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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WILLIAM JOHN FAIRWEATHER and
GARY PAUL NOBLE

Appeal 2010-007913
Application 10/549,210
Technology Center 2400

Before, JEAN R. HOMERE, BRYAN F. MOORE, and JOHN G. NEW, *Administrative Patent Judges*.

NEW, *Administrative Patent Judge*.

DECISION ON APPEAL

SUMMARY

Appellants file this appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 17-36. Specifically, claims 17, 18, 20, 25, 26, 28, 31, 32, and 34 were rejected by the Examiner as unpatentable under 35 U.S.C. § 102(e) as being anticipated by Furumatsu (US 7,185,022 B2, February 27, 2007) ("Furumatsu").

The Examiner rejected claims 19, 21-23, 27, 29, 30, 33, 35, and 36 as unpatentable under 35 U.S.C. § 103(a) as being obvious over the combination of Furumatsu and Debber et al. (US 2005/0235061 A1, October 20, 2005) ("Debber").

The Examiner rejected claim 24 as being unpatentable under 35 U.S.C. § 103(a) as being obvious over the combination of Furumatsu, Debber, and Berberian et al. (US 2008/0104171 A1, May 1, 2008) ("Berberian").

We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' invention is directed to a method and system for collation of information, comprising: store means for holding at least one document template and data for use therein; collator means coupled to the store means for collating information provided by users; and communication means for communicating to users in real-time a document collated from the document template and the information provided by users. Abstract.

GROUPING OF CLAIMS

Because Appellants argue that the Examiner erred for substantially the same reason with respect to claims 17, 18, 20, 24, 25, 26, 28, 31, 32, and 34, we select claim 17 as representative of the claims on appeal. App. Br. 13-39. Claim 17 recites:

> 17. A method for information collation relating to a plurality of documents of a project having a project identifier, each document of the plurality of documents having a plurality of topic portions therein, each topic portion of each document being associated with a topic, each document conforming to an associated template that assigns a topic identifier to each topic of each topic portion of said each document, each topic portion of each document adapted to be updated by only those individuals having been assigned a project identifier that matches the project identifier of the project and having been assigned a topic identifier that matches the topic identifier of the topic associated with the topic portion of said each document, said method implemented through execution of software code by a digital computer, said software code comprising a collator, said method comprising:
>
> receiving, by the collator, first update information from a first user for updating a first topic portion of a first document of the plurality of documents with the first update information, said first topic portion having an associated first topic identified by a first topic identifier assigned to the first topic by a first template that the first document conforms to; and
>
> updating, by the collator, the first topic portion of the first document with the first update information based on the collator having determined that the first user has been assigned a project identifier that matches the project identifier of the project and that the first user has been assigned a topic identifier that matches the first topic identifier, which confirms the first user's authorization to have the first document updated with the first update information.

App. Br. 50.

Appellants advance additional arguments that the Examiner erred for substantially the same reasons with respect to dependent claims 18, 26, and 32. App. Br. 21, 29, 38. We select claim 18 as representative. Claim 18 recites:

> 18. The method of claim 17, wherein the software code further comprises a same-time robot, wherein the collator and the robot are distinct software components of the software code, and wherein the method further comprises:
>
> receiving, by the robot, a second update request from a second user for updating a second topic portion of a second document of the plurality of documents with second update information, said second topic portion having an associated second topic identified by a second topic identifier assigned to the second topic by a second template that the second document conforms to;
>
> determining, by the collator, that the second user has been assigned a project identifier that matches the project identifier of the project and that the second user has been assigned a topic identifier that matches the second topic identifier, which confirms the second user's authorization to have the second document updated with the second update information;
>
> asking, by the robot, the second user to provide the second update information, said asking being performed after the robot has received the second update request and after the collator has confirmed the second user's authorization to have the second update made in the second document;
>
> receiving, by the robot from the second user, the second update information in response to said asking; and

> updating the second topic portion of the second document with the received second update information.

