selection of at least one particular file of the one or more files** (MARKOWITZ; [0124]: *“Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay.”* Clicking on the object label sufficiently corresponds to selection of the object.);
- **second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input of one or more characters from the user, each of the one or more characters in the computing interface input corresponding to successive characters of a desired tag to be applied to the at least one particular file** (MARKOWITZ; [0123]: *“The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name.”* and [0124]: *“Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay.”*); **and**
- **upon the first detecting and the second detecting following the first detecting:**
 - **automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection of the at least one particular file and the computing interface input of the one or more characters** (MARKOWITZ; [0124]: *“Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay.”*),
 - **displaying an indication that tagging is active, upon entering the tagging mode** (MARKOWITZ; [0123]: *“The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name.”* The display of an editable text field sufficiently corresponds to indicating that tagging is active.), **and**
 - **utilizing the computing interface input to generate a tag to be applied to the at**

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least one particular file (MARKOWITZ; [0123]: *“The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name.”*).

Regarding claim 9, and taking into account the rejection of claim 1, MARKOWITZ further discloses that **the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface** (MARKOWITZ; [0080]: *“The object attributes displayed include the owner of the object, the date and time it was created and last modified, its permissions, and its object type.”*).

7. CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of pre-AIA 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.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under pre-AIA 35 U.S.C. 103(a) are summarized as follows:

- Determining the scope and contents of the prior art.
- Ascertaining the differences between the prior art and the claims at issue.
- Resolving the level of ordinary skill in the pertinent art.
- Considering objective evidence present in the application indicating obviousness or nonobviousness.

7.1. Claims 2-8, 10, 11, and 15-20 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over MARKOWITZ (US 2003/0100999 A1) in view of KATZ et al. (US 5,404,295).

Regarding independent claim 10, MARKOWITZ discloses a method comprising:

- **displaying information regarding one or more files of a file system in a window of a**

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graphical user interface (MARKOWITZ; [0077]: *"The Workspace window contains a tree view, called the Workspace Navigator, used to display and manage the data objects... The look and feel is similar to that of the Macintosh Finder or the Windows Explorer"* and [0080]: *"The object attributes displayed include the owner of the object, the date and time it was created and last modified, its permissions, and its object type."*);

- **first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files** (MARKOWITZ; [0124]: *"Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay."* Clicking on the object label sufficiently corresponds to selection of the object.);
- **second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive characters of a desired tag to be applied to the at least one particular file** (MARKOWITZ; [0123]: *"The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name."* and [0124]: *"Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay."*); and
- **upon the first detecting of the selection of the at least one particular file and the second detecting of the input of the one or more characters, following the first detecting:**
 - **automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input of the one or more characters from the user** (MARKOWITZ; [0124]: *"Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay."*),
 - **displaying an indication that tagging is active, upon initiating the tagging mode** (MARKOWITZ; [0123]: *"The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name."* The display of an editable text field

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sufficiently corresponds to indicating that tagging is active.), and

- **applying an entered tag to the at least one particular file** (MARKOWITZ; [0123]: *“The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name.”*).

MARKOWITZ does not explicitly disclose determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input; displaying in the window the at least one suggested tag to be applied to the at least one particular file; and in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

Nevertheless, in an analogous art, KATZ discloses:

- **second detecting, following first detecting of a user selection and while information regarding one or more files is displayed in a window, an input from the user of one or more characters included in a tag that the user desires to apply to at least one particular file** (KATZ; column 8, line 42 – column 9, line 2: disclosing a user generating an annotation using a keyboard that may also be performed automatically or semiautomatically);
- **determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input, and displaying in the window the at least one suggested tag to be applied to the at least one particular file** (KATZ; column 8, line 67 – column 9, line 2: *“displaying the modified annotations to the annotator as proposed annotations with the annotator making selections from the proposals (semiautomatic operation).”* and column 12, lines 54-65: *“the other annotations from the annotation group or groups, as modified, are proposed for use to annotate the current subdivision. Such proposal might, for example, be accomplished by presenting such annotations on display 20.”*); and
- **in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file** (KATZ; column 12, lines 54-65: *“The annotator could then, by means of a keyboard, mouse, rollerball, light-pen, voice recognition system or other suitable input means, select from the proposed annotations the ones which are appropriate for the current text subdivision (step 84). The accepted annotations would then be stored during step 38 (FIG. 2) and connections to related text added during step 40.”*).

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Both MARKOWITZ and KATZ pertain to the analogous art of interfaces adding and modifying keywords, labels, and annotations to data stored in file management systems (MARKOWITZ; [0002] and KATZ; column 1, lines 12-18) and thus one would look to the other for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, MARKOWITZ discloses that *“there remains a need for a common interface for multiple databases containing [data] in a relational format supporting efficient exploration and analysis.”* (MARKOWITZ; [0008]). In addition, KATZ discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (KATZ; column 3, lines 10-20). Therefore, MARKOWITZ and KATZ both seek a related goal in their analogous art and would provide appreciable benefits to each other’s teachings. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of MARKOWITZ and KATZ.

Regarding independent claim 16, MARKOWITZ discloses **an apparatus configured to apply tags to files of a file system, the apparatus comprising:**

- **a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags** (MARKOWITZ; [0077]: *“The Workspace window contains a tree view, called the Workspace Navigator, used to display and manage the data objects... The look and feel is similar to that of the Macintosh Finder or the Windows Explorer”* and [0080]: *“The object attributes displayed include the owner of the object, the date and time it was created and last modified, its permissions, and its object type.”*); **and**
- **at least one processor programmed to:**
 - **first detect, while information regarding one or more files is displayed in a window of the user interface, a selection of at least one particular file of the one or more files** (MARKOWITZ; [0124]: *“Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay.”* Clicking on the object label sufficiently corresponds to selection of the object.);
 - **second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is**

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- displayed in the window, input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file** (MARKOWITZ; [0123]: *“The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name.”* and [0124]: *“Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay.”*); and
- **upon the first detection of the selection of the at least one particular file and the second detection of the input of the one or more characters from the user:**
 - **automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input of the one or more characters from the user** (MARKOWITZ; [0124]: *“Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay.”*),
 - **displaying an indication that tagging is active, upon initiating the tagging mode** (MARKOWITZ; [0123]: *“The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name.”* The display of an editable text field sufficiently corresponds to indicating that tagging is active.), and
 - **applying an entered tag to the at least one particular file** (MARKOWITZ; [0123]: *“The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name.”*).

MARKOWITZ does not explicitly disclose display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

Nevertheless, in an analogous art, KATZ discloses:

- **second detecting, following first detecting of a user selection and while information regarding one or more files is displayed in a window, an input from the user of one or more characters included in a tag that the user desires to apply to at least one**

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- particular file** (KATZ; column 8, line 42 – column 9, line 2: disclosing a user generating an annotation using a keyboard that may also be performed automatically or semiautomatically); **and**
- **displaying in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input** (KATZ; column 8, line 67 – column 9, line 2: *“displaying the modified annotations to the annotator as proposed annotations with the annotator making selections from the proposals (semiautomatic operation).”* and column 12, lines 54-65: *“the other annotations from the annotation group or groups, as modified, are proposed for use to annotate the current subdivision. Such proposal might, for example, be accomplished by presenting such annotations on display 20. The annotator could then, by means of a keyboard, mouse, rollerball, light-pen, voice recognition system or other suitable input means, select from the proposed annotations the ones which are appropriate for the current text subdivision (step 84). The accepted annotations would then be stored during step 38 (FIG. 2) and connections to related text added during step 40.”*).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of MARKOWITZ and KATZ for the same reasons disclosed in the rejection of claim 10, *supra*.

Regarding claim 2, MARKOWITZ sufficiently discloses the limitations of claim 1.

However, MARKOWITZ does not explicitly disclose that the series of acts further comprises: utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface; and in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file.

Nevertheless, in an analogous art, KATZ discloses:

- **second detecting, following first detecting of a user selection and while information regarding one or more files is displayed in a window, an input from the user of one or more characters included in a tag that the user desires to apply to at least one particular file** (KATZ; column 8, line 42 – column 9, line 2: disclosing a user generating an annotation using a keyboard that may also be performed automatically or semiautomatically);
- **utilizing the computing interface input to generate the tag by displaying at least one**

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- suggested tag in the computing interface** (KATZ; column 8, line 67 – column 9, line 2: “displaying the modified annotations to the annotator as proposed annotations with the annotator making selections from the proposals (semiautomatic operation).” and column 12, lines 54-65: “the other annotations from the annotation group or groups, as modified, are proposed for use to annotate the current subdivision. Such proposal might, for example, be accomplished by presenting such annotations on display 20.”); and
- **in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file** (KATZ; column 12, lines 54-65: “The annotator could then, by means of a keyboard, mouse, rollerball, light-pen, voice recognition system or other suitable input means, select from the proposed annotations the ones which are appropriate for the current text subdivision (step 84). The accepted annotations would then be stored during step 38 (FIG. 2) and connections to related text added during step 40.”).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of MARKOWITZ and KATZ for the same reasons disclosed in the rejection of claim 10, *supra*.

