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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* HOLGER GOCKEL, WOLFGANG KALTHOFF, and  
THOMAS VOGT

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Appeal 2010-011122  
Application 10/365,672  
Technology Center 2400

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*Before* JOSEPH L. DIXON, ST. JOHN COURTENAY III, and  
CARLA M. KRIVAK, *Administrative Patent Judges.*

COURTENAY, *Administrative Patent Judge.*

DECISION ON APPEAL

### STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-6 and 32-37 (App. Br. 4). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellants' claimed invention "relates to dynamic access of master data." (Spec. 1). Independent claim 1, reproduced below, is representative of the subject matter on appeal:

1. A method of dynamically accessing data, comprising:

    sending a request from a client to a server to access data stored in a database maintained by the server;

    retrieving a first set of data from the database;

*mapping the first set of data to a second set of data based on a set of mapping rules that is defined by the client, the mapping rules being to map product models associated with the client with product models associated with the server, the mapping comprising facilitating access to a server's product services layer of the server by a client's product services layer of the client; and*

    receiving at the client the second set of data.

(disputed limitation emphasized)

### REJECTION

The Examiner rejected claims 1-6 and 32-37 under 35 U.S.C. § 103(a) based upon the combined teachings and suggestions of O'Brien (U.S. Patent Application Publication No. 2003/0028447 A1, published February 6, 2003)

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and Chow (U.S. Patent No. 6,988,111 B2, issued January 17, 2006). (Ans. 3-6).

### GROUPING OF CLAIMS

Based on Appellants' arguments, we decide the appeal of the rejection of claims 1-6 and 32-37 on the basis of representative claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

### CONTENTIONS

Appellants contend, inter alia:

As is evident from the passage [0037], in O'Brien, responses from applications are mapped into a response format acceptable by the requesting entity. (O'Brien, [0037].) It is submitted that mapping one set of data into another set of data is distinct from mapping a response message formatted a certain way (e.g., as a non-XML [Extensible Markup Language] message) into a response message having a different format (e.g., XML format). The formatting of a response message in O'Brien does not involve mapping one set of data [] to another set of data, as the same set of data may be included in messages of different formats; and, conversely, different sets of data may be communicated to a client using the same message format.

Thus, while O'Brien discloses transforming a response message into a format acceptable by the intended recipient, O'Brien fails to disclose or suggest receiving, at a requesting client, a set of data that is a result of mapping of a first set of data retrieved from the database to a second set of data, as required by claim 1.

(App. Br. 13).

The Examiner disagrees:

Appellant[s'] position is undercut by Appellant[s'] specification which clearly equates mapping between sets of data to mapping

between different formats of data.

Appellant[s] disclose[] mapping a first set of data to a second set of data based on a set of mapping rules. (Spec., pg. 2, ll. 5-6). Appellant[] disclose[] that "[t]he set of data includes attribute values." (Spec., pg. 3, ll. 16-17). And the rules "include[] rules for defining acceptable formats of attribute values." Based on the facts that (1) the sets of data are mapped based on mapping rules, (2) a set of data includes attribute values, and (3) the rules define acceptable formats for the attribute values, it would have been reasonable for one of ordinary skill in the art to infer that the format of the data is being changed during the mapping process.

Moreover, Appellant[s] disclose[] "converting the data in the database . . . into a format acceptable by the client." (Spec., pg. 2, ll. 26-27). Based on the foregoing disclosure, Appellant[s'] mapping of a first set of data to a second set includes mapping the first set of data to an "acceptable format" where the second set of data is in the acceptable format.

(Ans. 6-7).

## ISSUE

Under § 103, did the Examiner err in finding that the cited references, either alone or in combination, would have taught or suggested the disputed limitation of "mapping the first set of data to a second set of data," within the meaning of representative claim 1 and the commensurate limitation recited in independent claim 32?

## ANALYSIS

This appeal turns upon claim construction. "In the patentability context, claims are to be given their broadest reasonable interpretations . . . limitations are not to be read into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citations omitted).

Appellants' arguments are not persuasive because we accord no patentable weight to the informational content of claimed first and second sets of data, as recited in claim 1. As presently claimed, these elements are non-functional descriptive material because only the recited "mapping rules" affect how the step of mapping is performed (claim 1).<sup>1</sup> Because the content of claimed first and second sets of data is not positively recited as actually being employed to affect or change any machine or computer function, the informational content of the first and second sets of data is not entitled to weight in the patentability analysis.<sup>2</sup> Thus, to the extent that Appellants' arguments are premised on a narrow interpretation that claim 1 *requires* the data in the recited first and second data sets to be *different* (disregarding any format differences), we find such arguments unavailing because we accord no weight to the informational content of the data. Nor is such a difference between the first and second sets of data required by the plain language of representative claim 1.

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<sup>1</sup> The informational content of non-functional descriptive material is not entitled to weight in the patentability analysis. *See Ex parte Nehls*, 88 USPQ2d 1883, 1887-90 (BPAI 2008) (precedential); *Ex parte Curry*, 84 USPQ2d 1272 (BPAI 2005) (informative) (Federal Circuit Appeal No. 2006-1003), *aff'd*, Rule 36 (June 12, 2006); *Ex parte Mathias*, 84 USPQ2d 1276 (BPAI 2005) (informative), *aff'd*, 191 Fed. Appx. 959 (Fed. Cir. 2006).

<sup>2</sup> *Cf.* Functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component. *See Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility* ("Guidelines"), 1300 Off. Gaz. Pat. Office 142 (November 22, 2005), especially pages 151-152. The Manual of Patent Examining Procedure (MPEP) includes substantively the same guidance. *See MPEP*, 8th edition (Rev. 9, Aug. 2012), § 2111.05.

Even assuming *arguendo* that the informational content of claimed first and second sets of data may be accorded patentable weight, Appellants' arguments are not persuasive because we agree with the Examiner that the claimed mapping of a first set of data to a second set of data broadly encompasses the mapping taught by O'Brien where data in a first format is mapped to "a format understandable to an appropriate application(s)." (O'Brien, ¶[0037]).

As pointed out by the Examiner (Ans. 7), Appellants' Specification discloses "[t]he method further includes sending a request from a client to the server requesting data linked to the identifier, and converting the data in the database linked to the identifier into a *format* acceptable by the client." (Spec. 2, ll. 25-27) (emphasis added). Therefore, on this record, we are not persuaded that the Examiner's claim interpretation is overly broad, unreasonable, or inconsistent with Appellants' Specification.

Notwithstanding Appellants' arguments (*see also* Reply Br. 3-4), the Supreme Court guides that "when a patent 'simply arranges old elements with each performing the same function it had been known to perform' and yields no more than one would expect from such an arrangement, the combination is obvious." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 417 (2007) (quoting *Sakraida v. Ag Pro, Inc.*, 425 U.S. 273, 282 (1976)).

This reasoning is applicable here. Therefore, on this record, we are not persuaded of error regarding the Examiner's underlying factual findings and ultimate legal conclusion of obviousness. We agree that the portions of O'Brien relied on by the Examiner, in combination with Chow, would have taught or suggested the disputed limitation of "mapping the first set of data

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to a second set of data,” within the meaning of Appellants’ representative claim 1.

Accordingly, we sustain the rejection of claim 1. Claims 2-6 and 32-37 (not argued separately) fall therewith. *See* 37 C.F.R. § 41.37(c)(1)(iv).

#### DECISION

We affirm the Examiner’s rejection under §103 of claims 1-6 and 32-37.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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