



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.
12/415,317	03/31/2009	Kazuhito Akiyama	JP920080004US1 (34122)	2509
45602	7590	11/30/2016	EXAMINER	
SCULLY, SCOTT, MURPHY & PRESSER, P.C. 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			GOLDBERG, IVAN R	
			ART UNIT	PAPER NUMBER
			3624	
			NOTIFICATION DATE	DELIVERY MODE
			11/30/2016	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):

IBMPAIRENotify@ssmp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* KAZUHITO AKIYAMA and SHINSAKU KUDOMI

---

Appeal 2014-009071<sup>1</sup>  
Application 12/415,317<sup>2</sup>  
Technology Center 3600

---

Before HUBERT C. LORIN, JAMES A. WORTH, and  
TARA L. HUTCHINGS, *Administrative Patent Judges*.

WORTH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final rejection of claims 25–45. We have jurisdiction under 35 U.S.C. §§ 134 and 6(b).

We AFFIRM.

---

<sup>1</sup> Our decision refers to the Appellants' Appeal Brief ("Appeal Br.," filed Apr. 25, 2014) and Reply Brief ("Reply Br.," filed Aug. 18, 2014), and the Examiner's Final Office Action ("Final Act.," mailed Oct. 29, 2013) and Answer ("Ans.," mailed June 18, 2014).

<sup>2</sup> According to Appellants, the real party in interest is International Business Machines Corporation (Appeal Br. 4).

*Introduction*

Appellants' disclosure relates to "managing or tracking the progress [of tasks] during system development and/or maintenance" (Spec. ¶ 3).

Claims 25, 36, and 44 are the independent claims on appeal. Claim 25, reproduced below, is representative of the subject matter on appeal:

25. A computer system for managing progress of tasks, the computer system comprising:

a processor; and

a computer memory operatively coupled to the processor, the computer memory having disposed within it computer program instructions for:

storing, in a repository, one or more configuration item (CI) data sets, each CI data set relating to a CI of a system;

holding, in the repository, one or more task data sets, each task data set relating to a task in a work breakdown structure (WBS);

creating one or more association data sets in the repository, each association data set relating to an association between one or more of the configuration items (Cis) and one or more of the tasks;

importing a progress status of the one or more tasks from the WBS to update the one or more task data sets in the repository; and

determining a progress rate of the one or more tasks associated with their respective Cis,

wherein one or more of the Cis are included in the system defined by a digital design specification.

(Appeal Br. 28, Claims App.)

*Rejections on Appeal*

The Examiner maintains, and Appellant appeals, the following rejections:

- I. Claims 36–43 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.
- II. Claims 25, 29–34, 36, and 39–45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over C. Ward et al., *Integrated change and configuration management*, 46(3) IBM SYSTEMS JOURNAL 459 (2007) (hereinafter, “Ward”) and D. Lindquist et al., *IBM Service Management architecture*, 46(3) IBM SYSTEMS JOURNAL 423 (2007) (hereinafter, “Lindquist”).
- III. Claims 26–28, 35, 37, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ward, Lindquist, and Basani (US 2004/0215709 A1, pub Oct. 28, 2004).

ANALYSIS

Rejection I (Patentable Subject Matter)

*Claims 36–43*

Claims 36–43 stand rejected under 35 U.S.C. § 101 because the claimed invention are directed to non-statutory subject matter. The Examiner reasons, *inter alia*, that “the claim is a mere statement of a general

concept because the steps recited in the claim can still be performed mentally or manually by a person without any apparatus (i.e. even the determining of the progress rate at the end of the claim can be performed by a person).” (Final Act. 4–5). Appellants contest this finding and assert that the steps of “creating association data sets in the repository” and “importing a progress status of the one or more tasks from the WBS to update one or more task data sets in the repository” requires a tie-in to the repository of a particular machine and cannot be performed without an apparatus (Appeal Br. 16). We agree with the Examiner’s finding that the steps may be performed mentally notwithstanding the recitation of a “repository” for data. We proceed to apply the framework of analysis set forth by the Court in *Alice*. See *Alice Corp., Pty. Ltd. v CLS Bank Intl*, 134 S.Ct. 2347, 2355 (2014).