Regarding claims 3 and 17, and taking into account the rejections of claims 2 and 16, KATZ further discloses **determining the at least one suggested tag based at least in part on the computing interface input from the user** (KATZ; column 8, line 48 – column 9, line 2; column 11, lines 48-60; and column 12, lines 54-65), disclosing various means for determining annotations based on user input.

Regarding claims 4, 11, and 18; and taking into account the rejections of claims 3, 10, and 17; KATZ further discloses that **determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of a first tag previously applied to one of the at least one particular file, a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types, a recently-applied tag, or a commonly-applied tag** (KATZ; column 11, lines 48-60; column 12, lines 54-65; and column 14, lines 17-26), disclosing various means for determining annotations based on stored annotation data.

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Regarding claims 5 and 19, and taking into account the rejections of claims 3 and 17, KATZ further discloses that **determining the at least one suggested tag comprises querying an external data source of tags** (KATZ; column 12, line 54 – column 13, line 37 and column 13, lines 50-62), disclosing external data sources for such querying.

Regarding claim 6, and taking into account the rejection of claim 5, KATZ further discloses that **querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file** (KATZ; column 12, line 54 – column 13, line 37 and column 13, lines 50-62), disclosing transmitting file information in such a query.

Regarding claim 7, and taking into account the rejection of claim 5, KATZ further discloses that **querying the external data source of tags comprises transmitting to the external data source information about the user** (KATZ; column 12, line 65 – column 13, line 14 and column 14, lines 17-26), disclosing transmitting user information in such a query

Regarding claims 8 and 20, and taking into account the rejections of claims 7 and 19, KATZ further discloses that **transmitting to the external data source information about the user comprises transmitting information regarding one or more of preferences of the user, a profession of the user, a current project on which the user is working, or a current activity in which the user is engaging** (KATZ; column 6, lines 27-48), disclosing such types of user information, such as preference of language.

Regarding claim 15, and taking into account the rejection of claim 10, KATZ further discloses that **determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user** (KATZ; column 11, lines 48-60), disclosing that annotations may be based on all user input.

7.2. Claim 12 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over MARKOWITZ (US 2003/0100999 A1) and KATZ et al. (US 5,404,295) in view of GRAHAM et al. (US 2004/0095376 A1).

Regarding claim 12, MARKOWITZ and KATZ sufficiently render obvious the limitations of claim 10.

In addition, KATZ further discloses **generating an automatic tag based at least in part on an analysis of content of one of at least one particular file and storing the automatic tag in**

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association with the one of the at least one particular file (KATZ; column 12, lines 54-65), disclosing generating and storing automatic tags.

However, MARKOWITZ and KATZ do not explicitly disclose displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

Nevertheless, in an analogous art, GRAHAM discloses **displaying automatically generated elements to a user in a different manner from elements generated and applied by the user** (GRAHAM; [0363]: “*in order to differentiate between the manually generated and automatically generated [elements], different colors or styles may be used to display rectangular boxes that represent automatic [elements] and boxes that represent manual [elements].*”).

MARKOWITZ, KATZ, and GRAHAM all pertain to the analogous art of interfaces adding and modifying keywords, labels, and annotations to data stored in file management systems (MARKOWITZ; [0002]; KATZ; column 1, lines 12-18; and GRAHAM; Abstract) and thus one would look to the others for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, MARKOWITZ discloses that “*there remains a need for a common interface for multiple databases containing [data] in a relational format supporting efficient exploration and analysis.*” (MARKOWITZ; [0008]). In addition, KATZ discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (KATZ; column 3, lines 10-20). In addition, GRAHAM discloses that it is desirable to improve upon techniques for allowing users to view, analyze, and navigate multimedia information stored in multimedia documents, such as by automatically generating information to complement user generated information (GRAHAM; [0014] and [0360]-[0363]). Therefore, MARKOWITZ, KATZ, and GRAHAM all seek a related goal in their analogous art and would provide appreciable benefits to each other’s teachings. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of MARKOWITZ, KATZ, and GRAHAM.

7.3. Claims 13 and 14 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over MARKOWITZ (US 2003/0100999 A1), KATZ et al. (US 5,404,295), and GRAHAM et al. (US 2004/0095376 A1) in view of HOLT et al. (US 5,960,447).

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Regarding claim 13, MARKOWITZ, KATZ, and GRAHAM sufficiently render obvious the limitations of claim 12.

However, MARKOWITZ, KATZ, and GRAHAM do not explicitly disclose that displaying the automatic tag to the user in the different manner comprises: displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

Nevertheless, in an analogous art, HOLT discloses that **displaying an automatic tag to a user in a different manner comprises: displaying to the user each tag associated with one of at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag** (HOLT; column 9, lines 7-61), describing confidence levels associated with words corresponding to tags, wherein column 9, lines 51-54 discloses that “words with a specific confidence level or range may be displayed in a different color from the other text/data being displayed. Similarly, one can establish that words in various colors represent various confidence levels or ranges of confidence levels.”

MARKOWITZ, KATZ, GRAHAM, and HOLT all pertain to the analogous art of graphical user interfaces for displaying representations of stored information of one or more types (MARKOWITZ; [0002]; KATZ; column 1, lines 12-18; GRAHAM; Abstract; and HOLT; Abstract) and thus one would look to the others for possible variations to their teachings or improvements to overcome particular difficulties of their teachings. In addition, MARKOWITZ discloses that *“there remains a need for a common interface for multiple databases containing [data] in a relational format supporting efficient exploration and analysis.”* (MARKOWITZ; [0008]). In addition, KATZ discloses that a need exists for an improved method and apparatus for retrieving relevant material from large databases, and in particular for permitting such retrieval to be accomplished by a relatively unsophisticated user and that it should also be possible to complete searches on all types of text, graphics, audio, and other stored material and to complete the search expeditiously (KATZ; column 3, lines 10-20). In addition, GRAHAM discloses that it is desirable to improve upon techniques for allowing users to view, analyze, and navigate multimedia information stored in multimedia documents, such as by automatically generating information to complement user generated information (GRAHAM; [0014] and [0360]-[0363]). Furthermore, HOLT discloses that there is a great need for improved ways of editing and correcting text that is automatically generated and has varying levels of confidence (HOLT; column 1, lines 63-67). Therefore, MARKOWITZ, KATZ, GRAHAM, and HOLT all seek a

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related goal in their analogous art and would provide appreciable benefits to each other's teachings. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of MARKOWITZ, KATZ, GRAHAM, and HOLT.

Regarding claim 14, and taking into account the rejection of claim 13, KATZ further discloses: **monitoring user interaction with the automatic tag; learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system** (KATZ; column 13, lines 43-50 and column 14, lines 17-26), disclosing types of such artificial intelligence learning.

8. CONCLUSION

It is noted that any citation 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. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.

Art of particular note includes, but is not limited to:

- **FREEBORG et al. (US 2006/0080335 A1)**
- **CARROLL (US 6,762,777 B2)**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Wiener whose telephone number is 571-270-1401 and whose fax number is 571-270-2401. The best time to reach the Examiner by phone is between the hours of 11AM EST and 7PM EST, Monday through Thursday. If the Examiner is not able to be reached by phone, his e-mail address may be found in the voicemail greeting of the above phone number. The Examiner will return all messages within one business day of receipt, while messages received on Thursday or Friday may not be returned until the following Monday. If Applicant desires to schedule an interview, please do so *via e-mail* and include the word "interview" in the subject line.

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If Applicant desires to communicate via e-mail about anything more than the scheduling of an interview, including providing an interview agenda, they must comply with MPEP § 502.03 and provide the following statement within such e-mail: "Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ajay Bhatia, can be reached on 571-272-3906. 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).

/ERIC WIENER/
Examiner, Art Unit 2142

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| Notice of References Cited | Application/Control No. 12/887,406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | CPC Classification | US Classification |
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| * | B | US-2002/0151283 A1 | 10-2002 | Pallakoff, Matthew G. | G06F3/14 | 455/575.1 |
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| | E | US- | | | | |
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| | G | US- | | | | |
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

| | | |
|---|--|---|
| Index of Claims  | Application/Control No. 12887406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. |
| | Examiner ERIC WIENER | Art Unit 2142 |

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| ✓ | Rejected |
| = | Allowed |

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|---|-------------------|
| - | Cancelled |
| ÷ | Restricted |

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| N | Non-Elected |
| I | Interference |

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| A | Appeal |
| O | Objected |

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

| CLAIM | | DATE | | | | | | | | | |
|-------|----------|------------|------------|------------|------------|------------|--|--|--|--|--|
| Final | Original | 02/25/2013 | 10/15/2013 | 06/27/2014 | 12/30/2014 | 09/26/2015 | | | | | |
| | 1 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 2 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 3 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 4 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 5 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 6 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 7 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 8 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 9 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 10 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 11 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 12 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 13 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 14 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 15 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 16 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 17 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 18 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 19 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| | 20 | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|------------------------------|-------------|----------------|
| Applicant: | Matthew B. MacLaurin | Examiner: | Eric A. Wiener |
| Serial No.: | 12/887,406 | Art Unit: | 2142 |
| Filed: | September 21, 2010 | Docket No.: | 312979.02 |
| Conf. No.: | 2445 | | |
| Title: | SELECTION-BASED ITEM TAGGING | | |

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Office Action mailed on October 5, 2015. Please amend and reconsider the above-identified patent application as follows.