App. Br. 51.

Appellants argue that the Examiner erred for similar reasons with respect to claims 19, 21-23, 27, 29, 30, 33, 35, and 36. App. Br. 40-46. We therefore select claim 19 as representative of this group. Claim 19 recites:

> 19. The method of claim 18, wherein the method further comprises after said updating the second topic portion of the second document with the second update information:
>
> displaying, by the robot, a message comprising the second update information and an indication that the second topic portion of the second document has been updated with the second update information.

App. Br. 52.

Appellants argue on separate grounds that the Examiner erred for substantially the same reasons with respect to claims 21, 27, 29, 33, and 35. App. Br. 41-46; Ans. 18-19. We select claim 21 as exemplary. Claim 21 recites:

> 21. The method of claim 20, wherein the method further comprises after said updating the second topic portion of the second document with the second update information:
>
> receiving, by the robot, an enquire request for display of the status of the second work item; and
>
> responsive to receiving the enquire request: displaying, by the robot, a message comprising the status of the second work item and further comprising a time and date of a last update of the status of the second work item.

App. Br. 51-52.

ISSUES AND ANALYSES

A. Rejection of claim 17 under 35 U.S.C. § 102(e)

Issue 1

Appellants argue that the Examiner erred by finding that Furumatsu teaches the limitation of claim 17 reciting "a project having a project identifier." App. Br. 14. We therefore address whether the Examiner so erred.

Analysis

Appellants argue that the "employee user" disclosed by Furumatsu is a person and therefore cannot be a "project" as recited in the disputed limitation. App. Br. 15. Appellants also cite the dictionary definition of "project" as "a proposal of something to be done; plan; scheme; … an organized undertaking" as further support for their contention that even "a collection of documents" is likewise totally outside the scope of the term "project" even if "project" is interpreted in the broadest possible manner consistent with the dictionary definition. *Id.* (citing WEBSTER'S NEW WORLD DICTIONARY, 1075 (3d ed. 1988)). Therefore, argue Appellants, if "project" cannot be interpreted as a "person" or a "collection of documents," there is a serious question of how the claimed limitation of a "plurality of documents of a project" is to be interpreted. App. Br. 16.

The Examiner responds that, as an initial matter, Appellants attempt to break the claimed limitation into separate pieces and argue only a fraction of it, *viz.*, although the actual limitation calls for "a plurality of documents of a project having a project identifier" rather than Appellants' proposed "a

project having a project identifier." Ans. 12-13. Moreover, the Examiner finds that Appellants failed to provide any definition in the Appellants' Specification of precisely what constitutes a "project." and instead rely upon dictionary definition provided *supra*. Ans. 13. The Examiner finds that, even if the dictionary definition is taken as a proper characterization of a "project," Appellants fail to provide any reasons for their allegation that "a collection of documents" is totally outside the scope of "project." *Id.* The Examiner therefore finds that Appellants adduce no evidence that "a collection of documents" cannot be reasonably interpreted as a plan, scheme, or an organized undertaking. *Id.*

Furthermore, the Examiner finds that Appellants fail to explain how the claimed limitation of "***a plurality of documents of a project*** having a project identifier" (emphasis provided by Examiner) is within the scope of a "project" as defined by Webster's New World Dictionary, *supra*, in light of Appellants' assertion that "'a collection of documents' is totally outside the scope of the term 'project.'" *Id.* The Examiner consequently finds that Appellants' assertion is contradictory to the express language of claim 17 that specifies that "a plurality of documents" are "of a project." *Id.*

We are persuaded by the Examiner's reasoning and adopt it as our own. The plain language of the limitation recites "a plurality of documents of a project having a project identifier" wherein the subject is "a plurality of documents" which is modified by "of a project." We agree with the Examiner that there is nothing in the scope of the claims, or in Appellants' Specification, that supports their contention that a plurality of documents cannot reasonably relate to a plan, scheme, or an organized undertaking. Ans. 13.

