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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/856,675	09/17/2007	Robert A. Wilson	36MK-255155	9489

145169 7590 10/17/2018  
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EXAMINER
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MARCUS, LELAND R

ART UNIT	PAPER NUMBER
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3623

NOTIFICATION DATE	DELIVERY MODE
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10/17/2018

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ROBERT A. WILSON, BERNARD E. MAMON,  
DOUGLAS J. VOS, DWAYNE G. RIDENOUR, BEVERLY E. GRAU,  
KATHLEEN J. HILL, STEVEN E. HODGINS,  
ANTHONY S. ABRAHAM, SHELLEY A. MANNINO,  
JESSICA ELSTON, DARREN KELLY, and JOHN SCAMEHORN

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Appeal 2017-004952  
Application 11/856,675<sup>1</sup>  
Technology Center 3600

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Before HUBERT C. LORIN, NINA L. MEDLOCK, and  
BRUCE T. WIEDER, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Robert A. Wilson et al. (Appellants) seek our review under 35 U.S.C. § 134(a) of the Final Rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

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<sup>1</sup> The Appellants identify Hewlett Packard Enterprise Development LP as the real party in interest. App. Br. 3.

## SUMMARY OF DECISION

We REVERSE.

### THE INVENTION

Claim 1, reproduced below, is illustrative of the subject matter on appeal.

1. A computer-implemented method of managing assets for an organization comprising:

generating, by a computer system, a web portal to provide real-time access to asset data across one or more organizations, wherein the asset data comprises information about assets for at least one of the organizations, wherein at least one of said assets comprises a computer, the web portal comprising:

links to service management consoles, wherein selection of a link presents a service management console, and wherein each service management console:

retrieves asset data for a category of service management related to the service management console for a specified time period;

analyzes the asset data; and

generates an interface to present the asset data to a user;

a dashboard, wherein the dashboard comprises an interface that includes an overview of asset data, and wherein the dashboard comprises:

indicia indicative of the status of at least one of incidents related to assets or corrective action related to incidents, wherein the indicia indicative of the status includes at least one of virus compliance indicia and virus vulnerabilities indicia; and

a report upload interface, wherein the report upload interface allows a user to upload reports related to the asset data;

determining virtual servers assigned to web sites associated with a web server hosting the web portal, wherein users access the web portal through the web sites and different ones of the web sites have different corresponding authentication services;

storing aliases representing assignments of the virtual servers to the web sites;

differentiating the users accessing the web portal based on the web sites through which the users are accessing the web portal; and

authenticating each of the users according to the authentication service corresponding to the web site and the virtual server by which the user is accessing the web portal.

#### THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Schweitzer et al.            US 2004/0078257 A1            Apr. 22, 2004

“The Examiner takes official notice that it is old and well known in the art that websites are resources and that traffic analysis of websites is old and well known in the art” (Final Act. 5) and “[t]he Examiner takes official notice that it is old and well known in the art that computers are resources [ ] and that computers have to be managed to ensure they do not become infected by computer viruses” (Final Act. 6). [Official Notice]

The following rejections are before us for review:

Claims 1–20 are rejected under 35 U.S.C. § 101 as judicially-excepted subject matter.

Claims 1–20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schweitzer and Official Notice.

## ISSUES

Did the Examiner err in rejecting claims 1–20 under 35 U.S.C. §101 as judicially-excepted subject matter?

Did the Examiner err in rejecting claim 1–20 under 35 U.S.C. § 103(a) as being unpatentable over Schweitzer and Official Notice?

## ANALYSIS

*The rejection of claims 1–20 under 35 U.S.C. §101 as being directed to judicially-excepted subject matter.*

*Alice Corp. Proprietary Ltd. v. CLS Bank International*, 134 S. Ct. 2347 (2014) identifies a two-step framework for determining whether claimed subject matter is judicially-excepted from patent-eligibility under 35 U.S.C. § 101.