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IN THE CLAIMS

Please amend and reconsider the claims as follows:

What is claimed is:

1. (Currently Amended) A method for applying tags to files of a file system, the method comprising:

operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input of one or more characters from the user, each of the one or more characters in the computing interface input corresponding to successive characters of a desired tag to be applied to the at least one particular file; and

upon the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection of the at least one particular file and the computing interface input of the one or more characters, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file, the generated tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file.

2. (Previously Presented) The method of claim 1, wherein the series of acts further comprises:

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utilizing the computing interface input to generate the tag by displaying at least one suggested tag in the computing interface;

in response to a second computing interface input from the user selecting a particular tag of the at least one suggested tag displayed in the computing interface, storing the particular tag in association with the at least one particular file.

3. (Previously Presented) The method of claim 2, wherein the series of acts further comprises:

determining the at least one suggested tag based at least in part on the computing interface input from the user.

4. (Previously Presented) The method of claim 3, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,
a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
a recently-applied tag, or
a commonly-applied tag.

5. (Original) The method of claim 3, wherein determining the at least one suggested tag comprises querying an external data source of tags.

6. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the at least one particular file.

7. (Original) The method of claim 5, wherein querying the external data source of tags comprises transmitting to the external data source information about the user.

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8. (Previously Presented) The method of claim 7, wherein transmitting to the external data source information about the user comprises transmitting information regarding one or more of:

- preferences of the user,
- a profession of the user,
- a current project on which the user is working, or
- a current activity in which the user is engaging.

9. (Previously Presented) The method of claim 1, wherein the first detecting of the user selection of the at least one particular file while the information regarding the one or more files is displayed in the computing interface comprises first detecting the user selection while metadata regarding files that are stored in a folder of a file system is displayed in the computing interface.

10. (Currently Amended) A method comprising:

- displaying information regarding one or more files of a file system in a window of a graphical user interface;
- first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;
- second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive characters of a desired tag to be applied to the at least one particular file;
- upon the first detecting of the selection of the at least one particular file and the second detecting of the input of the one or more characters, following the first detecting, automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input of the one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all

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of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;

displaying in the window the at least one suggested tag to be applied to the at least one particular file; and

in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

11. (Previously Presented) The method of claim 10, wherein determining the at least one suggested tag comprises determining the at least one suggested tag based at least in part on one or more of:

- a first tag previously applied to one of the at least one particular file,
- a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
- a recently-applied tag, or
- a commonly-applied tag.

12. (Previously Presented) The method of claim 10, further comprising:
generating an automatic tag based at least in part on an analysis of content of one of the at least one particular file;

storing the automatic tag in association with the one of the at least one particular file; and
displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

13. (Previously Presented) The method of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:

displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

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14. (Previously Presented) The method of claim 13, further comprising:
monitoring user interaction with the automatic tag; and
learning, based at least in part on the user interaction, information about user preferences regarding the tags of the file system; and
generating at least one additional tag based at least in part on the learned information about user preferences regarding the tags of the file system.

15. (Previously Presented) The method of claim 10, wherein determining the at least one suggested tag comprises determining a first suggested tag that includes all of the one or more characters of the input from the user.

16. (Currently Amended) An apparatus configured to apply tags to files of a file system, the apparatus comprising:
a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and
at least one processor programmed to:
first detect, while information regarding one or more files is displayed in a window of the user interface, a selection of at least one particular file of the one or more files;
second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and
upon the first detection of the selection of the at least one particular file and the second detection of the input of the one or more characters from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input of the one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, the desired tag being one of a plurality of different tags to be applied to the at least

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one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

17. (Original) The apparatus of claim 16, wherein the at least one processor is further programmed to:

determine the at least one suggested tag based at least in part on the input from the user.

18. (Previously Presented) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by determining the at least one suggested tag based at least in part on one or more of:

a first tag previously applied to one of the at least one particular file,
a second tag previously applied to another file that is determined to be similar to the at least one particular file based on a comparison of file types,
a recently-applied tag, or
a commonly-applied tag.

19. (Original) The apparatus of claim 17, wherein the at least one processor is programmed to determine the at least one suggested tag at least by querying an external data source of tags.

20. (Previously Presented) The apparatus of claim 19, wherein the at least one processor is programmed to query the external data source of tags at least by transmitting to the external data source information regarding one or more of:

preferences of the user,
a profession of the user,
a current project on which the user is working, or
a current activity in which the user is engaging.

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REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on October 5, 2015, and the references cited therewith.

Claims 1, 10, and 16 are amended herein, without prejudice or disclaimer; as a result, claims 1-20 are pending in this application. Applicant respectfully submits that no new matter is added by these amendments (*see, e.g.*, paragraphs [0005] and [0019] of the originally filed specification). Applicant respectfully traverses all pending rejections of the claims, requests withdrawal of all pending rejections and/or objections, and requests swift indication of allowance of the present application, as discussed below.

Double Patenting Rejection

Claims 1-20 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 7,831,913.

The Office Action (page 3, item 3.1) states:

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the present application are broader than those of the parent Patent.
Other correspondence in dependent claims exists.

Applicant respectfully disagrees with this characterization of the claims, by the Office Action. However, without conceding/acquiescing that claims 1-20 are in any way unpatentable over claims 1-20 of commonly owned U.S. Patent No. 7,831,913, Applicant requests withdrawal of the double patenting rejection of claims 1-20, as discussed below.

U.S. Patent No. 7,831,913 is 100% assigned to Microsoft Technology Licensing, LLC, as recorded in the United States Patent and Trademark Office at Reel 016656, Frame 0361, and at Reel 034543, Frame 0001.

Likewise, the present application is commonly assigned (100%) to Microsoft Technology Licensing, LLC, as recorded in the United States Patent and Trademark Office at Reel 037961, Frame 0863, and at Reel 034544, Frame 0001.

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A terminal disclaimer is filed herewith, as suggested by the Office Action (pp. 2-3) to overcome this rejection. Applicant thus respectfully requests withdrawal of the double patenting rejection of claims 1-20.

Rejections under 35 USC § 102(b)

Claims 1 and 9

Claim 1 was rejected under 35 USC § 102(b) as allegedly being unpatentable over *Markowitz* (U.S. Patent Application Publication No. 2003/0100999 A1). Applicant respectfully traverses the rejection of claims 1 and 9, as discussed below.

Amended independent claim 1 recites (**emphasis added**):

1. A method for applying tags to files of a file system, the method comprising:
 - operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:
 - first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;
 - second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input of one or more characters from the user, each of the one or more characters in the computing interface input corresponding to successive characters of a desired tag to be applied to the at least one particular file; and
 - upon the first detecting and the second detecting following the first detecting, **automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection of the at least one particular file and the computing interface input of the one or more characters**, displaying an indication that tagging is active, upon entering the tagging mode, and **utilizing the computing interface input to generate a tag to be applied to the at least one particular file, the generated tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file.**

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Markowitz (per Title) is directed to “managing gene expression data,” stating (per Abstract):

The present invention pertains to a system and method for providing a common interface for multiple databases containing gene expression data, gene annotation data, and sample information in a relational format supporting efficient exploration and analysis.

The Office Action, in its “Claim Interpretations” discussion (pp. 3-4, item 4), states (*emphasis added*):

To make the record clear, it is noted that particular claim terms/phrases of the present claims, when given their broadest reasonable interpretation in light of the specification, have been interpreted in particular ways for the purpose of examination.