Moreover, we agree with the Examiner that Furumatsu discloses a method for information collation (information update, modification of information, and/or input of information) relating to a plurality of documents of a project (employee data, substitute attendance, unit/group, job, work data list, work management section, paid holiday, company holiday documents relating to an employee). Final Rej. 6 (citing Furumatsu, abstract; col. 3 ll. 48-53). Consequently, we conclude that the Examiner did not err in finding that Furumatsu discloses the limitation of claim 17 reciting "a project having a project identifier."

Issue 2

Appellants argue that the Examiner erred in finding that Furumatsu teaches the limitation of claim 17 reciting "a project having a project identifier." App. Br. 16. We therefore address the issue of whether the Examiner so erred.

Analysis

Appellants contend that, even if the Examiner's interpretation of "project" as "a collection of documents" is valid, the Examiner's finding that the employee user ID and password corresponds to the claimed "project identifier" of the project is incorrect because the employee user ID and password do not uniquely identify the collection of documents as alleged by the Examiner. App. Br. 16-17. Appellants argue that Furumatsu discloses that the employee user ID and password identifies the employee as being registered in the database 2, and grants access to "a picture dedicated to

employees having special authority." App. Br. 17 (citing Furumatsu, cols. 3-4, ll. 65- 3).

The Examiner responds that Appellants fail to provide any evidence to support their argument that the employee user ID and password do not uniquely identify the collection of documents pertaining to a particular employee. Ans. 14 (citing Furumatsu, Figs. 4 and 5). The Examiner finds that, if Appellants' argument is correct, and an employee's user ID and password did not uniquely identify the collection of documents pertaining to a particular employee, then any employee would be able to log in with his user ID and password and access/modify time cards for all the other employees. Ans. 14. The Examiner finds that such a scheme would defy the whole purpose of having a user ID and password. *Id.* The Examiner finds that the combination of employee user ID and password is used as authentication information that allows for identification and retrieval of a set of documents from a database that are linked to that user ID and password. *Id.* The Examiner finds further that this is an old and well-known feature in the art and one that is explicitly disclosed by Furumatsu. Final Rej. 6 (citing Furumatsu, col. 3, ll. 60-67; Fig. 3).

We agree with the Examiner's reasoning and adopt it as our own. Furumatsu discloses that:

> The employee inputs a preset employee number (user ID) and password to a picture being displayed that is shown in FIG. **3** (s**2** in FIG. 2). The Web application **5** checks whether the user ID and the password that have been input by the employee agree with corresponding data stored in the database **2** (the employee data master, unit/group master, and job master) (s**3** in FIG. **2**). If it is confirmed that the employee is the person registered and does not have any special authority such as approval authority the Web application **5** displays a picture to

> be used for inputting a month for which to input work data as shown in FIG. **4**.

Furumatsu, cols. 3-4, ll. 60-6. We agree with the Examiner that this reasonably discloses the limitation of claim 17 reciting "a project having a project identifier," because the user ID and the password direct the user to specific documents (time sheets) relating to a specific project (a specific employee's time and attendance records). *See* Furumatsu, col. 1, ll. 6-27. We therefore conclude that the Examiner did not err in finding that Furumatsu discloses the disputed limitation.

Issue 3

Appellants argue that the Examiner erred in finding that Furumatsu discloses the limitation of claim 17 reciting "the first user has been assigned a project identifier that matches the project identifier of the project." App. Br. 18. We therefore address the issue of whether the Examiner so erred.