The Court in *Alice* emphasized the use of the two-step framework for analysis of patentability set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 132 S.Ct. 1289 (2012):

First, we determine whether the claims at issue are directed to one of those patent-ineligible concepts. If so, we then ask, “[w]hat else is there in the claims before us?” To answer that question, we consider the elements of each claim both individually and “as an ordered combination” to determine whether the additional elements transform the nature of the claim” into a patent-eligible application.

*Alice Corp. Pty. Ltd.*, 134 S.Ct. at 2355. See also USPTO 2014 Interim Guidance on Patent Subject Matter Eligibility, 79 Fed. Reg. 74,618, 74,621 (Dec. 16, 2014). Under step 1 of *Alice*, we determine that claim 36 is

directed to the abstract idea of monitoring the progress of updates (or maintenance), and that this is an age-old economic activity.

Under step 2 of *Alice*, we determine that the recitations in claim 36 of “storing,” “holding,” “creating,” and “importing” information relating to the task of updating and “determining a progress rate” are directed to the same abstract idea. Additionally, we conclude that, the recitation of “configuration items” that include items that are “digitally defined” does not, individually or taken as a whole, render the claim patentable. Nor do claims 37–43 contain further recitations which would remove the process from the realm of the abstract. As such, we sustain the Examiner’s rejection under § 101 of claims 36–43.

#### Rejections II and III (Obviousness)

##### *Independent claims 25, 36, and 44*

Appellants offer several arguments as to why it contends that Ward fails to disclose “tasks” or “association data set[s]” as recited in claim 25, i.e., “creating one or more association data sets in the repository, each association data set relating to an association between one or more of the configuration items (CIs) and one or more of the tasks.” We address each in turn.

First, Appellants assert that Ward’s request for change in a change management system is not a “task” in a project management system. Appellants argue that the Specification (para. 4) describes a work breakdown structure (WBS) that divides works executed by a project team to achieve a project goal and to create necessary deliverables into hierarchical elements (Appeal Br. 19). However, the Examiner relies instead on Lindquist for the

teaching of a “Work Breakdown Structure,” as elsewhere recited in claim 25.

In any event, the Examiner relies on the disclosure in Ward (pp. 460, 463) of an RFC (“request for change”) for the recited “task” (Ans. 3). Appellants argue that an RFC is well-known in the art to “encompass a mechanism for submitting, reviewing and handling changes” (Appeal Br. 20). This is consistent with Ward, which explains by way of background that a change is a fix or an update to a computing environment, and by requiring a request for such a change in advance, the IT manager can assess the impact of the change before approving it (Ward, 461). The Examiner reasons that neither the claim nor the Specification defines “task,” but provides a dictionary definition of task, which is “assigned piece of work often to be finished within a certain time” (Ans. 6). We agree with the Examiner that this is a reasonable definition of “task” in light of the Specification, and we thus agree with the Examiner that Ward’s request for change is within the meaning of “task,” as recited in claim 25.

Second, Appellants argue that Ward discloses change records for changes but does not disclose associating “one or more configuration items” and “one or more tasks,” as recited in claim 25. However, the Examiner relies on Ward’s disclosure, under the heading “Target CIs,” for the disclosure that an RFC may be associated with a large number of CIs (configuration items) that will be impacted by the change, which is

represented by the list of servers on which a patch will be installed (Ward, 475).<sup>3</sup>

We agree with the Examiner that a person of ordinary skill in the art would have been motivated to combine the teachings of Ward and Lindquist, i.e., to organize tasks in a work breakdown structure, in order to efficiently organize tasks (*see* Final Act. 10). Therefore, we sustain the Examiner's rejection under § 103 of independent claim 25.

