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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARK SCHENECKER

Appeal 2015-002348
Application 11/905,639
Technology Center 2100

Before THU A. DANG, JOHN A. EVANS, and
LINZY T. McCARTNEY, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of Claims 1, 3–7, and 9–12. App. Br. 1. Claims 4 and 8 are canceled. Claims Appx.

We have jurisdiction under 35 U.S.C. § 6(b).

¹ The Appeal Brief identifies SAP AG, as the real party in interest. App. Br. 3.

We AFFIRM.²

STATEMENT OF THE CASE

The claims “relates to a harmonized global identification system that enables unique identification of a physical or virtual object across any number of internal or external information systems.” Spec. ¶ 1.

INVENTION

Claims 1 and 7 are independent. The claims have not been argued separately and therefore stand or fall together. 37 C.F.R. § 41.37(c)(1)(iv). An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below with some formatting added:

1. A method for uniquely identifying an object globally across information systems, comprising:
 - identifying, by a processor, a scheme agency identifier specifying a scheme agency that manages an identification scheme used to construct an object identifier, wherein the scheme agency is a standards-setting organization;
 - identifying, by the processor, a scheme identifier specifying the identification scheme used to construct the object

² Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed July 23, 2014, “App. Br.”), the Reply Brief (filed December 5, 2014, Reply Br.”), the Examiner’s Answer (mailed October 20, 2014, “Ans.”), the Final Action (mailed December 30, 2013, “Final Act.”), and the Specification (filed October 3, 2007, “Spec.”) for their respective details.

identifier, wherein the specified identification scheme defines the semantics of the object identifier;

identifying, by the processor, a scheme version identifier specifying a version of the identification scheme used to construct the object identifier; and

encapsulating, by the processor, the object identifier with the scheme agency identifier, the scheme version identifier, and the scheme identifier, wherein the encapsulation enables an external information system to uniquely identify the object.

References and Rejections

The Examiner relies upon the prior art as follows:

1. P. Leach, M. Mealling, and R. Salz, *Request for Comments: 4122*, Network Working Group (July 2005)(“Leach”). “A Universally Unique Identifier (UUID) URN Namespace.”³
2. EPCglobal, *EPCglobal Tag Data Standards Version 1.3: Ratified Specification*, (March 8, 2006)(“EPCglobal”).

The claims stand rejected as follows:

1. Claims 1, 3, 4, and 7–10 stand rejected under 35 USC §102(b) as anticipated by EPCglobal.⁴ Final Act. 4–8.

³ The Examiner refers to Leach as Universally Unique Identifier. *See* Final Act. 9.

⁴ Claim 8 is specified in the narrative of the rejection. Final Act. 7–8. We do not reach the merits thereof because Claim 8 stands as canceled. App. Br. 15.

2. Claims 5, 6, 11, and 12 stand rejected under 35 USC §103(a) as obvious over EPCglobal and Leach. Final Act. 9–12.

ANALYSIS

We have reviewed the rejections of Claims 1, 3–7, and 9–12 in light of Appellant’s arguments that the Examiner erred. We have considered in this decision only those arguments Appellant actually raised in the Briefs. Any other arguments which Appellant could have made but chose not to make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). We are not persuaded that Appellant identified reversible error. Upon consideration of the arguments presented in the Appeal Brief and Reply Brief, we agree with the Examiner that all the pending claims are unpatentable. We adopt as our own the findings and reasons set forth in the rejection from which this appeal is taken and in the Examiner’s Answer, to the extent consistent with our analysis below. We provide the following explanation to highlight and address specific arguments and findings primarily for emphasis. We consider Appellant’s arguments *seriatim*, as they are presented in the Appeal Brief, pages 8–12.

CLAIMS 1, 3, 4, AND 7–10: ANTICIPATION BY EPCGLOBAL⁵

⁵ Should prosecution continue, the Examiner may wish to consider whether the claims recite statutory subject matter under *Alice Corp. v. CLS Bank Int’l.*, 573 U.S. ___ (2014).

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Appellant argues these claims as a group and contend they are each patentable in view of the limitations of Claim 1. App. Br. 8.