Analysis

Appellants argue that Furumatsu discloses that the user ID identifies the user but that Furumatsu does not disclose the user ID identifying the project, even if the project is a collection of documents. App. Br. 19. According to Appellants, the user ID merely provides access to documents in Furumatsu. *Id.* Appellants assert that access to documents differs from identification of documents. *Id.*

The Examiner responds that the employee user ID and password disclosed by Furumatsu are required in order to access the data input form depicted in Fig. 5 and that the employee user ID and password allow the user

providing that ID and password to update entries on the form that is linked to that specific user ID. Ans. 15. The Examiner finds that Furumatsu discloses that the first user has been assigned a topic identifier that matches the first topic identifier (i.e., the employee is assigned category fields that he/she is permitted to edit), which confirms the first user's authorization to have the first document updated with the first update information. Final Rej. 7 (citing Furumatsu, Fig. 5; col. 4, ll. 2-6, 10-19).

We are persuaded by the Examiner's reasoning and adopt it as our own. Furumatsu explicitly discloses that "[i]f it is confirmed that the employee is the person registered and does not have any special authority such as approval authority the Web application **5** displays a picture to be used for inputting a month for which to input work data as shown in FIG. **4**." Final Rej. 7; Furumatsu, col. 4, ll. 2-6. Thus, Furumatsu discloses that the first user (the employee) has been assigned a project identifier (the user ID and password) that matches the project identifier of the project (the user ID and password are matched to the documents relating to that specific employee's time and attendance records). We therefore conclude that the Examiner did not err in finding that Furumatsu discloses the limitation of claim 17 reciting "the first user has been assigned a project identifier that matches the project identifier of the project."

Issue 4

Appellants argue that the Examiner erred in finding that Furumatsu discloses the limitation of claim 17 reciting "the first user has been assigned a topic identifier that matches the first topic identifier." App. Br. 19. We therefore address the issue of whether the Examiner so erred.

Analysis

Appellants argue that Furumatsu does not anywhere disclose that the employee has been assigned the topic identifier of "WORKING HOURS." App. Br. 19. Appellants assert that allowing the employee to modify the form in Furumatsu, FIG. 5, automatically allows the user to modify the topic data of "START TIME," "END TIME," and "TOTAL REST TIME" in the row identified by "WORKING HOURS." App. Br. 19-20. Therefore, according to Appellants, Furumatsu has no need to assign "WORKING HOURS" to the user, and does not teach assigning "WORKING HOURS" to the user. App. Br. 20. Furthermore, contend Appellants, Furumatsu does not disclose assigning "WORKING HOURS" that matches the alleged topic identifier of "WORKING HOURS" to the user. *Id.* Appellants argue that Furumatsu does not disclose determining the existence of a match of "WORKING HOURS" assigned to the user to the alleged topic identifier of "WORKING HOURS." *Id.*

The Examiner responds that Appellants fail to explicitly specify in the claims what constitutes "assigning topic identifiers to the individual" such that it would be patentably distinguishable from automatically allowing the user to modify the topic data of "START TIME," "END TIME," and "TOTAL REST TIME" in the row identified by "WORKING HOURS." The Examiner finds that assigning topic identifiers to the individual, as claimed, is properly interpreted as allowing the individual to modify topic data having a corresponding topic identifier. Final Rej. 4. The Examiner finds that Furumatsu discloses "each document … having a plurality of topic portions therein … (Figs. 5, 11), each topic portion of each document being

associated with a topic (Figs. 5, 11)." *See* Office Action, October 24, 2008, at 7.

We agree with the Examiner. Furumatsu discloses assigning topic identifiers (e.g., "START TIME," "END TIME," and "TOTAL REST TIME" in the row identified by "WORKING HOURS") to the individual users, and allowing the users to modify topic data (e.g., time or hours) having a corresponding topic identifier. Furumatsu, Fig. 5; col. 4, ll. 15-32. We therefore conclude that the Examiner did not err in finding that Furumatsu discloses the disputed limitation of claim 17.

B. Rejection of claim 18 under 35 U.S.C. § 102(e)

Issue

Appellants argue that the Examiner erred in finding that Furumatsu teaches the limitation of claim 18 reciting "receiving first update information, updating the first topic portion of the first document." App. Br. 21. We therefore address the issue of whether the Examiner so erred.

