

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RICHARD S. GOLDHOR, JOHN F. DOOLEY, CHRISTOPHER N.  
HUME,  
JAMES P. LERNER, BRIAN D. WILSON

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Appeal No. 95-1776  
Application No. 08/096,686<sup>1</sup>

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HEARD: June 8, 1998

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Before THOMAS, HAIRSTON and BARRETT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

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<sup>1</sup> Application for patent filed July 23, 1993. According to the appellants, the application is a continuation of Application No. 07/855,461, filed March 19, 1992, now Patent No. 5,231,670, which is a continuation of Application No. 07/057,332, filed June 1, 1987, now abandoned.

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This is an appeal from the final rejection of claims 21,  
22 and 24 through 37.

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The disclosed invention relates to a system for generating text in response to a succession of audio signals representing spoken input events provided by a user.

Claim 21 is illustrative of the claimed invention, and it reads as follows:

21. A system for generating text in response to a succession of audio signals representing spoken input events provided by a user, said system comprising:

means for comparing each spoken input event with a plurality of tokens representing vocabulary words thereby to identify a plurality of candidate tokens which may correspond to the spoken input event, each candidate being scored as to likelihood of match;

computer implemented means for generating and storing, for each spoken input event, a data record which includes:

the identity of the best matching candidate token;

the identity of the correct candidate; and

data placing the chronology of the data record relative other data records in the database;

thereby to generate a dictation event database useful for improving recognizer accuracy by learning a user's speech behavior.

The reference relied on by the examiner is:

Baker

4,866,778

Sept. 12, 1989  
(filed Aug. 11, 1986)

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Claims 21, 22 and 24 through 37<sup>2</sup> stand rejected under 35 U.S.C. § 103 as being unpatentable over Baker.

Reference is made to the brief and the answer for the respective positions of the appellants and the examiner.

#### OPINION

In response to the examiner's obviousness determination (Answer, pages 2 through 5), appellants argue that Baker does not disclose 'means for generating and storing . . . a data record' because "the vocabulary language model and word models are data structures which are stored prior to providing the speech recognition functionality" (Brief, page 6), and that Baker does not disclose a "historical database based on the successive recognition events in a dictation session" (Brief, page 6).

To the extent that multiple candidates are identified in Baker (Figures 26 and 27) as part of the recognition process, appellants argue that "they are used only in permitting correction of the current word and there is no suggestion of

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<sup>2</sup> As indicated by the examiner (Answer, pages 1 and 2), the rejection under the first paragraph of 35 U.S.C. § 112 has been withdrawn.

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the creation of a database wherein each record identifies the best or most likely candidate and alternate candidates for each recognition event" (Brief, page 6).

In Baker, the multiple candidates in display 478 (Figure 26) are stored in memory before a "spoken input event," and the only "data record" that is created in Baker (column 18, lines 53 through 56) as a result of the "spoken input event" is the best selected word (i.e., DEMONSTRATES) output 482. No other data is stored in Baker to generate a historical "database" for successive recognition events. Accordingly, the stored "data record" in Baker does not include data placing the chronology of the data record relative other data records in the database (claims 21, 22 and 24 through 34), data defining any "hierarchial relationship" (Brief, page 7) to other similarly generated records (claims 29 and 35 through 37), and a text event database record (claims 30 through 37). In summary, the obviousness rejection is reversed.

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DECISION

The decision of the examiner rejecting claims 21, 22 and 24 through 37 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
KENNETH W. HAIRSTON	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
LEE E. BARRETT	)	
Administrative Patent Judge	)	

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Application No. 08/096,686

KWH/jrg

**JENINE GILLIS**

Appeal No. 95-1776  
Serial No. 08/096,686

Judge HAIRSTON

Judge BARRETT

Judge THOMAS

Received: 11 Jun 98

Typed: 11 Jun 98

DECISION: REVERSED

Send Reference(s): Yes No

Panel Change: Yes No

3-Person Conf. Yes No

Heard: Yes No

Remanded: Yes No

Index Sheet-2901 Rejection(s): \_\_\_\_\_

Acts 2: \_\_\_\_\_

Palm: \_\_\_\_\_

Mailed: Updated Monthly Disk: \_\_\_\_\_

Updated Monthly Report: \_\_\_\_\_