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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TILMAN HAEBERLE, LILIA KOTCHANOVSKAIA, ZOLTAN NAGY, BERTHOLD WOCHER and JUERGEN SUBAT

Appeal 2010-009169
Application 11/322,797
Technology Center 2100

Before ROBERT E. NAPPI, HUNG H. BUI, and LYNNE E. PETTIGREW,
Administrative Patent Judges.

BUI, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants¹ seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejections of claims 1-21. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.²

¹ Real Party in Interest is SAP AG.

² Our decision refers to Appellants' Appeal Brief filed January 5, 2010 ("App. Br."); Reply Brief filed June 7, 2010 ("Reply Br."); Examiner's Answer mailed April 5, 2010 ("Ans."); Final Office Action mailed June 29, 2009 ("FOA."); and the original Specification filed December 30, 2005 ("Spec").

STATEMENT OF THE CASE

Appellants' Invention

According to Appellants, their invention relates to generation of contextual data in connection with a support request. Spec. ¶0001. In response to a user-generated input, via a computing system having a multi-layer architecture comprising a user interface layer, a services layer, a business object layer, and an application server, context data may be collected that is associated with one or more operational parameters from each of at least two of the layers of the computing system. A message may then be generated based on at least a portion of the user-generated input and at least a portion of the collected context data. *Id.*, ¶0003, and Abstract.

Claims on Appeal

Claims 1, 11, and 20 are independent. Claim 1 is representative of the invention, as reproduced below with disputed limitations emphasized:

1. A computer-implemented method comprising:

receiving user-generated input to initiate a generation of a message associated with an incident of a computing system requiring support, the computing system having a multi-layer architecture;

collecting context data from the computing system requiring support associated with at least one operational parameter from each of at least two of the layers of the computing system, the at least one operational parameter describing a state of the corresponding layer of the computing system at the incident of the computing system requiring support; and

generating the message comprising at least a portion of the user-generated input and at least a portion of the collected

context data, the message used to facilitate a resolution to the particular incident of the computing system requiring support.

Evidence Considered

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Galdes	U.S. 6,177,932 B1	Jan. 23, 2001
Newman	U.S. 2004/0230559 A1	Nov. 18, 2004

Examiner's Rejection

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Galdes and Newman³. Ans. 3-18.

§103(a) Rejection of Claims 1-21 over Galdes and Newman

Regarding independent claims 1, 11, and 20, the Examiner finds that Galdes discloses or suggests all limitations of these claims, except for a disclosure of a multi-layer architecture. Ans. 3-5. The Examiner finds, however, that Newman discloses an information processing system including a multi-layer architecture. Ans. 5 (citing Newman, Abstract).

The Examiner then concludes that it would have been obvious to incorporate the teachings of Newman into Galdes to take advantage of a multi layer architecture. *Id.* The Examiner also concludes that the modification would have been obvious because one of ordinary skill in the

³ Claims 1 and 20 also stand objected to as being duplicate claims. *See* FOA. 3-4. We note, however, that claims 1 and 20 contain different layers of the multi-layer architecture and are, therefore, not duplicates. Nevertheless, we leave it to the Examiner to address this objection when the application is returned for further examination.

art “would use a multi layer architecture to enable concurrent processing of data.” *Id.*

ISSUE

Under § 103(a), the dispositive issue on appeal is whether the Examiner has erred in rejecting claims 1-21 as being unpatentable over Galdes and Newman. In particular, the issue turns on:

(1) Whether the combination of Galdes and Newman discloses or suggests “collecting **context data** from the computing system requiring support **associated with at least one operational parameter from each of at least two of the layers of the computing system**, the at least one operational parameter **describing a state of the corresponding layer of the computing system** at the incident of the computing system requiring support” and “generating the message comprising at least a **portion of the user-generated input** and at least a **portion of the collected context data**, the message used to facilitate a resolution to the particular incident of the computing system requiring support,” as recited in Appellants’ independent claims 1, 11, and 20 (App. Br. 15-17) (emphasis added); and

(2) Whether the combination of Galdes and Newman discloses or suggests features of Appellants’ claims 2, 8 and 9 (App. Br. 18-20).

ANALYSIS

Appellants contest the Examiner’s factual findings regarding Galdes relative to two features of independent claims 1, 11, and 20, and present arguments to explain why these factual findings are in error and the lack of a *prima facie* case of obviousness. App. Br. 12-17; Reply Br. 4-9. For

example, Appellants contend that the combination of Galdes and Newman does not disclose two limitations: (1) “collecting **context data** from the computing system requiring support **associated with at least one operational parameter from each of at least two of the layers of the computing system**, the at least one operational parameter **describing a state of the corresponding layer of the computing system** at the incident of the computing system requiring support” and (2) “generating the message comprising at least a **portion of the user-generated input** and at least a **portion of the collected context data**, the message used to facilitate a resolution to the particular incident of the computing system requiring support,” as recited in Appellants’ independent claim 1, and similarly recited in independent claims 11 and 20. App. Br. 15-17 (emphasis added). In particular, Appellants argue:

[T]he relied upon portions of *Galdes* [Column 3, lines 36-56] teach that *any* collected information *only* includes (1) website locations visited by a user of a computer requesting help, (2) information about the user or user help request, and (3) the user’s help request itself. It is readily apparent that none of these types of information teach or suggest context data “associated with at least one operational parameter from each of at least two of the layers of the computing system ... describing a state of the corresponding layer of the computing system at the incident of the computing system requiring support.”