Analysis

Appellants argue that Furumatsu does not teach that web browser (which Appellants allege that the Examiner asserts represents the claimed collator) performs the claimed "receiving first update information, updating the first topic portion of the first document" as required by the limitation of claim 18. App. Br. 21. Appellants contend, rather, that Furumatsu teaches only that the web browser enables access by the user to the page of the work management system. *Id.* (citing Furumatsu, col. 3, ll. 60-62).

The Examiner responds that the collator recited in claim 18 is mapped to the web application running on the Web server disclosed by Furumatsu and that the same-time robot of claim 18 is mapped to a Web browser running on the user computer disclosed by Furumatsu. Ans. 17 (citing Final Rej. p. 7, l. 4; p. 8 ll. 2-4). Therefore, finds the Examiner, Appellants' argument that the "web browser alleged by the examiner to represent the claimed collator" is incorrect.

We agree with the Examiner. Furumatsu discloses that "the term 'Web application' means an application for receiving, through the Web server, data that have been input through a Web server and constructing necessary data by storing those in the database or a file, and for returning the constructed data to the Web browser via the Web server," which we find the Examiner reasonably interprets as corresponding to claim 18's software code comprising a collator Final Rej. 7; Furumatsu, col. 3, ll. 3-7. Furumatsu also discloses that "[t]he above work data management system may be such that in each of the terminals an employee can input work data through any personal computer having a Web browser," which the Examiner reasonably interprets as corresponding to claim 18's same-time robot, wherein the collator and the robot are distinct software components of the software code. Final Rej. 8; Furumatsu, col. 2, ll. 9-11. As such, we find that the Examiner reasonably interpreted the collator recited in claim 18 as mapping onto the web application running on the Web server disclosed by Furumatsu and that the same-time robot of claim 18 is mapped to a Web browser running on the user computer disclosed by Furumatsu. Ans. 17.

Consequently, we find that the Examiner reasonably found that Furumatsu's disclosure of a method implemented through execution of

software code by a digital computer [web application, web browser application] (Furumatsu, col. 3 ll. 3-7, 39-55), said software code comprising a collator [web application] (Furumatsu, col. 3 ll. 3-7), said method comprising: receiving, by the collator, first update information from a first user (Furumatsu, col. 4 ll. 20- 32) for updating a first topic portion of a first document of the plurality of documents with the first update information [updating working hours portion of work data list document], said first topic portion having an associated first topic identified by a first topic identifier assigned to the first topic by a first template that the first document conforms to (Furumatsu, Figs. 5 and 11). We therefore conclude that the Examiner did not err in finding that each and every limitation of claim 18 is anticipated by Furumatsu.[1]

C. Rejection of claim 19 under 35 U.S.C. § 103(a)

Issue

Appellants argue that the Examiner erred in finding that the combination of Furumatsu and Debber teaches or suggests the limitation of claim 19 reciting: "displaying, by the robot, a message comprising the second update information and an indication that the second topic portion of the second document has been updated with the second update information."

[1] In their Reply Brief, Appellants further argue that since "Furumatsu does not teach that first user and the second user have the same employee user ID and password, the aforementioned antecedent basis requirement (i.e., the project identifier of claims 17 and 18 must be the same project identifier) is violated in Furumatsu." Reply Brief 8. However, since this issue was not raised in the Appeal Brief, Appellants have waived any argument of error in this respect. *See* 37 C.F.R. § 41.37(c)(1)(iv).

App. Br. 40. We therefore address the issue of whether the Examiner so erred.

Analysis

Appellants argue that Debber is silent with respect to displaying a message comprising an indication that a portion of a document has been updated. App. Br. 40 (citing Debber ¶ [0006]). Appellants also argue that although Debber teaches providing updated status information for display, Debber does not teach or suggest displaying a message comprising an indication that the status information has been updated. *Id.* (citing Debber ¶ [0007]). Appellants further contend that although Debber teaches transmitting status information for display, Debber does not teach or suggest displaying a message comprising an indication that the status information has been updated. App. Br. 41 (citing Debber ¶ [0084]).

