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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* THOMAS KROLL and INA SCHERF

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Appeal 2014-002304  
Application 11/737,919  
Technology Center 2400

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Before CAROLYN D. THOMAS, WILLIAM M. FINK, and  
JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

FINK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> seeks our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1, 2, and 4–13. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> The real party in interest is identified as SAP AG. App. Br. 3.

## STATEMENT OF THE CASE

Appellants' invention relates to extracting real-time data from a log file for at least one monitored process on each of plurality of child servers and updating a database with object variable data and performance statistics when an event associated with a monitored process takes place. Abstract; Spec. ¶ 26.<sup>2</sup>

Claims 1, 5, and 9 are the independent claims on appeal. Claim 1, which is illustrative of Appellant's invention, is reproduced below with disputed limitation emphasized:

1. A method, comprising:

extracting real-time data from a log file for at least one monitored process on each of the plurality of child servers with a corresponding log file reader at a parent server;

*iteratively reading command process information from the log files with the corresponding log file readers, each command process information contained in a single line, and determining how to send the single line to the parent server until the single line indicates that a corresponding child server has shut down or until the single line cannot be read;*

for each monitored process, inserting extracted real-time data into object variables of an object;

processing object variable data to generate performance statistics for the monitored processes and to determine whether to trigger an alarm, the processing including identifying how many monitored processes are running in parallel and which of

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<sup>2</sup> Our decision refers to Appellants' Appeal Brief filed July 1, 2013 ("App. Br."); the Examiner's Answer mailed October 25, 2013 ("Ans."); Appellants' Reply Brief filed December 9, 2013 ("Reply Br."); the Final Office Action mailed November 29, 2012 ("Final Act."); and the original Specification filed April 20, 2007 ("Spec.").

the running monitored processes is the oldest to identify one or more monitored processes that retard other monitored processes;

updating a database with object variable data and performance statistics in response to the occurrence of an event associated with a monitored process; and

comparing historical performance statistics from the database with current performance statistics to determine a performance trend.

App. Br. 23 (emphasis).

Claims 1, 2, 4–6, 8–10, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chong (US 2004/0064552 A1; April 1, 2004), Champlin (US 2005/0228880 A1; October 13, 2005), and Burnley (US 6,782,350 B1; August 24, 2004);

Claims 7 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chong, Champlin, Burnley, and Itoh (US 2007/0011661 A1; January 11, 2007);

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chong, Champlin, Burnley, Doraswamy (US 6,128,642, October 3, 2000), and Keane (US 2006/0200450 A1, September 7, 2006).

Based on Appellant’s arguments, the dispositive issue on appeal is whether Champlin teaches or suggests the above emphasized limitation of independent claim 1. *See* App. Br. 11–15; Reply Br. 5–8.

## ANALYSIS

In rejecting claim 1, the Examiner finds Champlin teaches or suggests “command process information contained in a single line” and “determining how to send the single line to the parent server until the single line indicates that a corresponding child server has shut down or until the single line

cannot be read contained in a single line,” as claim 1 recites. Final Act. 5–6 (citing Champlin ¶¶ 39–40). Appellants dispute these findings for at least two reasons.

First, Appellants’ argue that cited paragraphs 39 and 40 of Champlin do not teach that “command process information is contained **in a single line.**” App. Br. 11–13. In response, the Examiner states:

[T]he examiner interprets command process information to be any form of data, in part or in whole, relating to a process or command. Moreover, a single line of a text based log file inherently holds information in a single line. In other words, command process information does not necessitate that a single line convey an idea in whole, for example. For this reason, Champlin is at least capable of reading information from a single line in a text based log file by extracting patterns.

Ans. 13.

On the record before us, we are constrained to agree with Appellants. In effect, the Examiner broadly interprets the “command process information” limitation as including “any form of data, in part or in whole, relating to a process or command,” and reasons that, because “a single line” of a text-based log file, as disclosed in Champlin, inherently holds information, then Champlin suggests “command process information contained in a single line.” We disagree. Although we give claims their broadest reasonable interpretation, “the construction cannot be divorced from the specification and the record evidence.” *In re Man Machine Interface Technologies LLC*, 822 F.3d 1282, 1286 (Fed. Cir. 2016) (quoting *In re NTP, Inc.*, 654 F.3d 1279, 1288 (Fed. Cir. 2011)).

Here, the Specification states that an information package containing, among other things, message ID, date of command process activity and an

*object containing the command process* all contained *within a single line*. Spec. ¶ 31. In other words, contrary to the Examiner’s interpretation, the Specification does suggest a whole command process object is contained within in a single line. *See also id.* ¶ 66 (single line string contains the whole object). Under this interpretation, the resulting finding that Champlin’s log file inherently contains some information relating to a process or command in a single line, even if true, does not sufficiently address the disputed limitation.

Second, Appellants also argue that the same cited paragraphs of Champlin also do not teach determining how to send the single line until the single line **“indicates that a corresponding child server has shut down”** **“or until the single line cannot be read.”** App. Br. 14–15. The Examiner responds that:

Champlin discloses: monitoring text based log files to extract patterns for generating alerts (section 39 lines 12-15); and reporting back to a data loader server (section 40). The examiner reasons that reporting data back to the data loader is evaluated for each alert whether to spool the message or continue transmitting the data to the data loader based on an established connection with the data loader.

Ans. 15.

Here again, we are constrained to agree with Appellants. As the Examiner finds, Champlin discloses a monitoring agent generating alerts based on analysis of log files. *See Champlin* ¶¶ 39 (“The monitor agent 102 also monitors text based log files and generates alerts based on pattern matches or pattern match frequencies.”). Champlin also discloses that the monitor agent reports measurements back to the data loader at specified intervals and, in the event the connection protocol does not succeed,

spooling messages until a connection is re-established. *See id.* ¶¶ 40. However, as Appellants argue, the findings do not address how this disclosure teaches or suggests sending a single line from a log file indicating that the child server has *shut down*, or determining that the single line of the log file *cannot be read*, as claim 1 requires.

Accordingly, because the findings do not address sufficiently the foregoing limitations, we cannot sustain the Examiner's rejection of claim 1, or dependent claims 2, 4, and 13. For substantially the same reasons, we also cannot sustain the Examiner's rejection of claims 5 and 9, which recite a similar disputed limitation, or dependent claims 6–8 and 10–12.

#### DECISION

We reverse the Examiner's final rejection of claims 1, 2, and 4–13.

REVERSED