Given their broadest reasonable interpretation *in light of the specification*, the following claim terms/phrases, which do not appear to have an explicit definition within the specification, have been interpreted as meaning the following:

- tag: "generally an arbitrary text string associated with an item that is utilized to recall that item at a later time ... *without requiring the actual item to be moved or placed into a folder*" (see Applicant's Specification at paragraph [0005])

Applicant respectfully submits that paragraph [0005], in its entirety, states:

[0005] The folder concept, however, is often challenged by those users who do not agree that an item only belongs to a single folder. They frequently desire to associate a file with several folders to make it easier to find. Some just copy a file into different folders to alleviate the problem. That, however, uses more storage space and, thus, is not highly desirable for large quantities of information. To circumvent this, users have begun to “mark” or *“tag” the files or data to indicate an association rather than placing them in a folder*. A tag is generally an arbitrary text string associated with an item that is utilized to recall that item at a later time. By tagging the item, the user is not required to place it in a folder and force it into a single category. A user has the flexibility of tagging and, thus, associating different types of items such as graphics, text, and/or data and the like. *It also allows a user to*

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apply multiple tags to the same item. Thus, a user can tag a picture of a mountain as a ‘vacation picture’ to enable recalling it as a vacation photo and also as ‘desktop wallpaper’ to enable recalling it as a background image on a computer screen. ***This is accomplished without requiring the actual item to be moved or placed into a folder, etc.***

In its rejection of independent claim 1, the Office Action alleges that “utilizing the computing interface input to generate a tag to be applied to the at least one particular file” of claim 1 is disclosed by *Markowitz*, stating (page 5, last line – page 6, line 4):

- utilizing the computing interface input to generate a tag to be applied to the at least one particular file (MARKOWITZ; [0123]: "The Rename Data Object operation temporarily replaces the object's name label with an editable text field, in which the user enters the new object name. When the user presses the Enter key, the object is renamed and the label is redisplayed with the new name.").

Applicant respectfully submits that paragraphs [0111] and [0123]-[0124] of *Markowitz* state, in context (*emphasis added*):

[0111] The Workspace Manager supports other types of data objects which are associated with the various analyses that can be run in Gene Express: Gene Signatures, Gene Signature Differentials, Fold Change Analyses, Electronic Northems, and Cluster Analyses. ***The user can perform all the standard workspace operations on these objects*** (copy, move, *rename*, etc.), or can load the object for visualization or further analysis. Although there may be situations where the actual data results are stored with these objects, usually the Workspace Manager only stores the information necessary to rerun the analysis (e.g., the Sample Set and thresholds for a Gene Signature).

...

[0123] The Rename Data Object operation temporarily replaces the ***object's name label*** with an editable text field, in which the user enters the ***new object name***. When the user presses the Enter key, the ***object is renamed*** and the label is redisplayed with the ***new name***.

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[0124] Users are preferably able to invoke this operation using the standard Windows and Macintosh gesture, i.e. single-clicking on the object label and then not moving the mouse for a specified time delay.

Thus, as best understood, the Office Action equates “generate a tag to be applied to the at least one particular file” of claim 1 with the “Rename Data Object operation” of *Markowitz*.

Without conceding/acquiescing in any of the Office Action’s allegations of anticipation, Applicant respectfully submits that, without prejudice or disclaimer, and only in the interests of advancing prosecution, independent claim 1 is amended herein to recite, “utilizing the computing interface input to generate a tag to be applied to the at least one particular file, **the generated tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file.**”

Applicant respectfully submits that “utilizing the computing interface input to generate a tag to be applied to the at least one particular file, **the generated tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file**” does not correspond to the “Rename Data Object operation” of *Markowitz* as discussed above.

According to MPEP § 2131 (anticipation):

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

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Further, according to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Further, in *Microsoft Corp. v. Proxyconn, Inc.*, No. 14-1542 (Fed. Cir. 2015), on June 16, 2015, the Court of Appeals for the Federal Circuit stated (*emphasis added*):

As we have explained in other contexts, **"[t]he protocol of giving claims their broadest reasonable interpretation . . . does not include giving claims a legally incorrect interpretation."** *In re Skvorecz*, 580 F.3d 1262, 1267 (Fed. Cir. 2009); *see also In re Suitco Surface, Inc.*, 603 F.3d 1255, 1260 (Fed. Cir. 2010) (**"The broadest-construction rubric coupled with the term 'comprising' does not give the PTO an unfettered license to interpret claims to embrace anything remotely related to the claimed invention."**). **Rather, "claims should always be read in light of the specification and teachings in the underlying patent."** *Suitco*, 603 F.3d at 1260. The PTO should also consult the patent's prosecution history in proceedings in which the patent has been brought back to the agency for a second review. *See Tempo Lighting Inc. v. Tivoli LLC*, 742 F.3d 973, 977 (Fed. Cir. 2014). Even under the broadest reasonable interpretation, the Board's construction "cannot be divorced from the specification and the record evidence," *In re NTP, Inc.*, 654 F.3d 1279, 1288 (Fed. Cir. 2011), and **"must be consistent with the one that those skilled in the art would reach,"** *In re Cortright*, 165 F.3d 1353, 1358 (Fed. Cir. 1999). *A construction that is "unreasonably broad" and which does not "reasonably reflect the plain language and disclosure" will not pass muster.* *Suitco*, 603 F.3d at 1260.

Applicant respectfully submits that these features are neither disclosed nor suggested by *Markowitz*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the anticipation rejection of amended independent claim 1.

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Applicant further respectfully requests withdrawal of the anticipation rejection of dependent claim 9, which recites the features of claim 1 by virtue of its dependency from claim 1, and further for the additional features recited by dependent claim 9.

Rejections under 35 USC § 103(a)

Claims 2-8, 10, 11, and 15-20

Claims 2-8, 10, 11, and 15-20 were rejected under 35 USC § 103(a) as allegedly being unpatentable over *Markowitz* in view of *Katz et al.* (U.S. Patent No. 5,404,295). Applicant respectfully traverses the rejection of these claims, as discussed below.

Amended independent claim 10 recites (**emphasis added**):

10. A method comprising:
displaying information regarding one or more files of a file system in a window of a graphical user interface;
first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;
second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive characters of a desired tag to be applied to the at least one particular file;
upon the first detecting of the selection of the at least one particular file and the second detecting of the input of the one or more characters, following the first detecting, automatically initiating a tagging mode of the graphical user interface *without further user interaction, other than the user selection and the input of the one or more characters from the user*, displaying an indication that tagging is active, upon initiating the tagging mode, **the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file**, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input;
displaying in the window the at least one suggested tag to be applied to the at least one particular file; and

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in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.

Katz et al. (per Title) is directed to "utilizing annotations to facilitate computer retrieval of database material," stating (per Abstract):

A method and apparatus for computer retrieval of database material which may be text, computer programs, graphics, audio, object classes, action specifications or other material which may be machine stored. Annotations are provided for at least selected database subdivisions, preferably with natural language questions, assertions or noun phrases or some combination/collection thereof. However, the annotations may also initially be generated in a structured form. Annotations are, if required, converted to a structured form and are stored in that form along with connections to corresponding subdivisions. Searching for relevant subdivisions involves entering a query in natural language or structured form, converting natural language queries to structured form, matching the structured form query against stored annotations and retrieving database subdivisions connected to matched annotations. The annotation process may be aided by utilizing various techniques for automatically or semiautomatically generating the annotations.

Somewhat similarly to claim 1 discussed above, claim 10 recites, "displaying an indication that tagging is active, upon initiating the tagging mode, **the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file.**" However, similarly to its rejection of claim 1, the Office Action (page 7, line 26 - page 8, line 6) relies again on the "Rename Data Object operation" of *Markowitz* in its discussion of "automatically initiating a tagging mode," "displaying an indication that tagging is active," and "applying an entered tag to the at least one particular file."

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

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Applicant respectfully submits that “renaming” a “data object” as discussed by *Markowitz* refers to applying a *single name* (“renamed” to another single name) to the “data object” – and is thus different from “*the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file*” as recited by amended independent claim 10. The Office Action fails to explain how this difference is compensated by the addition of *Katz et al.* – and Applicant submits that the Office Action is here engaging in impermissible hindsight reasoning.

Without conceding/acquiescing in any of the Office Action’s allegations of obviousness, Applicant respectfully submits that, without prejudice or disclaimer, and only in the interests of advancing prosecution, independent claim 10 is amended herein to recite, “*the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file.*”

Applicant respectfully submits that “*the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file*” does not correspond to the Office Action’s allegation of “Rename Data Object operation,” as discussed above.

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that these features are neither disclosed nor suggested by *Markowitz*, nor *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 10.

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

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"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 11 and 15, which recite the features of claim 10 by virtue of their respective dependencies from claim 10, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Applicant further respectfully submits that *Katz et al.* fails to cure the deficiencies of *Markowitz* discussed above with regard to independent claim 1. Thus, Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 2-8, which recite the features of claim 1 by virtue of their respective dependencies from claim 1, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

In another aspect, amended independent claim 16 recites (**emphasis added**):

16. An apparatus configured to apply tags to files of a file system, the apparatus comprising:
 - a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and
 - at least one processor programmed to:
 - first detect, while information regarding one or more files is displayed in a window of the user interface, a selection of at least one particular file of the one or more files;
 - second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, *input from the*

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user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and
upon the first detection of the selection of the at least one particular file and the second detection of the input of the one or more characters from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input of the one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, **the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file**, and display in the window at least one suggested tag to be applied to the at least one particular file, the at least one suggested tag being suggested based at least in part on the input.

