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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TORSTEN HEISE, THOMAS A. MAYER,
and FRANK THOME

Appeal 2013-004363
Application 11/849,146¹
Technology Center 3600

Before, ANTON W. FETTING, JOSEPH A. FISCHETTI, and
BRADLEY B. BAYAT, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1–22. We have jurisdiction under 35 U.S.C. § 6(b).

¹ Appellants identify SAP as the real party in interest. Br. 3.

Claim 1 reproduced below, is representative of the subject matter on appeal.

1. A computer-implemented method comprising:

receiving transaction data outside a scope of an options contract that describes a delivery expectation for a receiving party of a transaction, and a proposed delivery of a supplying party of the transaction;

dynamically selecting a consensus parameter to evaluate a consensus between the delivery expectation and the proposed delivery for the transaction data, the consensus parameter defining a delivery tolerance for the delivery expectation;

applying, by a computer system, the delivery tolerance to the delivery expectation to determine whether a consensus exists between the delivery expectation and the proposed delivery, where consensus exists if the proposed delivery is within a range determined by the application of the delivery tolerance to the delivery expectation and the consensus does not exist otherwise; and

generating a consensus report based on the application of the consensus parameter to the transaction data, the consensus report indicating for each line item in the transaction data whether consensus exists as to each individual line item.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Das	US 2003/0023538 A1	Jan. 30, 2003
Philliou	US 2004/0049459 A1	Mar. 11, 2004

The following rejection is before us for review².

Claims 1–22 are rejected under 35 U.S.C. § 103 as being unpatentable over Das in view of Philliou.

FINDINGS OF FACT

1. Philliou discloses:

Typically there are three different types of transaction data that may be reported to a purchasing cardholder. "Level I" data includes only the information that appears on a standard credit card statement, such as the transaction amount, transaction date, merchant name, and city/state of the merchant. "Level II" data includes buyer information, tax amount, the supplier organization's ZIP code, and the supplier organization's tax identification information. "Level III" purchasing card data is the most detailed transaction data available, and includes detail on each line item in a purchase, such as item description, product codes, quantity, unit-of-measure, price, delivery zip codes, freight charges, and sales tax information. Level III data is valuable

² In the event of further prosecution of this application (including any review for allowance), the Examiner may wish to review the claims for compliance under 35 U.S.C. § 101 in light of the most recent Patent Office guidance on § 101 found in the May 4, 2016 Memorandum to the Examining Corps, titled "Formulating a Subject Matter Eligibility Rejection and Evaluating the Applicant's Response to a Subject Matter Eligibility Rejection," and the "July 2015 Update on Subject Matter Eligibility," 80 Fed. Reg. 45429 (July 30, 2015), which supplements the "2014 Interim Guidance on Patent Subject Matter Eligibility," 79 Fed. Reg. 74618 (Dec. 16, 2014), and the "Preliminary Examination Instructions in view of the Supreme Court Decision in *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.*," Memorandum to the Examining Corps, June 25, 2014.

for purchasing organizations, as it can be useful for streamlining the accounting processes and easily merging purchase data with their internal electronic procurement files.

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2. Philliou discloses only a credit card report made after the transaction is complete:

Referring to FIG. 1, an exemplary system for conventional purchasing card transactions 10 is shown. A buying organization 12 places an order with a supplier organization 13 using a purchasing card. The supplier organization then sends an authorization request for the purchase to the issuing bank 11 which issued the purchasing card through the supplier's acquirer bank or processor 14 which is connected to a payment network 24 (such as the MasterCard payment network). If the authorization request is approved, the supplier organization 13 then ships the goods to buyer organization 12. After the goods are shipped, the supplier organization 13 submits data regarding the purchase to the acquirer bank or processor 14 and the bank or processor clears and settles the transaction through the payment network 24.

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ANALYSIS

35 U.S.C. § 103 REJECTION

Each of independent claims 1, 16, and 20, require, in one form or another:

generating a consensus report based on the application of the consensus parameter to the transaction data, the consensus report indicating for each line item in the transaction data whether consensus exists as to each individual line item... .

The Examiner found that Philliou discloses the claimed consensus report (Final Act. 10), but Appellants argue that “it is unknowable form [sic] anything within Philliou what items were, in fact, requested or the conditions of the request.” (Appeal Br. 12).

We agree with Appellants that the report disclosed by Philliou is only a credit card statement sent after settlement of the charges occur. (FF. 2). The independent claims require that the report itemize those line items which are in consensus against those which are not. But, the Philliou makes no distinction between line items as to consensus or not, because it only discloses a general statement identifying facts like buyer information, quantity, and unit price. (FF. 1).

In other words, the credit card report in Philliou is made after the transaction is complete (FF. 2), thus making the issue of consensus moot. Philliou makes it clear that the data is merely descriptive of the person making the transaction and/or of the item being purchased. (FF. 1). Philliou does not disclose indicating for each line item in the transaction data whether consensus exists as to each individual line item, particularly in light of the fact that a credit card statement is a post transaction settlement record

where consensus has already occurred, *e.g.*, the item has already shipped (FF. 2). We do not find from the record findings by the Examiner on how the post transaction credit card statement of Philliou translates to the claimed *the consensus report indicating for each line item in the transaction data whether consensus exists as to each individual line item* where the report is based on the consensus parameter, which consensus parameter *evaluate[s] a consensus between the delivery expectation and the proposed delivery for the transaction data, the consensus parameter defining a delivery tolerance for the delivery expectation*. Therefore, we do not sustain the rejection of the independent claims under 35 U.S.C. § 103 as being unpatentable over Das in view of Philliou.

We also reverse the rejection of dependent claims 2–15, 17–19, 21, and 22 since these claims depend from one of independent claims 1, 16 and 20, and, since we cannot sustain the rejection of the independent claims, the rejection of dependent claims likewise cannot be sustained.

CONCLUSIONS OF LAW

We conclude the Examiner did err in rejecting claims 1–22 under 35 U.S.C. § 103.

DECISION

The decision to reject claims 1–22 is reversed

REVERSED.