According to *Alice* step one, “[w]e must first determine whether the claims at issue are directed to a patent-ineligible concept,” such as an abstract idea. *Alice*, 134 S. Ct. at 2355.

In that regard, the Examiner determined that “the claims are directed to the abstract idea of keeping track of an inventory of items, specifically asset data collection, presentation, and management.” Final Act. 2.

Step two is “a search for an ‘inventive concept’—*i.e.*, an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’” *Alice*, 134 S. Ct. at 2355 (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 US 66, 73 (2012)).

In that regard, the Examiner determined that:

[t]he claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because they recite the use of a generic computer performing generic computing tasks, specifically:

“generating, by a computer system, a web portal.”

“a report upload interface”

“determining virtual servers assigned to web sites associated with a web server hosting the web portal, wherein users access the web portal through the web sites and different ones of the web sites have different corresponding authentication services”

“a web server including at least one processor”

“a web portal hosted by the web server”

Final Act. 3.

Accordingly, the Examiner concluded that the claimed subject matter is judicially-expected from patent-eligible subject matter.

The Appellants challenge the rejection for three reasons – central to them all are the claim limitations:

determining virtual servers assigned to web sites associated with a web server hosting the web portal, wherein users access the web portal through the web sites and different ones of the web sites have different corresponding authentication services;

storing aliases representing assignments of the virtual servers to the web sites;

differentiating the users accessing the web portal based on the web sites through which the users are accessing the web portal; and

authenticating each of the users according to the authentication service corresponding to the web site and the virtual server by which the user is accessing the web portal.

Claim 1 (claim 17, the other independent claim, contains similar limitations).

The reasons are that the claims (a) are not directed to an abstract idea but to a technical solution to a technical problem (App. Br. 9, responding to the *Alice* step one determination); (b) are not directed to a generic computer or generic computer tasks (App. Br. 11, responding to the *Alice* step two determination); and (c), are akin to the computer technology-rooted invention at issue on *DDR Holdings, LLC v. Hotels.com*, 773 F.3d 1245, 1257 (Fed. Cir. 2014); that is, the claimed subject matter provides a “technical solution associated with the above-recited claim features [that] is necessarily rooted in computer technology to overcome a problem specifically arising in the realm of computer networks, such as Internet access to a web portal and authentication of users accessing the web portal.” App. Br. 12.

The Specification discloses “[s]ystems, processes, and apparatus for collect[ing], present[ing], and/or manag[ing] asset data” (para. 5; *see also* para. 8 (“The current disclosure relates to asset data collection, presentation, and management.”)). The thrust of the Specification generally supports the Examiner’s articulation of what the claims are directed to.

However, the aforementioned limitations limit the claimed subject matter to something more specific than just “keeping track of an inventory of items, specifically asset data collection, presentation, and management” (Final Act. 2).

The Appellants point to “paragraphs 33-34 on pages 16-17 of the present Application” (App. Br. 9):

[0033] When users of the service provider or the client wants to access Web portal 110, they may log into Web server 112. In system 100, Web server 112 uses a federated authenticated model to

manage users from more than one organization. In this implementation, the service provider's users access Web server 112 through a virtual server 130 that belongs to the service provider, and the client's users access Web server 112 through a virtual server 140 that belongs to the client. The virtual servers are overlaid and aliased to two different Web sites. Web server 112 can then differentiate the users and authenticate them against their respective authentication services, service provider authentication service 150 and client authentication service 160. Thus, each authentication services [sic] may use whatever security protocols and data it desires. The service provider's users and the client's users may also be treated as associated with their respective organizations while using Web portal 110. A user may customize the information presented by Web portal 110, at start up or in reports. Reports may be in any appropriate format (e.g., XLF or PDF).

[0034] Web portal 110 may also implement access control techniques for the asset data. Thus, asset data may be associated with the service provide and/or the client. Furthermore, a particular user may be restricted from seeing certain types of data, possibly depending on the user's role in the organization.

