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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RAMA K. AKKIRAJU, VALERIA BECKER,
RONG ZENG CAO, JUAN M. CAPPI, WEI DING,
RICHARD T. GOODWIN, SHUN JIANG, JUHNYOUNG LEE,
KELLY A. LYMAN, RAKESH MOHAN, PABLO PESCE, JORGE SANZ,
IGNACIO G. TERRIZZANO, CHUN HUA TIAN, and JOHN VERGO

Appeal 2014-004978
Application 12/485,703
Technology Center 3600

Before ANTON W. FETTING, CYNTHIA L. MURPHY, and
AMEE A. SHAH, *Administrative Patent Judges*.
FETTING, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE¹

Rama K. Akkiraju, Valeria Becker, Rong Zeng Cao, Juan M. Cappi,
Wei Ding, Richard T. Goodwin, Shun Jiang, Juhnyoung Lee,
Kelly A. Lyman, Rakesh Mohan, Pablo Pesce, Jorge Sanz,

¹ Our decision will make reference to the Appellants' Appeal Brief ("App. Br.," filed December 2, 2013) and Reply Brief ("Reply Br.," filed March 17, 2014), and the Examiner's Answer ("Ans.," mailed January 17, 2014), and Final Action ("Final Act.," mailed April 29, 2013).

Ignacio G. Terrizzano, Chun Hua Tian, and John Vergo (Appellants) seek review under 35 U.S.C. § 134 of a final rejection of claims 1–11, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

The Appellants invented a way of transforming a business. Specification para. 5.

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below (bracketed matter and some paragraphing added).

1. A computer-implemented method for transforming a business, comprising:

[1] receiving,

at a common model server,

an enterprise model including

a plurality of business elements,

a plurality of maps of business components

and

associations between one or more business elements;

[2] federating one or more business analysis tools external to the enterprise model,

wherein each business analysis tool is configured to filter the enterprise model on the model platform,

wherein federating a business analysis tool includes incorporating an external business element generated from the business analysis tool into the enterprise model;

and

[3] determining,
by one or more computers,
a business-related impact on one or more other business
elements in the enterprise model
by using one or more of the business analysis tools

The Examiner relies upon the following prior art:

Flaxer US 2008/0033888 A1 February 7, 2008

Butner, Mastering carbon management, IBM Institute for Business
Value, GBE03011-USEN-OO, February 2008

Claims 1–11 stand rejected under 35 U.S.C. § 103(a) as unpatentable
over Flaxer and Butner.

ISSUES

The issues of obviousness turn primarily on whether the art describes
federating business analysis tools external to an enterprise model.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be
supported by a preponderance of the evidence.

Facts Related to Claim Construction

01. The disclosure contains no lexicographic definition of
“federate.”

02. The plain meaning of “federate” is to cause to join into a league, federal union, or similar association.²

Facts Related to the Prior Art

Flaxer

03. Flaxer is directed to component-based business models and, more particularly, to the management of portfolios of resources and assets within the business enterprise based on the Component Business Model (CBM) framework. Flaxer para. 1.
04. Flaxer discloses a Component Business Model (CBM) that represents a target state of the business, arraying the components by competency and by management level, where each component is a group of cohesive business activities within a competency, and each competency is a non-overlapping partition of the activities of the business. According to Flaxer, this CBM provides a logical and comprehensive view of the enterprise, in terms that cut across commercial enterprises in general and industries in particular. Flaxer para. 5.
05. Flaxer utilizes a Component Business Model as a model, technique, and tool to manage enterprise portfolios and monitor the progress of strategic initiatives. Flaxer para. 14.

² The American Heritage Dictionary of the English Language, Fifth Edition 2015 by Houghton Mifflin Harcourt Publishing Company
<https://www.ahdictionary.com/word/search.html?q=federate>

06. Flaxer Fig. 3 provides a schematic illustration of how the CBM map relates to a portfolio model. While the prior CBM approach broke the enterprise down into components with activities, Flaxer further integrates existing Portfolio Management (“PfM”) tools, including software applications, hardware systems, and projects, all of which already perform some aspect of portfolio management for the enterprise. A portfolio model is generated with the enterprise portfolio management features and the user’s view will include a mapping of the applications, systems, and projects which are associated with the activities of the respective CBM component being viewed. Applications and services manage specialized aspects of PfM. The figure shows three such PfMs managers including an Application Portfolio Manager that controls software applications and services, an IT System Portfolio Manager that oversees hardware representing such hardware assets as computers and networks, and a Project Portfolio Manager which organizes and monitors PfM projects to support business transformations. Each of the managers supports some aspect of a business transformation and each has a dependency on at least one other PfM feature. For example, software may have prerequisites on hardware and both require project resources to perform modifications. This chain of interconnections is organized by an Enterprise Portfolio Management Hub (EPMH) within the CBM interface. Flaxer para. 37.

07. Flaxer Fig. 4 is a block diagram showing the Enterprise Portfolio Management Hub (EPMH) as middleware, preferably at an EPMH server, acting as an intermediary between users and the enterprise portfolio management tools. Users, such as executives, information technology architects, and business analysts, use the EPMH tool from a client location which has been provided with the EPMH software. Using the EPMH client, the user at this location can then interact with the EPMH middleware server which provides centralized function services such as portfolio data management and mapping. The middleware is ideally provided at an enterprise server, but may also be installed at the client location or at a remote server. The EPMH gathers information, referred to herein as portfolio management features, from the various portfolio management tools that exist for performing some aspect of portfolio management for the enterprise. As illustrated in FIG. 4, the enterprise may have existing tools. Each of those existing portfolio tools may include portfolio management features as part of the management tool or associated with the tool and accessible from data stores. Each of the portfolio management tools specializes in managing and controlling parts of the enterprise and can affect people, process and technology. Typically, the portfolio management tools are partitioned and disjoint. The portfolio management features may be dedicated to a single tool or may be duplicated across different portfolio management tools. Flaxer para. 39.