With regard to the “displaying an indication that tagging is active, upon initiating the tagging mode” the Office Action (page 10, lines 12-28) relies on *Markowitz* similarly to its rejections of claims 1 and 10, to allege that the features of claim 16 are obvious over *Markowitz* in view of *Katz et al.*

According to MPEP § 2143.03 ("All Claim Limitations Must Be Considered"):

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant respectfully submits that, at least, these features are neither disclosed nor suggested by suggested by *Markowitz*, nor by *Katz et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of amended independent claim 16.

Applicant further respectfully requests withdrawal of the obviousness rejections of dependent claims 17-20, which recite the features of claim 16 by virtue of their respective dependencies from claim 16, and further for the additional features recited by each dependent claim.

According to MPEP § 2143.03:

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"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claim 12

Claim 12 was rejected under 35 USC § 103(a) as allegedly being unpatentable over *Markowitz* and *Katz et al.* in view of *Graham et al.* (U.S. Patent Application Publication No. 2004/0095376 A1). Applicant respectfully traverses the rejection of claim 12, as discussed below.

Dependent claim 12 recites:

12. The method of claim 10, further comprising:
generating an automatic tag based at least in part on an analysis of content of one of the at least one particular file;
storing the automatic tag in association with the one of the at least one particular file; and
displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

The Office Action (pp. 13-14, item 7.2) states (*emphasis added*):

Regarding claim 12, *MARKOWITZ* and *KATZ* sufficiently render obvious the limitations of claim 10.

In addition, *KATZ* discloses generating an automatic tag based at least in part on an analysis of content of one of at least one particular file and storing the automatic tag in association with the one of the at least one particular file (*KATZ*; column 12, lines 54-65), disclosing generating and storing automatic tags.

However, *MARKOWITZ* and *KATZ* do not explicitly disclose displaying the automatic tag to the user in a different manner from at least one explicit tag applied to the one of the at least one particular file by the user.

Nevertheless, in an analogous art, *GRAHAM* discloses *displaying automatically generated elements to a user in a different manner from elements generated and applied by the user* (*GRAHAM*; [0363]: "in order to differentiate between the manually generated and automatically generated [elements], different colors or styles may be used to display

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rectangular boxes that represent automatic [elements] and boxes that represent manual [elements].").

Graham et al. (per Abstract) states:

Techniques for providing a graphical user interface (GUI) that displays a representation of stored information that may include information of one or more types. The displayed representation may include representations of information of the one or more types. The GUI enables a user to navigate and skim through the stored information and to analyze the contents of the stored information. The stored information may include information captured along the same timeline or along different timelines.

Applicant respectfully submits that the addition of *Graham et al.* fails to cure the deficiencies of *Markowitz and Katz et al.* with regard to rendering obvious the features of amended independent claim 10 (as discussed above), from which amended claim 12 depends. Applicant respectfully submits that the claimed features of amended independent claim 10 are neither disclosed nor suggested by *Markowitz*, nor by *Katz et al.*, nor by *Graham et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination. Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of dependent claim 12, which depends from amended independent claim 10.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

Rejections under 35 USC § 103(a)

Claims 13 and 14

Claims 13 and 14 were rejected under 35 USC § 103(a) as allegedly being unpatentable over *Markowitz, Katz et al.*, and *Graham et al.* in view of *Holt et al.* (U.S. Patent No. 5,960,447). Applicant respectfully traverses the rejections of claims 13 and 14, as discussed below.

Dependent claim 13 recites:

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13. The method of claim 12, wherein displaying the automatic tag to the user in the different manner comprises:
displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

The Office Action (pp. 14-21, item 11) states (*emphasis added*):

Regarding claim 13, MARKOWITZ, KATZ, and GRAHAM sufficiently render obvious the limitations of claim 12.

However, MARKOWITZ, KATZ, and GRAHAM do not explicitly disclose that displaying the automatic tag to the user in the different manner comprises: displaying to the user each tag associated with the one of the at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag.

Nevertheless, in an analogous art, HOLT discloses that displaying an automatic tag to a user in a different manner comprises: displaying to the user each tag associated with one of at least one particular file and, for the each tag, an indication of an associated confidence level of the user with regard to the each tag based on the displaying in the different manner, wherein the automatic tag has a lower confidence value than the at least one explicit tag (HOLT; column 9, lines 7-61), describing confidence levels associated with words corresponding to tags, wherein column 9, lines 51-54 discloses that "words with a specific confidence level or range may be displayed in a different color from the other text/data being displayed. Similarly, one can establish that words in various colors represent various confidence levels or ranges of confidence levels."

Holt et al. (per Abstract) states:

A word tagging and editing system for speech recognition receives recognized speech text from a speech recognition engine, and creates tagging information that follows the speech text as it is received by a word processing program or other program. The body of text to be edited in connection with the word processing program may be selected and cut and pasted and otherwise manipulated, and the tags follow the speech text. A word may be selected by a user, and the tag information used to point to a sound bite within the audio data file created initially by the speech recognition engine. The sound bite may be replayed to the user

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through a speaker. The practical results include that the user may confirm the correctness of a particular recognized word, in real time whilst editing text in the word processor. If the recognition is manually corrected, the correction information may be supplied to the engine for use in updating a user profile for the user who dictated the audio that was recognized. Particular tagging approaches are employed depending on the particular word processor being used.

Applicant respectfully submits that the addition of *Holt et al.* fails to cure the deficiencies of *Markowitz, Katz et al.*, and/or *Graham et al.* with regard to rendering obvious the features of amended independent claim 10 (as discussed above), from which amended claim 13 depends (via claim 12, discussed above). Applicant respectfully submits that the claimed features of amended independent claim 10 are neither disclosed nor suggested by *Markowitz*, nor by *Katz et al.*, nor by *Graham et al.*, nor by *Holt et al.*, nor by any of the cited references, neither singly, nor in any reasonable combination.

Therefore, Applicant respectfully requests withdrawal of the obviousness rejection of dependent claim 13 and dependent claim 14, which depend from amended independent claim 10.

According to MPEP § 2143.03:

"If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)."

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Conclusion

Applicant respectfully requests withdrawal of all pending rejections and/or objections. Applicant further respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested.

The Examiner is invited to telephone Applicant's attorney at 202-684-8685 to facilitate prosecution of this application.

Respectfully submitted,

Date March 15, 2016

By /Margo Livesay, Reg. No. 41,946/
Margo Livesay, Ph.D.
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Electronic Patent Application Fee Transmittal

| | |
|---|------------------------------|
| Application Number: | 12887406 |
| Filing Date: | 21-Sep-2010 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Filer: | Margo Livesay |
| Attorney Docket Number: | 312979.02 |

Filed as Large Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
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| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
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| Post-Allowance-and-Post-Issuance: | | | | |
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Electronic Acknowledgement Receipt

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| EFS ID: | 25180598 |
| Application Number: | 12887406 |
| International Application Number: | |
| Confirmation Number: | 2445 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Customer Number: | 69316 |
| Filer: | Margo Livesay |
| Filer Authorized By: | |
| Attorney Docket Number: | 312979.02 |
| Receipt Date: | 15-MAR-2016 |
| Filing Date: | 21-SEP-2010 |
| Time Stamp: | 23:55:09 |
| Application Type: | Utility under 35 USC 111(a) |

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|-----------------|----------------------|-------------------|--|------------------|------------------|
| 1 | Extension of Time | 312979-02-EOT.pdf | 187569 | no | 2 |
| | | | dba740853694d9c0950817cb995ec5666d0f80ba | | |

Warnings:

Information:

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| 2 | Terminal Disclaimer Filed | 312979-02-TermDisclaimer.pdf | 374169 | no | 2 |
| | | | 0e5d1916ac3528dc436e7d76248f2ee737779326 | | |

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| 3 | Assignee showing of ownership per 37 CFR 3.73 | 312979-02-Statement.pdf | 427565 | no | 2 |
| | | | 528622de095268f1abd4880dea792bed29e3da18 | | |

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| 4 | Power of Attorney | 312979-02-POA.pdf | 247330 | no | 3 |
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| 5 | | 312979-02-Response.pdf | 224265 | yes | 23 |
| | | | 3ff640c623a50f22a9b91da461445cca8c20d406 | | |

Multipart Description/PDF files in .zip description

| Document Description | Start | End |
|---|-------|-----|
| Amendment/Req. Reconsideration-After Non-Final Reject | 1 | 1 |
| Claims | 2 | 7 |
| Applicant Arguments/Remarks Made in an Amendment | 8 | 23 |

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|---|----------------------|--------------|--|----|---|
| 6 | Fee Worksheet (SB06) | fee-info.pdf | 32198 <small>cfb7386ff7f88df9209adab3fb4911da501d61f8</small> | no | 2 |
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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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| | | |
|---|-----------------------------------|--|
| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) | | Docket Number (Optional) 312979.02 |
| Application Number 12/887,406 | Filed 09-21-2010 | |
| For SELECTION-BASED ITEM TAGGING | | |
| Art Unit 2142 | Examiner WIENER, ERIC A | |

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

| | <u>Fee</u> | <u>Small Entity Fee</u> | <u>Micro Entity Fee</u> | |
|--|------------|-------------------------|-------------------------|--------------------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$200 | \$100 | \$50 | \$ _____ |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$600 | \$300 | \$150 | \$ _____ |
| <input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1,400 | \$700 | \$350 | \$ <u>1,400.00</u> |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$2,200 | \$1,100 | \$550 | \$ _____ |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$3,000 | \$1,500 | \$750 | \$ _____ |

- Applicant asserts small entity status. See 37 CFR 1.27.
- Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number _____.
- Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor.
- assignee of record of the entire interest. See 37 CFR 3.71. 37 CFR 3.73(b) statement is enclosed (Form PTO/SB/96).
- attorney or agent of record. Registration number 41,946.
- attorney or agent acting under 37 CFR 1.34. Registration number _____.