Appellants do not argue the patentability of independent claims 36 and 44 separately from that of independent claim 25. We, therefore, sustain the Examiner's rejection under § 103 of independent claims 36 and 44, for similar reasons as for independent claim 25.

### *Claim 33*

Appellants argue that Ward and Lindquist fail to disclose creating one or more association data sets in the repository with mapping of the data sets, as recited in claim 33, i.e., “further comprising an association data creating unit for mapping each of the one or more CI data sets to the one or more task data sets to create the one or more association data sets” (Appeal Br. 24–25; *see also* Reply Br. 4–5). Appellants acknowledge that the Examiner relies on Ward (475) for a list of servers and on Lindquist (429) for mapping of resource confirmation information to manually specified information (Appeal Br. 24). The Examiner additionally relies on the “yellow box” in Figure 6 (Step 1) of Ward for creating relationships between RFCs and CIs (Ans. 11). It appears that the Examiner is relying on inherency in finding

---

<sup>3</sup> Although the Examiner referred to this section as p. 472, we regard this as an inadvertent typographical error and determine that the section was identifiable in context.

that there is a “unit” represented by the yellow box in Figure 6 of Ward. Nevertheless, we agree with the Examiner that there necessarily is a “unit” in Ward that is responsible for the function performed by the corresponding box of Figure 6. Accordingly, we adopt the Examiner’s findings, and we sustain the Examiner’s rejection under § 103 of dependent claim 33.

#### *Claim 34*

Appellants argue that Ward fails to disclose a “task data mapping module” (Appeal Br. 26). This argument is unpersuasive for similar reasons as for dependent claim 33, above.

Appellants also argue that Ward fails to disclose “updating task data sets” to generate “one or more updated task data sets,” as recited in dependent claim 34, i.e.,

a task data mapping module for updating the one or more task data sets to generate one or more updated task data sets, wherein the one or more updated task data sets comprises data relating to a work progress attribute of the one or more tasks that are changed subsequent to a time period in which an application operated among the one or more tasks associated with the one or more CIs associated with the application

(Appeal Br. 30, Claims App’x). Appellants assert that Ward only discloses updating configuration items, rather than updating task data sets (*id.*). The Examiner instead relies on Lindquist (429) (Ans. 12–13). Lindquist describes notification when tasks are implemented and when tasks are not completed, and also describes applications that allow a user to view tasks (*id.*). Lindquist explains that the notifications are sent based on parameterized information (*id.*). We find that Lindquist’s disclosure meets the requirement in claim 34 for “updating the one or more task data sets to generate one or more updated task data sets.”

*Claims 26, 28–30, 37, 39, 40, 43, and 45*

Appellants' arguments with respect to dependent claims 26, 28–30, 33, 37, 39, 40, 43, and 45 are essentially the same as those for claim 25, which we find unpersuasive for the reasons above (Appeal Br. 21–24). Appellants do not provide arguments with specificity for the additional recitations of the dependent claims, but reiterate Appellants' arguments that Ward fails to disclose a "task." To the extent that Appellants challenge the additional recitations without argument, we agree with the Examiner's findings with respect thereto and we adopt the Examiner's findings (*see* Final Act. 29–36; *see also* Ans. 2–12). Accordingly, we sustain the Examiner's rejection under § 103 of dependent claims 26, 28–30, 37, 39, 40, 43, and 45.

*Claims 27, 31, 32, 35, 38, 41, and 42*

Appellants do not argue the patentability of claims 27, 31, 32, 35, 38, 41, and 42 separately from that of independent claims 25, 36, and 44, from which they respectively depend. We, therefore, sustain the Examiner's rejection under § 103 of claims 27, 31, 32, 35, 38, 41, and 42, for similar reasons as for independent claims 25, 36, and 44.

DECISION

The Examiner's decision to reject claims 25–45 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)(1)(iv).

AFFIRMED