The Examiner responds that Debber teaches a message containing the status information that is displayed at the client's device. Ans. 18 (citing Debber, ¶ [0084], Fig. 7). The Examiner finds that Debber also teaches or suggests that the user can update the status of tasks and that the user can review the displayed updated status of the tasks. Ans. 18 (citing Debber, ¶¶ [0006]-[0007]). Therefore, the Examiner finds, Debber teaches or suggests the limitation of "displaying a message comprising an indication that the status information has been updated." Ans. 18.

We are persuaded by the Examiner's reasoning. We find that Debber teaches that "status information is then incorporated with the default home page (e.g., in DHTML form) and transmitted from server **103** for display **306** on client **102**." Ans. 18; Debber, ¶ [0084]. Moreover, we find that

Debber teaches that "updated status information is provided from the server to the client browser for display thereon." Ans. 18; Debber, ¶ [0007]. We have explained, *supra*, why we find that the Examiner reasonably interpreted the claims' same-time robot as corresponding to Furumatsu's Web browser (which displays information to the user). We find that a person of ordinary skill in the art would be motivated to combine the Web browser of Furumatsu with the display of updated information taught by Debber so that a user could be informed of the updated status. A person of ordinary skill in computer architecture and hardware would have also understood that such a combination would have resulted in nothing more than predictable results. *See KSR Intern. Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

We therefore conclude that the Examiner did not err in finding that the combination of Furumatsu and Debber teaches or suggests the limitation of claim 19 reciting "displaying, by the robot, a message comprising the second update information and an indication that the second topic portion of the second document has been updated with the second update information."

D. Rejection of claim 21 under 35 U.S.C. § 103(a)

Issue

Appellants argue that the Examiner erred in finding that the limitation of claim 21 reciting "receiving, by the robot, an enquire request for display of the status of the second work item" is taught or suggested by the combination of Furumatsu and Debber. App. Br. 41. We therefore address the issue of whether the Examiner so erred.

Analysis

Appellants argue that Debber teaches that "[t]he process begins by receiving 3202 a request for access to the system 100," which is not a "request for display of the status of the second work item" as recited in claim 21, and that Debber, therefore, fails to teach or suggest the disputed limitation. App. Br. 41 (citing Debber, ¶ [0097]).

The Examiner responds that Debber teaches or suggests that a request to access the system is received from the user and that, in response to the request, user tasks are retrieved and displayed to the user. Ans. 18 (citing Debber, ¶ [0097], Fig. 32 (elements 3208 and 3210)). The Examiner therefore finds that a request to access the system is characterized by what is performed in response to the request, i.e., displaying the status of tasks, such as depicted in Fig. 7 of Debber, and as discussed with respect to claim 19 *supra*. Ans. 18.

We agree with the Examiner and adopt his reasoning as our own. Debber teaches that "[t]he process begins by receiving **3202** a request for access to the system **100**, and authentication **3204** of the user" and that "[t]hen the tasks associated with the determined position are retrieved **3210**." Ans. 19; Debber, ¶ [0097]. Furthermore, we have discussed, *supra*, our reasoning with respect to the Examiner's reasonable finding that Debber teaches or suggests the display by the robot of updated status information to the user. We therefore conclude that the Examiner did not err in finding that the recitation of claim 21 reciting "receiving, by the robot, an enquire request for display of the status of the second work item" is taught or suggested by the combination of Furumatsu and Debber.

DECISION

The Examiner's rejection of claims 17, 18, 20, 25, 26, 28, 31, 32, and 34 as unpatentable under 35 U.S.C. §102(e) is affirmed.

The Examiner's rejection of claims 19, 21-24, 27, 29, 30, 33, 35, and 36 as unpatentable under 35 U.S.C. §103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

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