/Margo Livesay, Reg. No. 41,946/

March 15, 2016

Signature

Date

Margo Livesay

(202) 684-8685

Typed or printed name

Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

* Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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**TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
312979.02

In re Application of: Matthew B. MacLaurin

Application No.: 12/887,406

Filed: 09-21-2010

For: SELECTION-BASED ITEM TAGGING

The owner*, Microsoft Technology Licensing, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 7,831,913 as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 41.946

/Margo Livesay, Reg. No. 41,946/

Signature

March 15, 2016

Date

Margo Livesay

Typed or printed name

(202) 684-8685

Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Microsoft Technology Licensing, LLC

Application No./Patent No.: 12/887,406 Filed/Issue Date: 09-21-2010

Titled: SELECTION-BASED ITEM TAGGING

Microsoft Technology Licensing, LLC, a LLC
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- 1. the assignee of the entire right, title, and interest in;
 - 2. an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
 - 3. the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
- the patent application/patent identified above, by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Matthew B. MacLaurin To: Microsoft Corporation

The document was recorded in the United States Patent and Trademark Office at
Reel 037961, Frame 0863, or for which a copy thereof is attached.

2. From: Microsoft Corporation To: Microsoft Technology Licensing, LLC

The document was recorded in the United States Patent and Trademark Office at
Reel 034544, Frame 0001, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet(s).

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Margo Livesay, Reg. No. 41,946/

March 15, 2016

Signature

Date

Margo Livesay

41,946

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

| | |
|------------------------|------------------------------|
| Application Number | 12/887,406 |
| Filing Date | 09-21-2010 |
| First Named Inventor | Matthew B. MacLaurin |
| Title | SELECTION-BASED ITEM TAGGING |
| Art Unit | 2142 |
| Examiner Name | WIENER, ERIC A |
| Attorney Docket Number | 312979.02 |

SIGNATURE of Applicant or Patent Practitioner

| | | | |
|--|--|---------------------|-------|
| Signature | /Margo Livesay, Reg. No. 41,946/ | Date (Optional) | |
| Name | Margo Livesay | Registration Number | 41946 |
| Title (if Applicant is a juristic entity) | Patent attorney representing Microsoft Technology Licensing, LLC | | |
| Applicant Name (if Applicant is a juristic entity) | Microsoft Technology Licensing, LLC | | |

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

| | |
|--------------------|-------------|
| Application Number | Filing Date |
| | |

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

- I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above: 69316
- OR
- I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

- The address associated with the above-mentioned Customer Number
- OR
- The address associated with Customer Number: 69316
- OR

| | | | |
|-------------------------|-------|-----|--|
| Firm or Individual Name | | | |
| Address | | | |
| City | State | Zip | |
| Country | | | |
| Telephone | Email | | |

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

Microsoft Technology Licensing, LLC

- Inventor or Joint Inventor (title not required below)
- Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- Assignee or Person to Whom the inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

| | |
|-----------------------------|-----------------|
| Signature | Date (Optional) |
| Name Benjamin C. Burdoff | |
| Title Secretary | |

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

Total of _____ forms are submitted.

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| | | | |
|---|---|----------------------------------|---------------------------------------|
| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | Application or Docket Number 12/887,406 | Filing Date 09/21/2010 | <input type="checkbox"/> To be Mailed |
|---|---|----------------------------------|---------------------------------------|

ENTITY: LARGE SMALL MICRO

APPLICATION AS FILED – PART I

| FOR | NUMBER FILED | NUMBER EXTRA | RATE (\$) | FEE (\$) |
|--|---|--------------|-----------|----------|
| <input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c)) | N/A | N/A | N/A | |
| <input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m)) | N/A | N/A | N/A | |
| <input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | N/A | N/A | N/A | |
| TOTAL CLAIMS (37 CFR 1.16(i)) | minus 20 = | * | X \$ = | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | minus 3 = | * | X \$ = | |
| <input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | |

APPLICATION AS AMENDED – PART II

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) |
|--|--|----------------------------------|------------------------------------|---------------|-----------------|---------------------|
| AMENDMENT | 03/15/2016 | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | |
| | Total (37 CFR 1.16(i)) | * 20 | Minus | ** 20 | = 0 | X \$80 = 0 |
| | Independent (37 CFR 1.16(h)) | * 3 | Minus | ***3 | = 0 | X \$420 = 0 |
| | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s)) | | | | | |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | |
| | | | | | TOTAL ADD'L FEE | 0 |

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) |
|--|--|----------------------------------|------------------------------------|---------------|-----------------|---------------------|
| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | |
| | Total (37 CFR 1.16(i)) | * | Minus | ** | = | X \$ = |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = | X \$ = |
| | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s)) | | | | | |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | | | |
| | | | | | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/LASHAWN MARKS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Alexandria, Virginia 22313-1450
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| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 12/887,406 | 09/21/2010 | Matthew B. MacLaurin | 312979.02 |

CONFIRMATION NO. 2445

POA ACCEPTANCE LETTER

69316
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052



Date Mailed: 03/28/2016


NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/15/2016.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/hachristian/

| | | |
|--|--|---|
| Application Number  | Application/Control No. 12/887,406 | Applicant(s)/Patent under Reexamination MACLAURIN, MATTHEW B. |
| | | |

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|-----------------------------|--|
| Document Code - DISQ | Internal Document – DO NOT MAIL |
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|----------------------------|--|---|
| TERMINAL DISCLAIMER | <input checked="" type="checkbox"/> APPROVED | <input type="checkbox"/> DISAPPROVED |
| Date Filed : 15 MAR 2016 | This patent is subject to a Terminal Disclaimer | |

| |
|---------------------------------|
| Approved/Disapproved by: |
| SHANETTE BROWN |



NOTICE OF ALLOWANCE AND FEE(S) DUE

69316 7590 07/06/2016
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

Table with 2 columns: EXAMINER (WIENER, ERIC A), ART UNIT (2142), PAPER NUMBER (2445)

DATE MAILED: 07/06/2016

Table with 5 columns: APPLICATION NO. (12/887,406), FILING DATE (09/21/2010), FIRST NAMED INVENTOR (Matthew B. MacLaurin), ATTORNEY DOCKET NO. (312979.02), CONFIRMATION NO. (2445)

TITLE OF INVENTION: SELECTION-BASED ITEM TAGGING

Table with 7 columns: APPLN. TYPE (nonprovisional), ENTITY STATUS (UNDISCOUNTED), ISSUE FEE DUE (\$960), PUBLICATION FEE DUE (\$0), PREV. PAID ISSUE FEE (\$0), TOTAL FEE(S) DUE (\$960), DATE DUE (10/06/2016)

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies. If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above. If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)". For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

69316 7590 07/06/2016
MICROSOFT CORPORATION
 ONE MICROSOFT WAY
 REDMOND, WA 98052

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|--------------------|
| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 12/887,406 | 09/21/2010 | Matthew B. MacLaurin | 312979.02 | 2445 |

TITLE OF INVENTION: SELECTION-BASED ITEM TAGGING

| APPLN. TYPE | ENTITY STATUS | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|---------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | UNDISCOUNTED | \$960 | \$0 | \$0 | \$960 | 10/06/2016 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|----------------|----------|----------------|
| WIENER, ERIC A | 2142 | 715-705000 |

| | |
|---|---|
| <p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p> | <p>2. For printing on the patent front page, list</p> <p>(1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____</p> <p>(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____</p> <p>3 _____</p> |
|---|---|

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

| | |
|---|--|
| <p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p> | <p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p> |
|---|--|

5. **Change in Entity Status** (from status indicated above)

Applicant certifying micro entity status. See 37 CFR 1.29

Applicant asserting small entity status. See 37 CFR 1.27

Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/887,406 09/21/2010 Matthew B. MacLaurin 312979.02 2445

69316 7590 07/06/2016
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

EXAMINER

WIENER, ERIC A

ART UNIT PAPER NUMBER

2142

DATE MAILED: 07/06/2016

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

| | | | |
|-------------------------------|--------------------------------------|--|--|
| Notice of Allowability | Application No. 12/887,406 | Applicant(s) MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | AIA (First Inventor to File) Status No |

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to See Continuation Sheet.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. 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.
3. The allowed claim(s) is/are 1-20. As a result of the allowed claim(s), 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.
4. 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)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 7. <input type="checkbox"/> Other _____. |
| 4. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>20160627</u> . | |

/ERIC WIENER/
Primary Examiner, Art Unit 2142

Continuation of Item 1. This communication is responsive to : Amendments and Remarks filed on 3/15/16 and Interviews held on 6/13/16 and 6/14/16.

