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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/161,062	05/30/2002	Roland Mueller	09282.0040-00	1469
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60668                      7590                      01/29/2013  
SAP / FINNEGAN, HENDERSON I.L.P.  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
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OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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01/29/2013

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ROLAND MUELLER

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Appeal 2011-000387  
Application 10/161,062  
Technology Center 3600

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*Before* MURRIEL E. CRAWFORD, ANTON W. FETTING, and  
MEREDITH C. PETRAVICK, *Administrative Patent Judges.*

PETRAVICK, *Administrative Patent Judge.*

DECISION ON APPEAL

### STATEMENT OF THE CASE

Roland Mueller (Appellant) seeks our review under 35 U.S.C. § 134 of the final rejection of claims 13-17, 20-26, 29-35, and 38-48. We have jurisdiction under 35 U.S.C. § 6(b).

### DISPOSITION ON APPEAL

In the Examiner's Answer mailed on July 22, 2010, the Examiner entered a new ground of rejection under 25 U.S.C. § 112, second paragraph, on claims 31 and 46. Ans. 3-6. In their Reply Brief, the Appellant responds by requesting to have claims 31-35, 38, 39, and 46-48 canceled. Reply Br. 2. Therefore, we shall not address the rejection of claims 31 and 46 under 35 U.S.C. § 112, second paragraph or the rejection of claims 31-35, 38, 39, and 46-48 under 35 U.S.C. § 102(e). Upon return of the case to the Examiner, the Examiner should cancel claims 31-35, 38, 39, and 46-48.

### SUMMARY OF DECISION

We AFFIRM.<sup>1</sup>

### THE INVENTION

This invention is a “software-based system and method for activity reporting and project management.” Spec. para. [0001].

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<sup>1</sup> Our decision will make reference to the Appellant's Appeal Brief (“App. Br.,” filed May 7, 2009) and Reply Brief (“Reply Br.,” filed Sep. 17, 2010), and the Examiner's Answer (“Ans.,” mailed Jul. 22, 2010).

Claim 13, reproduced below, is illustrative of the subject matter on appeal.

13. A method for a user to report an activity in a project, the method comprising:
- enabling the user to select a project position and a project task at the same time, the project position defining a job position of the project and comprising a qualification or a requirement for the job position of the project;
  - retrieving, from a database, stored data based on a project position and a project task selected by the user;
  - providing a user interface based on the type of access to the database by a reporting device of the user, the user interface being on of an online, offline, and web-based interface;
  - enabling the user to select a type of information to be reported;
  - receiving, from the user, activity information related to the selected type of information; and
  - updating the stored data in the database based on the received activity information.

#### THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Crawshaw                      US 2001/0042032 A1                      Nov. 15, 2001

The following rejections are before us for review:

1. Claims 13-17, 20-26, 29-30, and 40-45 are rejected under 35 U.S.C. § 102(e) as being anticipated by Crawshaw.

## ISSUE

The issue is whether Crawshaw describes claim 13's step of: "enabling the user to select a project position and a project task at the same time, the project position defining a job position of the project and comprising a qualification or a requirement for the job position of the project."

## ANALYSIS

We are not persuaded by the Appellant's argument (App. Br. 13-15) that claimed step of enabling the user to select a project position and a project task, where the project position defines a job position of the project and comprises a qualification or a requirement for the job position of the project, fails to read on Crawshaw's Figure 7B. Specifically, the Appellant argues that Crawshaw does not meet the claimed step because Crawshaw's task *identifiers* (e.g., "Concept Development"), depicted in Figure 7B and cited by the Examiner, do not define a job position of the project and do not comprise a qualification or a requirement for the job position of the project.

We find that the Appellant's argument is not commensurate with the scope of the limitation at issue. Initially, we note that the action required by this claim step is "enabling" and not "selecting." We see nothing in this claim step which precludes that the claimed *enabling* be done by providing an identifier, which represents a project position, on a web page as depicted in Figure 7B of Crawshaw and as argued by the Examiner (*see* Ans. 10). We see nothing in this claim step that requires these identifiers, as opposed to the project position, define a job position and comprises a qualification or requirement.

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The Appellant does not provide separate arguments for claims 14-17, 20-26, 29-30, and 40-45. *See* App. Br. 15. Therefore, these claims will stand or fall with claim 13. *See* 37 C.F.R. § 41.37(c)(1)(vii). Accordingly, the rejection of claims 13-17, 20-26, 29-30, and 40-45 under 35 U.S.C. § 102(e) as being anticipated by Crawshaw is affirmed.

#### DECISION

The decision of the Examiner to reject claims 13-17, 20-26, 29-30, and 40-45 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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

JRG