



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/184,904	08/01/2008	Dietmar Theobald	2058.514US1	8297

50400 7590 11/02/2016  
SCHWEGMAN LUNDBERG & WOESSNER/SAP  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER
----------

CAO, PHUONG THAO

ART UNIT	PAPER NUMBER
----------	--------------

2164

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/02/2016

ELECTRONIC

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

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com  
SLW@blackhillsip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* DIETMAR THEOBALD

---

Appeal 2014-008685  
Application 12/184,904  
Technology Center 2100

---

Before: ELENI MANTIS MERCADER, JAMES W. DEJMEK, and  
JOHN D. HAMANN, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellant appeals under 35 U.S.C. § 134 from a Final Rejection of claims 1, 4, 7–10, 13, 14, 17, 19, and 22–24. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

THE INVENTION

The claimed invention is directed to computer file processing by receiving a serial data stream input, where the serial data stream input represents a set of computer files, scanning the serial data stream input to extract selected data elements occurring in the set of computer files, and outputting the selected data elements in a serial data stream output.

Abstract.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for processing computer files, the method comprising:
  - converting a set of Java class files to generate a first serial data stream as a serial data stream input, the serial data stream input comprising a plurality of data elements from the set of Java class files, the plurality of data elements including Java annotations, the set of Java class files forming at least one of a file hierarchy and a file archive, the converting of the set of Java class files comprising:
    - traversing the at least one of the file hierarchy and the file archive, and processing each of the plurality of data elements from the at least one of the file hierarchy and the file archive no more than once to generate the first serial data stream;
    - scanning the plurality of data elements of the serial data stream input to identify the Java annotations from the plurality of data elements; and
    - outputting the identified Java annotations in a second serial data stream as a serial data stream output, the serial data stream output being separate from the serial data stream input.

## REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Darcy	US 7,565,364 B1	July 21, 2009
Theobald	US 8,112,388 B2	Feb. 7, 2012
Theobald	US 8,463,724 B2	June 11, 2013
Theobald	US 8,954,840 B2	Feb. 10, 2015
Kitamura	US 2007/0214384 A1	Sept. 13, 2007

## REJECTION

The Examiner made the following rejection:

Claims 1, 4, 7–10, 13, 14, 17, 19 and 22–24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Darcy in view of Kitamura.

## ISSUES

The pivotal issue is whether the Examiner erred in finding that the combination of Darcy and Kitamura teaches or suggests the limitations of:

scanning the plurality of data elements of the serial data stream input to identify the Java annotations from the plurality of data elements; and outputting the identified Java annotations in a second serial data stream as a serial data stream output

as recited in claim 1.

## ANALYSIS

We adopt the Examiner's findings in the Answer and Final Rejection and we add the following primarily for emphasis.

Appellant argues that Darcy discusses parsing program source files to generate a list of annotations by parsing or partially compiling the source files *“to generate a data structure capturing the annotations in each of the*

source files” and Darcy does not disclose the generation of serial data streams (App. Br. 10). According to Appellant, Darcy does not disclose that the source files are converted into a serial data stream input, nor does Darcy disclose that the resulting list of annotations is a serial data stream output, but instead refers to that list as a “data structure” (App. Br. 10).

We do not agree with Appellant’s argument. We note that there is no *ipsissimis verbis* test for determining whether a reference discloses a claim element, *i.e.*, identity of terminology is not required. *In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990). Thus, just because Darcy does not mention the term “serial data stream” that does not mean that the data structure is not tantamount to such a stream. The Examiner finds, and we agree, that Darcy teaches “scanning the plurality of data elements of the serial data stream input to identify the Java annotations from the plurality of data elements” (*see* Darcy, col. 3, ll. 36-45) for looking at the internal structure of classes/methods/fields identified from source files to identify annotations, and “outputting the identified Java annotations in a second serial data stream as a serial data stream output” (*see* Darcy, col. 4, ll. 32-35) by generating/outputting a list of annotations (Ans. 4). We agree with the Examiner that a broad yet reasonable interpretation of the claimed second serial data stream encompasses Darcy’s list of annotations.

Appellant further argues that the purpose of Kitamura of generating the data stream is to produce one or more archived files of backup storage, and thus, the data created by Kitamura is not useful for outputting identified Java annotations in a second data serial data stream (App. Br. 12). According to Appellant, the combination of Kitamura with Darcy would destroy the principle of operation of Kitamura (App. Br. 12).

We do not agree with Appellant's argument. Appellant's arguments are not persuasive because it is not necessary that the inventions of the references be physically combinable, without change, to render obvious the claimed invention. *In re Sneed*, 710 F.2d 1544, 1550 (Fed. Cir. 1983); *In re Keller*, 642 F.2d 413, 425 (CCPA 1981). The test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *Keller*, 642 F.2d at 425. Darcy teaches processing files to identify a particular type of data (i.e., annotations) and Kitamura expressly teaches combining a plurality of files from a system to generate *a single data stream* (Kitamura ¶ 39; *see also* Ans. 4–5). Accordingly, the combination teaches reading/combining sources files from a file hierarchy to generate a single file (i.e., converting source files into a single data stream), which can then be processed by the annotation processing system of Darcy to identify annotations and generating/outputting a list of annotations (i.e., second serial data stream) (Ans. 4).

Accordingly, we affirm the Examiner's rejection of claim 1 and for the same reasons the Examiner's rejection of claims 4, 7–10, 13, 14, 17, 19, and 22–24, which were not argued separately (*see* App. Br. 12).

#### CONCLUSION

The Examiner did not err in finding that the combination of Darcy and Kitamura teaches or suggests the limitations of:

scanning the plurality of data elements of the serial data stream input to identify the Java annotations from the plurality of data elements; and  
outputting the identified Java annotations in a second serial data stream as a serial data stream output

as recited in claim 1.

Appeal 2014-008685  
Application 12/184,904

DECISION

For the above reasons, we affirm the Examiner's rejection of claims 1, 4, 7–10, 13, 14, 17, 19, and 22–24.

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