DETAILED ACTION

1. Status of the Application

1.1. The present application is being examined under the pre-AIA first to invent provisions.

1.2. This action is responsive to the following communications: Amendments and Remarks filed on 3/15/16 and Interviews held on 6/13/16 and 6/14/16.

2. Status of the Claims

The status of the claims is as follows:

- Claims 1, 10, and 16 are the independent claims.
- Claims 1, 10, and 16 were amended by Applicant on 3/15/16.
- Claims 1, 10, and 16 are amended through Examiner's Amendment.
- Claims 1-20 are allowable.

3. Terminal Disclaimer

The terminal disclaimed regarding patent No. 7,831,913, filed 3/15/16, was approved on 5/22/16.

4. Interview

An interview was held on 6/13/16 with attorney of record, Margo Livesay (Reg. 41,946), in which amendments were discussed pertaining to "determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input," which was agreed upon, on 6/14/16, as sufficient to place the application in condition for allowance.

5. Examiner's Amendment

An Examiner's Amendment to the record appears below. The Examiner's Amendment amends independent claims 1, 10, and 16, which has placed the application in condition for allowance.

Authorization for this examiner's amendment was given via telephone from attorney of record, Margo Livesay (Reg. 41,946) on 6/14/16.

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The claims are amended as follows:

1. (Currently Amended) A method for applying tags to files of a file system, the method comprising:

operating at least one programmed processor to carry out a series of acts, the series of acts being identified by executable instructions with which the at least one programmed processor is programmed, the series of acts comprising:

first detecting, while information regarding one or more files is displayed in a computing interface, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the computing interface, a computing interface input of one or more characters from the user, each of the one or more characters in the computing interface input corresponding to successive characters of a desired tag to be applied to the at least one particular file; and

~~upon~~ in response to the first detecting and the second detecting following the first detecting, automatically entering a tagging mode of the computing interface without further user interaction, other than the user selection of the at least one particular file and the computing interface input of the one or more characters, displaying an indication that tagging is active, upon entering the tagging mode, and utilizing the computing interface input to generate a tag to be applied to the at least one particular file, the generated tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input; and

displaying in the window the at least one suggested tag to be applied to the at least one particular file.

10. (Currently Amended) A method comprising:

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displaying information regarding one or more files of a file system in a window of a graphical user interface;

first detecting, while the information regarding the one or more files is displayed in the window, a user selection of at least one particular file of the one or more files;

second detecting, following the first detecting of the user selection and while the information regarding the one or more files is displayed in the window, an input from the user of one or more characters, each of the one or more characters in the input from the user corresponding to successive characters of a desired tag to be applied to the at least one particular file;

~~upon~~ in response to the first detecting of the selection of the at least one particular file and the second detecting of the input of the one or more characters, following the first detecting, automatically initiating a tagging mode of the graphical user interface without further user interaction, other than the user selection and the input of the one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file, and determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input; and

displaying in the window the at least one suggested tag to be applied to the at least one particular file; ~~and~~

~~in response to third detecting a user selection of a tag of the at least one suggested tag displayed in the window, applying the selected tag to the at least one particular file.~~

16. (Currently Amended) An apparatus configured to apply tags to files of a file system, the apparatus comprising:

a user interface to display information to a user regarding files of the file system and tags able to be applied to the files and to receive information from the user indicating a selection of at least one file, input regarding desired tags, and a selection of tags; and

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at least one processor programmed to:

first detect, while information regarding one or more files is displayed in a window of the user interface, a selection of at least one particular file of the one or more files;

second detect, following the first detection of the selection of the at least one particular file and while the information regarding the one or more files is displayed in the window, input from the user of one or more characters included in a tag that the user desires to apply to the at least one particular file; and

~~upon~~ in response to the first detection of the selection of the at least one particular file and the second detection of the input of the one or more characters from the user, automatically initiate a tagging mode of the user interface without further user interaction, other than the selection of the at least one particular file and the input of the one or more characters from the user, displaying an indication that tagging is active, upon initiating the tagging mode, the desired tag being one of a plurality of different tags to be applied to the at least one particular file via the tagging mode, all of the plurality of different tags having coexisting associations, as coexistent tags, with the at least one particular file, determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input, and display in the window the at least one suggested tag to be applied to the at least one particular file, ~~the at least one suggested tag being suggested based at least in part on the input.~~

6. Allowable Subject Matter

6.1. Claims 1-20 are Allowable.

6.2. Reasons for Allowance

The following is an Examiner's statement of reasons for allowance:

Regarding particular art of record, MARKOWITZ (US 2003/0100999 A1), discloses automatically initiating a tagging mode, but does not explicitly disclose that that tag suggested is based at least in part on the input from the user, the at least one suggested tag including at least some of the input.

Regarding particular art of record, KATZ et al. (US 5,404,295) discloses determining an annotation that includes at least some of the input, but does not explicitly disclose determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input, and displaying in the window the at least one suggested tag to be applied to the at least one particular file.

Regarding particular art of record, HOLT et al. (US 5,960,447), for example in column 9, lines 7-61, discloses displaying confidence levels associated with tags. However, HOLT does not explicitly disclose suggesting a tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input.

Therefore, regarding independent claims 1, 10, and 16, prior art fails to clearly teach or render obvious, in combination, all of the claim limitations, when taken as a whole, including the limitations specifically pertaining to:

determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input

Therefore, independent claims 1, 10, and 16, and their respective dependent claims, are allowable.

7. Conclusion

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric Wiener whose telephone number is 571-270-1401 and whose fax number is 571-270-2401. The best time to reach the Examiner by phone is between the hours of 11AM EST and 7PM EST, Monday through Thursday. If the Examiner is not able to be reached by phone, his e-mail address may be found in the voicemail greeting of the above phone number. The Examiner will return all messages within one business day of receipt, while messages received on Thursday or Friday may not be returned until the following Monday. If Applicant desires to schedule an interview, please do so *via e-mail* and include the word "interview" in the subject line.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ajay Bhatia, can be reached on 571-272-3906. 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).

/ERIC WIENER/

Primary Examiner, Art Unit 2142

| | | | |
|---|--------------------------------------|--|--|
| Examiner-Initiated Interview Summary | Application No. 12/887,406 | Applicant(s) MACLAURIN, MATTHEW B. | |
| | Examiner ERIC WIENER | Art Unit 2142 | |

All participants (applicant, applicant's representative, PTO personnel):

- (1) ERIC WIENER. (3)_____.
- (2) Margo Livesay (Reg. 41,946). (4)_____.

Date of Interview: 13 June 2016.

Type: Telephonic Video Conference
 Personal [copy given to: applicant applicant's representative]

Exhibit shown or demonstration conducted: Yes No.
If Yes, brief description: _____.

Issues Discussed 101 112 102 103 Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1, 10 and 16.

Identification of prior art discussed: Markowitz, Katz.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

An interview was held on 6/13/16 with attorney of record, Margo Livesay (Reg. 41,946), in which amendments were discussed pertaining to "determining at least one suggested tag based at least in part on the input from the user, the at least one suggested tag including at least some of the input," which was agreed upon, on 6/14/16, as sufficient to place the application in condition for allowance.