... FIGS. 4 and 6 of Galdes describe a workflow process of the user’s help request, but neither figure shows “collecting context data” in as specific of detail as required by Claim 1.

App. Br. 15 (emphasis added). Appellants also argue:

Galdes explicitly teaches that its report typically consists of statistics, such as the “number of questions answered by an

advisor, the number of questions asked about any one location, the percentage of customers who asked questions, etc.”... [T]he “report” of *Galdes* (1) is more properly viewed as an aggregation of statistics showing a measure of efficiency of its customer help system, rather than a “message used to determine a resolution” to the customer help request; and (2) does not even include the information – for example the web tracks and customer personal information

App. Br. 17 (citation omitted).

In response thereto, the Examiner has broadly construed the claim term “context data ... associated with at least one operational parameter from each of at least two of the layers of the computing system ... describing a state of the corresponding layer of the computing system” as recited in Appellants’ claims 1, 11 and 20 as encompassing “context information from the customer’s system, to aid the advisor in helping the customer, [including] the web tracks of the customer, the locations he or she visited prior to asking for help,” as described by *Galdes*. Ans. 25. According to the Examiner, (1) the web tracks of the customer, and (2) the locations he or she visited prior to asking for help, as included in the context information as described by *Galdes*, can correspond to Appellants’ claimed multi layers of the computing system. Ans. 30.

While claim terms are given their “broadest reasonable construction,” any such construction must be “consistent with the specification, ... and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Bond*, 910 F.2d 831, 833 (Fed. Cir. 1990) (quoting *In re Sneed*, 710 F.2d 1544, 1548 (Fed. Cir. 1983)). The Examiner’s construction here, though certainly broad, is unreasonably broad. The broadest-construction rubric does not give the

Examiner a license to ignore or misinterpret claim terms, *i.e.*, the multi layers of a computing system having a multi-layer architecture relative to the operational parameter that is associated with Appellants' claimed "context data" and describes a state of the corresponding layer of Appellants' computing system. Rather, claims should always be read in light of the specification and teachings in the underlying patent. *See Schriber-Schroth Co. v. Cleveland Trust Co.*, 311 U.S. 211, 217 (1940) ("The claims of a patent are always to be read or interpreted in light of its specifications.").

According to Appellants' Specification, Appellants' invention relates to a method and a computing system having a multi-layer architecture, shown in FIG. 4, for generating contextual data in connection with a support request (user-generated input) associated with at least one operational parameter from each of at least two of the layers of the computing system ... describing a state of the corresponding layer of the computing system. The layer architecture includes, for example, a user interface layer, a service layer, a business object layer, and an application server, as described in Appellants' Specification, ¶[0004] - ¶[0008].

When read in the appropriate context of independent claims 1, 11, and 20 and Appellants' Specification including FIG. 4, the broadest reasonable construction of the disputed limitation is clear: the data collected is context data associated with at least one operational parameter from at least two layers of a computer system having a multi-layer architecture and the operational parameter describes a state of the corresponding layer of the multi-layer architecture. App. Br. 15.

In contrast to Appellants' independent claims 1, 11, and 20, Galdes discloses a typical client-server system coupled with a telephonic system for

providing a menu including three levels of interaction for customers. *See* Galdes at Abstract, FIG. 1. As a secondary reference, Newman only discloses a computing system having a seven-layer software layer. *See* Newman at ¶¶ [0002], [0010]-[0016].

We disagree with both the Examiner's claim construction and the Examiner's factual findings that Galdes discloses the disputed limitations Appellants' independent claims 1, 11, and 20. As such, we agree with Appellants that the Examiner has not established a *prima facie* case of obviousness.

For the reasons set forth above and evidence of record, we cannot sustain the Examiner's rejection of independent claims 1, 11, and 20, as well as their respective dependent claims under 35 U.S.C. §103(a) as being unpatentable over Galdes and Newman. Because this issue is dispositive with respect to claims 1, 11, and 20, we need not reach Appellants' other arguments directed to additional limitations as recited in dependent claims 2, 8 and 9 under 35 U.S.C. § 103(a). *See* App. Br. 17-20.

CONCLUSION

On the record before us, we conclude that the Examiner has erred in rejecting claims 1-21 under 35 U.S.C. § 103(a).

DECISION

As such, we reverse the Examiner's final rejections of claims 1-21.

REVERSED

Appeal 2010-009169
Application 11/322,797

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