08. Flaxer Fig. 11 illustrates a sample display generated by the EPMH with analysis results for client review. Based on client input at a Navigation tree, for an analysis of proposed projects which effect changes to CustSat, Revenue and Upgrade, the EPMH has generated a CBM Enterprise Map indicating the competencies, namely the procurement components that would be affected by the selected set of proposed projects. Further, EPMH has performed an analysis of the projects and has generated feasible transformation plans, shown under the heading “Analyze Portfolio Options” in the annotation box. Further displayed is a graphical display of the aggregated return versus risk for the project options as calculated by EPMH. The EPMH server may provide services for a plurality of clients. Since there are many roles and users within an enterprise that have PFM responsibilities, support for multiple clients is provided by the EPMH server. It is presumed that not all users will be network connected, and therefore, the EPMH client can operate in a disconnected mode, using data contained in its local data store. Repository/data coherence & version control can be coordinated by storing “golden” master data on the EPMH server maintained by a repository application. The EPM data store may be serialized into a flat file and exchanged between the EPMH Server and Clients under the direction of CVS. The EPMH Server also employs the CVS capability to manage EPM information updates when it is determined that PFM information has changed. The EPMH Server has sole responsibility for the acquisition and mapping of PFM

data from various sources, the Server Accessible Data as well as Client Accessible Data, and the mapping of this data into the EMF data store. Flaxer para. 52–53.

Butner

09. Butner is directed to mastering carbon management by balancing trade-offs to optimize supply chain efficiencies. Butner Title.
10. Butner describes a model, or “heat map,” of a current carbon footprint that represents processes within the enterprise and the extended enterprise that are carbon-intensive. Butner Figure 5 depicts a possible carbon heat map based on the “deconstruction” of a company's business model into discrete processes and functions. Butner 10–11.

ANALYSIS

We adopt the Examiner’s findings and analysis from Final Action 5–18 and Answer 5–10 and reach similar legal conclusions. We now address Appellants’ Reply Brief arguments.

We are not persuaded by Appellants’ argument that the Examiner's proposed definition of “federation” is inaccurate. Appellants contend that the Examiner essentially asserts that “federation” is purportedly synonymous with “assigning and integrating.” Reply Br. 4–5. The Examiner instead construes “federating” as assigning and integrating an external application with the modeling application that includes incorporating a business element generated from an analysis tool of the external application into the modeling

application. Ans. 6. The plain meaning of federating is causing to join into a league, federal union, or similar association. Claim 1 further narrows the context as incorporating an external business element generated from the business analysis tool into the enterprise model. This is consistent with the Examiner's construction.

We are not persuaded by Appellants' argument that the Examiner's arguments about "internal tools" ignores the actual language of the claims. Appellants contend that the existing tools of Flaxer are already tools of the enterprise model and, therefore, cannot be considered "external" tools of the enterprise model. Appellants further contend that, rather than acknowledge these arguments, the Examiner attempts to avoid the arguments by refocusing on the inverse question of whether or not the tools are internal tools to the enterprise model. Reply Br. 5–6. Claim 1 defines the scope of its enterprise model as a plurality of business elements, a plurality of maps of business components, and associations between one or more business elements. Thus, tools per se that act upon such business elements, maps, and associations are external to such a scope.

Appellants further contend that Flaxer explicitly refers to the PFM tools as existing and integrated within the enterprise or enterprise model. *Id.* Appellants are referring to Flaxer para. 37 which says that existing Portfolio Management tools already perform some aspect of portfolio management. App. Br. 8. Flaxer does not recite an enterprise model per se. Flaxer's Component Business Model is more than a model per se, and comprises a model, technique, and tool to manage enterprise portfolios and monitor the progress of strategic initiatives competency. Thus, the model in Flaxer is a component of Flaxer's CBM. As such, Flaxer's CBM tools are external to

the model within Flaxer's CBM. The Examiner essentially makes this point.
Ans. 8.

We are not persuaded by Appellants' argument that the Examiner's references to an external party are irrelevant to external tools. Reply Br. 6. Whether this is true or not is itself irrelevant to the issue of whether Flaxer's tools are external to its model.

We are not persuaded by Appellants' argument that the Examiner's references to mergers and acquisitions are irrelevant to external tools. *Id.* Whether this is true or not is itself irrelevant to the issue of whether Flaxer's tools are external to its model.

We are not persuaded by Appellants' argument that the Examiner's reliance on "partitioned and disjoint" tools does not vacate the relationship of those existing tools within the enterprise. Reply Br. 7. The claim recites that the business analysis tools are external to the enterprise model, not the enterprise itself.

We are not persuaded by Appellants' argument that the Examiner's assertion that certain claim language is non-functional descriptive material that improperly mischaracterizes the claims. *Id.* Whether we agree or not, the Examiner still finds that even granting the limitations patentable weight, the art applied describes the claims as recited.

CONCLUSIONS OF LAW

The rejection of claims 1–11 under 35 U.S.C. § 103(a) as unpatentable over Flaxer and Butner is proper.

Appeal 2014-004978
Application 12/485,703

DECISION

The rejection of claims 1–11 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) (2011).

AFFIRMED