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Anderson Gorecki LLP
33 NAGOG PARK
ACTON, MA 01720

EXAMINER
NGUYEN, THUONG

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jgorecki@smmalaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARK EISNER and GABRIEL OANCEA

Appeal 2016-004044
Application 13/418,240
Technology Center 2400

Before JOSEPH L. DIXON, JAMES R. HUGHES, and ERIC S. FRAHM, *Administrative Patent Judges*.

FRAHM, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from a rejection of claims 1–4, 6, 10–19, 21, 25–28, 30, and 34–37. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

The invention relates to "exchanging information among remote exchange applications, such as to participate in and complete transactions" (Spec. ¶ 23). Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A method for accessing transaction messages in a data store of a first gateway, comprising:
>
> receiving, by the first gateway, a data frame request from a second gateway, the data frame request comprising a structured query and including criteria for retrieving at least one transaction message transmitted by or received at the first gateway and stored in the data store of the first gateway,
>
> wherein the at least one transaction message stored at the first gateway includes information of a transaction identified by metadata associated with the at least one transaction message, the metadata comprising a unique message identifier and zero or more of a unique transaction identifier, a message type, or a transaction type, and
>
> wherein the criteria for retrieving the at least one transaction message included in the data frame request includes the metadata associated with the at least one transaction message;
>
> retrieving, by the first gateway, the at least one transaction message from the data store of the first gateway using the criteria for retrieving the at least one transaction message included in the received data frame request; and

> generating, by the first gateway comprising at least one processor, a data frame comprising the at least one transaction message retrieved from the data store of the first gateway, the data frame having a format that is readable by a character editor; and
>
> sending, by the first gateway to the second gateway, responsive to the data frame request, the generated data frame.

REFERENCES

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

Fong	US 6,704,747 B1	Mar. 9, 2004
Frazier	US 6,901,428 B1	May 31, 2005
Pellegrinelli	US 2002/0010618 A1	Jan. 24, 2002
Thakkar	US 2002/0186697 A1	Dec. 12, 2002
Lee	US 2004/0196797 A1	Oct. 7, 2004
Wentker	US 2006/0167818 A1	Jul. 27, 2006

REJECTIONS

The Examiner made the following rejections:

Claims 1, 2, 14–17, 25, 26, and 34–37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wentker.

Claims 3, 4, 18, 19, 27, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wentker and Lee.

Claims 6, 21, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wentker and Thakkar.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wentker and Pellegrinelli.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wentker and Fong.

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wentker and Frazier.

ANALYSIS

The Anticipation Rejection

The Examiner finds Wentker discloses all the limitations of independent claim 1, including "receiving, by the first gateway, a data frame request from a second gateway, the data frame request comprising a structured query and including criteria for retrieving at least one transaction message transmitted by or received at the first gateway and stored in the data store of the first gateway" (Final Act. 2–4). Appellants contend "nothing in the cited passage or the features specifically listed by the Examiner teaches a data frame *request comprising a structured query* and including *criteria for retrieving at least one transaction message*" (App. Br. 14). We agree with Appellants.

Wentker discloses a system for exchanging data relating to financial transactions over a public network (*see* Wentker, Abstract). For disclosing the "receiving . . . a data frame request" limitation of claim 1, the Examiner relies on paragraph 18 of Wentker (Final Act. 2–3; Ans. 6), which describes the following: "In an embodiment, receiving a message includes receiving a message from an application via the public network, retrieving one or more policies based on any information resident in or provided to the gateway related to the message, and delivering a message object to the receiving application." We agree with Appellants that "[t]his citation teaches retrieving policies but does not suggest . . . that what is retrieved are

transaction messages, rather what is retrieved are policies" (Reply Br. 6–7). That is, Wentker discloses receiving a message and retrieving policies that determine how to treat the received message, but does not disclose retrieving a transaction message specified by criteria in the received message (*see* Wentker, ¶¶ 18, 24).

Accordingly, we find the Examiner has not shown Wentker discloses "receiving . . . the data frame request comprising a structured query and including criteria for retrieving at least one transaction message," as recited in claim 1. We are, therefore, constrained by the record to find the Examiner erred in rejecting independent claim 1, independent claims 15, 16, and 25 which recite commensurate limitations, and dependent claims 2, 14, 17, 26, and 34–37 for similar reasons.

The Obviousness Rejections

The Examiner has not shown the additional references Lee, Thakkar, Pellegrinelli, Fong, and Frazier cure the deficiency noted above with respect to Wentker regarding independent claims 1, 16, and 25. Accordingly, we are also constrained by the record to find the Examiner erred in rejecting claims 3, 4, 6, 10–13, 18, 19, 21, 27, 28, and 30, which depend from claims 1, 16, and 25.

CONCLUSIONS

Under 35 U.S.C. § 102(e), the Examiner erred in rejecting claims 1, 2, 14–17, 25, 26, and 34–37.

Under 35 U.S.C. § 103(a), the Examiner erred in rejecting claims 3, 4, 6, 10–13, 18, 19, 21, 27, 28, and 30.

DECISION

For the above reasons, the Examiner's decision rejecting claims 1–4, 6, 10–19, 21, 25–28, 30, and 34–37 is reversed.

REVERSED