These passages describe implementation of a “federated authenticated model” that appears to align with the claim limitations at issue. Albeit the individual devices and services (web server, virtual server, authentication services) may be generic, the overlaying and aliasing of two virtual servers to two different websites – one belonging to a service provider through which a service provider's users can access a web server and another belonging to a client through which the client's users can access a web server through a second virtual server that belongs to the client – has an effect, that is; the web server “can then differentiate the users and authenticate them against their respective authentication services, service provider authentication service [ ] and client authentication service [ ].” Para. 33. As a consequence, “each authentication services [sic] may use whatever security

protocols and data it desires.” Para. 33. Accordingly, in light of the described “federated authenticated model,” the claim limitations would appear to “address a technical problem of how to apply different and corresponding authenticated services for different users accessing the same web portal” (App. Br. 9).

“The § 101 inquiry must focus on the language of the Asserted Claims themselves.” *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1149 (Fed. Cir. 2016); *see also Accenture Glob. Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1345 (Fed. Cir. 2013) (“[T]he important inquiry for a § 101 analysis is to look to the claim.”). In that regard, it is “relevant to ask whether the claims are directed to an improvement in computer functionality versus being directed to an abstract idea, even at the first step of the *Alice* analysis.” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016). Given the discussion in the Specification regarding the improvement to systems with different authenticated services resulting from applying a “federated authenticated model” to which the claim limitations at issue are directed, the claims, as a whole, cannot be said to be directed to an abstract idea but to an improvement in computer functionality as the Appellants have argued.

For the foregoing reasons, the Examiner’s determination under *Alice* step one is not sustainable. Consequently, we do not reach the merits of the Examiner’s determination under *Alice* step two.

*The rejection of claims 1–20 under 35 U.S.C. § 103(a) as being unpatentable over Schweitzer and Official Notice.*

The claim limitations discussed above with respect to the §101 rejection are also at issue in this rejection.

With regard to said limitations, the Examiner took Official Notice that “it is old and well known in the art that websites are resources and that traffic analysis of websites is old and well known in the art.” Final Act. 5.

However, said limitations go far beyond merely describing websites as resources and traffic analysis of websites. We agree with the Appellants when they argue:

The facts officially noticed do not include “determining virtual servers assigned to web sites associated with a web server hosting the web portal ... ; storing aliases representing assignments of the virtual servers to the web sites; differentiating the users accessing the web portal based on the web sites through which the users are accessing the web portal; and authenticating each of the users according to the authentication service corresponding to the web site and the virtual server by which the user is accessing the web portal” as recited in claim 1 and as is similarly recited in claim 17. The Examiner is not taking official notice to these claim features, and nor are these features capable of instant and unquestionable demonstration as being well known such that official notice can be taken of these features. See MPEP 2144.03. Merely because the Examiner is asserting traffic analysis is well known, it does not necessarily require that the above-recited claim features to be [sic] performed.

App. Br. 16–17.

We note that the Examiner cited US 6,341,310 B1 (Lesham, issued Jan. 22, 2002) as evidence that said limitations are in fact disclosed. Ans. 5. Notwithstanding that reliance on Lesham for more than simply describing websites as resources and traffic analysis of websites changes the complexion of the rejection, we agree with the Appellants that there is no disclosure in Lesham of “differentiating the users accessing the web portal

based on the web sites through which the users are accessing the web portal;  
and authenticating each of the users' as recited in claim 1 and similarly  
recited in claim 17" (Reply Br. 11.)

The rejection is not sustained.

#### CONCLUSIONS

The rejection of claims 1–20 under 35 U.S.C. §101 as judicially-  
excepted subject matter is reversed.

The rejection of claims 1–20 under 35 U.S.C. § 103(a) as being  
unpatentable over Schweitzer and Official Notice is reversed.

#### DECISION

The decision of the Examiner to reject claims 1–20 is reversed.

REVERSED