Independent Claims 1 and 7 recite, *inter alia*, “a scheme agency identifier specifying a scheme agency that manages an identification scheme used to construct an object identifier.” The Examiner finds this limitation is disclosed by EPCglobal, which lists a variety of scheme agency identifiers, where each of the schemes, such as the DoD scheme, is managed by a scheme agency. Final Act. 4 (citing EPCglobal, pp. 18–20).

Appellant contends the cited passage of EPCglobal fails to disclose the claimed “scheme agency identifier.” App. Br. 9. According to Appellant, EPCglobal is a specification that defines standards for Electronic Product Code (EPC) tag data. *Id.* Appellant argues the EPC “is an identification scheme for universally identifying physical objects via Radio Frequency Identification (RFID) tags and other means.” *Id.* (citing EPCglobal, 8). Appellant maintains the various EPC coding schemes “are referred to as Domain Identifiers, to indicate that they provide object identification within certain domains such as a particular industry or group of industries.” *Id.* Appellant contends the specific EPCglobal coding schemes include a General Identifier (GID), a Global Trade Item Number (GTIN), a Serial Shipping Container Code (SSCC), a Global Location Number (GLN), a Global Returnable Asset Identifier (GRAI), a Global Individual Asset Identifier, and a DOD Construct. *Id.* However, Appellant argues, these codes do not identify the scheme agency that promulgates the underlying schemes. *Id.*

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The Examiner finds the EPCglobal tag “is both a ‘scheme agency identifier’ and a “scheme identifier,” citing tags with labels such as “DoD-96.” Ans. 5 (citing EPCglobal 19).

Appellant replies the claims make clear that the “scheme agency identifier” and “scheme identifier” limitations are two separate components of an RFID tag. Reply Br. 3. Appellant argues the “Federal Circuit has held that ‘[w]here a claim lists elements separately, the clear implication of the claim language’ is that those elements are ‘distinct component[s]’ of the patented invention.” *Id.* (citing *Becton, Dickinson and Co. v. Tyco Healthcare Group, LP*, 616 F.3d 1249, 1254 (Fed. Cir. 2010) (finding nothing in claims to suggest two claimed components could be same structure)). Appellant argues the specification refers to the “scheme agency identifier,” “scheme ID,” and “scheme version ID” as “three framework components,” each of which may be appended to an ID content portion of a tag to create a unique global identifier. *Id.* (citing Spec. ¶¶ 40–43; 57). Appellant contends that in view of the Specification, it is improper for the Examiner to map both the “scheme agency identifier” and the “scheme identifier” to the same component of the EPC tag.

We agree with the Examiner. As found by the Examiner (*see* Ans. 5), EPCglobal discloses both the claimed “scheme agency identifier” and the “scheme identifier.” EPCglobal discloses “DoD-96” and “SSCC-96.” The prefix “SSCC” indicates the Serial Shipping Container Code format as

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defined by the EAN.UCC System,⁶ which discloses the claimed “scheme agency identifier.” EPCglobal 10. The Prefix “DoD” is a construct identifier defined by the U.S. Department of Defense. *Id.* at 17.⁷ Thus “DoD” is also a “scheme agency identifier,” as claimed. The designation “-96” indicates a 96-bit encoding format, i.e., the claimed “scheme identifier.” *Id.* at 10.

CLAIMS 5, 6, 11, AND 12: OBVIOUSNESS OVER EPCGLOBAL AND LEACH

Appellant contends these claims are patentable in view of the alleged patentability of the independent claims. For the reasons discussed above, we sustain their rejection.

DECISION

The rejection of Claims 1, 3, 4, and 7–10 under 35 U.S.C. § 102 is AFFIRMED.

The rejection of Claims 5, 6, 11, and 12 under 35 U.S.C. § 103 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

⁶ In 2006, the Uniform Code Council (UCC) changed their name to GS1 US. See <http://www.gs1-128.info/>.

⁷ EPCglobal discloses that details relating to the DoD standard are found in “United States Department of Defense Supplier’s Passive RFID Information Guide,” (<http://www.dodrfid.org/supplierguide.htm>). EPCglobal 17.