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/ERIC WIENER/
Primary Examiner, Art Unit 2142




UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 2445

| | | | | | |
|--|---|-------------------------------|---|---|--------------------------------|
| SERIAL NUMBER 12/887,406 | FILING or 371(c) DATE 09/21/2010 RULE | CLASS 715 | GROUP ART UNIT 2142 | ATTORNEY DOCKET NO. 312979.02 | |
| APPLICANTS INVENTORS Matthew B. MacLaurin, Woodinville, WA; ** CONTINUING DATA ***** This application is a CON of 11/193,586 07/29/2005 PAT 7831913 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 10/04/2010 | | | | | |
| Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/ERIC A WIENER/</u> Examiner's Signature | <input type="checkbox"/> Met after Allowance Initials _____ | STATE OR COUNTRY WA | SHEETS DRAWINGS 13 | TOTAL CLAIMS 20 | INDEPENDENT CLAIMS 3 |
| ADDRESS MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052 UNITED STATES | | | | | |
| TITLE SELECTION-BASED ITEM TAGGING | | | | | |
| FILING FEE RECEIVED 1090 | FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: | | <input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit | | |

| | | |
|---|--|---|
| Issue Classification  | Application/Control No. 12887406 | Applicant(s)/Patent Under Reexamination MACLAURIN, MATTHEW B. |
| | Examiner ERIC WIENER | Art Unit 2142 |

| CPC | | | | | | |
|--------|--|------|--|-------|------|------------|
| Symbol | | | | | Type | Version |
| G06F | | 17 | | 218 | F | 2013-01-01 |
| G06F | | 17 | | 30707 | I | 2013-01-01 |
| G06F | | 17 | | 30705 | I | 2013-01-01 |
| G06F | | 17 | | 241 | I | 2013-01-01 |
| G06F | | 17 | | 30268 | I | 2013-01-01 |
| G06F | | 17 | | 3012 | A | 2013-01-01 |
| G06F | | 17 | | 276 | A | 2013-01-01 |
| G06F | | 17 | | 30038 | I | 2013-01-01 |
| G06F | | 17 | | 30752 | I | 2013-01-01 |
| G06F | | 17 | | 3082 | I | 2013-01-01 |
| G06F | | 3 | | 0482 | I | 2013-01-01 |
| G06F | | 2203 | | 04803 | A | 2013-01-01 |
| Y10S | | 715 | | 968 | A | 2013-01-01 |
| Y10S | | 706 | | 934 | A | 2013-01-01 |
| G06F | | 17 | | 30557 | I | 2013-01-01 |

| CPC Combination Sets | | | | | | | |
|----------------------|--|--|--|------|-----|---------|---------|
| Symbol | | | | Type | Set | Ranking | Version |
| | | | | | | | |
| | | | | | | | |

| | | | |
|---|------------|------------------------------|-------------------|
| NONE | | Total Claims Allowed: | |
| (Assistant Examiner) | (Date) | 20 | |
| /ERIC WIENER/ Primary Examiner.Art Unit 2142 | 06/27/2016 | O.G. Print Claim(s) | O.G. Print Figure |
| (Primary Examiner) | (Date) | 1 | 8 |

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

69316 7590 07/06/2016
MICROSOFT CORPORATION
 ONE MICROSOFT WAY
 REDMOND, WA 98052

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|-----------------------|
| (Depositor's name) |
| Filed via EFS Website |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 12/887,406 | 09/21/2010 | Matthew B. MacLaurin | 312979.02 | 2445 |

TITLE OF INVENTION: SELECTION-BASED ITEM TAGGING

| APPLN. TYPE | ENTITY STATUS | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|---------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | UNDISCOUNTED | \$960 | \$0 | \$0 | \$960 | 10/06/2016 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|----------------|----------|----------------|
| WIENER, ERIC A | 2142 | 715-705000 |

| | |
|---|---|
| <p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p> | <p>2. For printing on the patent front page, list</p> <p>(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,</p> <p>(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.</p> <p>1 <u>Steve Wight</u></p> <p>2 <u>Sandy Swain</u></p> <p>3 <u>Micky Minhas</u></p> |
|---|---|

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Microsoft Technology Licensing, LLC **Redmond, WA**

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

| | |
|---|--|
| <p>4a. The following fee(s) are submitted:</p> <p><input checked="" type="checkbox"/> Issue Fee</p> <p><input checked="" type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p> | <p>4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX Paid via EFS</p> <p><input type="checkbox"/> The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p> |
|---|--|

5. **Change in Entity Status** (from status indicated above)

Applicant certifying micro entity status. See 37 CFR 1.29

Applicant asserting small entity status. See 37 CFR 1.27

Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Margo Livesay, Reg. No. 41,946/ Date October 5, 2016

Typed or printed name Margo Livesay Registration No. 41,946

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|------------------------------|-------------|----------------|
| Applicant: | Matthew B. MacLaurin | Examiner: | Eric A. Wiener |
| Serial No.: | 12/887,406 | Art Unit: | 2142 |
| Filed: | September 21, 2010 | Docket No.: | 312979.02 |
| Conf. No.: | 2445 | | |
| Title: | SELECTION-BASED ITEM TAGGING | | |

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Notice of Allowance mailed on July 6, 2016. Applicant respectfully submits the following comments on the Examiner's statement of Reasons for Allowance.

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Page 2

Serial Number: 12/887,406

Filing Date: September 21, 2010

Docket No: 312979.02

Title: SELECTION-BASED ITEM TAGGING

COMMENTS

Applicant has reviewed the Notice of Allowance mailed on July 6, 2016. Applicant acknowledges with gratitude the Examiner's Allowance of the present application.

The Examiner provided an Examiner's statement of Reasons for the Allowance on pages 6-7 of the Notice of Allowability mailed on July 6, 2016.

The Examiner's reasons for allowance of the above-referenced patent application is acknowledged and it is agreed that the claimed subject matter is patentable. However, Applicant respectfully takes no position regarding the reasons for allowance presented by the Examiner other than, at least, the positions that Applicant may have previously taken during prosecution. Therefore, the Examiner's reasons for allowance should not be attributed to Applicant as an indication of the basis for Applicant's belief that the claims are patentable. Furthermore, Applicant respectfully submits that there may also be additional, or other, reasons for patentability of the claimed subject matter not explicitly stated in this record and Applicant does not waive rights to such arguments by not further addressing such reasons herein.

Applicant respectfully requests that the present application continue swiftly to issuance.

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Page 3

Serial Number: 12/887,406
Filing Date: September 21, 2010
Title: SELECTION-BASED ITEM TAGGING

Docket No: 312979.02

Conclusion

If desired, the Examiner is invited to telephone Applicant's attorney at 202-684-8685 to facilitate swift issue of this application.

Respectfully submitted,

Date October 5, 2016

By /Margo Livesay, Reg. No. 41,946/
Margo Livesay, Ph.D.
Reg. No. 41,946
Phone: 202-684-8685

Microsoft Technology Licensing, LLC
Customer Number 69316
Phone: 425-707-9382

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

October 5, 2016
Date

/Margo Livesay, Reg. No. 41,946/
Signature

Margo Livesay
Printed Name

Electronic Patent Application Fee Transmittal

| | | | | |
|--|------------------------------|-----------------|---------------|-----------------------------|
| Application Number: | 12887406 | | | |
| Filing Date: | 21-Sep-2010 | | | |
| Title of Invention: | SELECTION-BASED ITEM TAGGING | | | |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin | | | |
| Filer: | Margo Livesay | | | |
| Attorney Docket Number: | 312979.02 | | | |
| Filed as Large Entity | | | | |
| Filing Fees for Utility under 35 USC 111(a) | | | | |
| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|--|----------|----------|--------|----------------------|
| UTILITY APPL ISSUE FEE | 1501 | 1 | 960 | 960 |
| PUBL. FEE- EARLY, VOLUNTARY, OR NORMAL | 1504 | 1 | 0 | 0 |
| Extension-of-Time: | | | | |
| Miscellaneous: | | | | |
| Total in USD (\$) | | | | 960 |

Electronic Acknowledgement Receipt

| | |
|---|------------------------------|
| EFS ID: | 27135185 |
| Application Number: | 12887406 |
| International Application Number: | |
| Confirmation Number: | 2445 |
| Title of Invention: | SELECTION-BASED ITEM TAGGING |
| First Named Inventor/Applicant Name: | Matthew B. MacLaurin |
| Customer Number: | 69316 |
| Filer: | Margo Livesay |
| Filer Authorized By: | |
| Attorney Docket Number: | 312979.02 |
| Receipt Date: | 05-OCT-2016 |
| Filing Date: | 21-SEP-2010 |
| Time Stamp: | 19:32:43 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|--|-----------------------|
| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | \$960 |
| RAM confirmation Number | 100616INTEFSW19350200 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
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File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|-----------------------------|---------------------------------|---|------------------|------------------|
| 1 | Issue Fee Payment (PTO-85B) | 312979-02-IssFeeTransmittal.pdf | 1183629 267ad501c94a99eae14f989e92e3d9eb2760fb89 | no | 1 |

Warnings:

Information:

| | | | | | |
|---|---|-------------------------------------|---|----|---|
| 2 | Post Allowance Communication - Incoming | 312979-02-Comments-on-Statement.pdf | 110795 d1706b2ba7efe6a46e1dd0f033139d0da8697d5 | no | 3 |
|---|---|-------------------------------------|---|----|---|

Warnings:

Information:

| | | | | | |
|---|----------------------|--------------|---|----|---|
| 3 | Fee Worksheet (SB06) | fee-info.pdf | 32325 51edd6bd21ada8fef1e6ab9182181b3469346e11 | no | 2 |
|---|----------------------|--------------|---|----|---|

Warnings:

Information:

| | | | | | |
|-------------------------------------|--|--|---------|--|--|
| Total Files Size (in bytes): | | | 1326749 | | |
|-------------------------------------|--|--|---------|--|--|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 12/887,406 | 11/15/2016 | 9495335 | 312979.02 | 2445 |

69316 7590 10/26/2016
MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 676 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Matthew B. MacLaurin, Woodinville, WA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.