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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* YAKOV FAITELSON, OHAD KORKUS, and  
OPHIR KRETZER-KATZIR

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Appeal 2017-005670  
Application 13/378,115  
Technology Center 2400

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Before JEAN R. HOMERE, JEREMY J. CURCURI, and  
IRVIN E. BRANCH, *Administrative Patent Judges*.

CURCURI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–3, 6–10, 13–15, and 18–22, which constitute all of the claims pending in this appeal. Non-Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

Claims 1–3, 6, 8–10, 13–15, and 18–22 are rejected under 35 U.S.C. § 103(a) as obvious over Bianco (US 7,305,562 B1; Dec. 4, 2007), Faitelson (US 2009/0119298 A1; May 7, 2009), and Minato (US 2005/0007619 A1; Jan. 13, 2005). Non-Final Act. 3–16.

Claim 7 is rejected under 35 U.S.C. § 103(a) as obvious over Bianco and Faitelson. Non-Final Act. 17–19.

Claims 1–3, 6–10, 13–15, and 18–22 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Ans. 20.

We affirm.

#### STATEMENT OF THE CASE

Appellants’ invention relates to “providing bi-directional visualization of authority of users over SACs in an enterprise-wide network.” Abstract.

Claim 1 is illustrative and reproduced below:

1. A system comprising a non-transitory, tangible computer-readable medium in which computer program instructions are stored, which instructions, when read by a computer, cause the computer to automatically provide bi-directional visualization of authority of users over SACs in an enterprise-wide network, said SACs comprising containers, each of said containers comprising network objects, said authority of a user over a SAC comprising an ability of said user to modify properties of said network objects, said system comprising:

a user interface for displaying, in a single view, bi-directional visualization of authority of users over SACs in an enterprise-wide network, said users being users other than owners of said SACs, each of said network objects of each of said SACs comprising only at least one of at least one user and at least one user group, said bi-directional visualization in said single view comprising:

a first uni-directional visualization comprising, for a given user, user-wise visualization of the authority of said given user over at least one SAC in respect of which said given user has authority, said given user being a user other than an owner of said at least one SAC; and

a second uni-directional visualization comprising SAC-wise visualization for a given SAC of the authority of at

least one user over said given SAC, said at least one user being a user other than an owner of said given SAC; and  
a user interface for enabling said user to modify said properties of said network objects.

## PRINCIPLES OF LAW

We review the appealed rejections for error based upon the issues identified by Appellants, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential).

## ANALYSIS

### THE OBVIOUSNESS REJECTION OF CLAIMS 1–3, 6, 8–10, 13–15, AND 18–22 OVER BIANCO, FAITELSON, AND MINATO

The Examiner finds Bianco, Faitelson, and Minato teach all limitations of claim 1. Non-Final Act. 3–7. In particular, the Examiner finds Faitelson teaches (claim 1) “displaying, in a single view, bi-directional visualization of authority of users over SACs in an enterprise-wide network, said users being users other than owners of said SACs.” Non-Final Act. 5–6 (citing Faitelson ¶¶ 41, 88; Fig. 3); *see also* Ans. 21–22 (citing Faitelson ¶ 88; Figs. 3, 4) (“Fig. 3 and Fig. 4 are bi-direction visualization of privileges of sets of users with respect to sets of resources presented within the same integrated window view.”).

Appellants present the following principal argument:

Appellant submits that in paragraph [0088] and Fig. 3, Faitelson does not show or suggest a **bi-directional visualization** of authority of users over SACs. Rather, in Fig. 3, and in paragraph [0088], Faitelson shows a drill down screen which enables a user to see the users who have access

permissions for a specific resource or set of resources (i.e. within a SAC). However, Faitelson does not show or suggest that at the same time, the user can view all access permissions for a single user across all resources. Thus, Faitelson does not show or suggest a bi-directional visualization as recited in independent claim 1. Neither Blanco nor Minato show or suggest a bi-directional visualization as recited in independent claim 1.

App. Br. 9.

Fig. 3 of Faitelson shows a screen which enables a user to see which users have access permissions to a set of resources within a SAC. However, there is no suggestion that the visualization of Fig. 3 allows the user to simultaneously visualize all access permissions for a given user.

Fig. 4 of Faitelson shows a screen which enables a user to see resources which a specific user has access permissions to. However, there is no suggestion that the visualization of Fig. 4 allows the user to simultaneously visualize which other users have access permissions to those resources.

Reply Br. 3.

In light of Appellants' arguments, we find the Examiner erred in finding Faitelson teaches (claim 1 (emphasis added)) "displaying, *in a single view, bi-directional visualization* of authority of users over SACs in an enterprise-wide network, said users being users other than owners of said SACs."

Faitelson's Fig. 3 depicts directory 56 "test" as being selected, and pane 58 displays users and their access rights to directory 56 "test."

Faitelson's Fig. 4 depicts user 66 as being selected, and pane 70 displays directories to which user 66 has access rights.

Faitelson's Fig. 3 only depicts a one-directional visualization, and does not depict a bi-directional visualization. As well, Faitelson's Fig. 4 only

depicts a one-directional visualization, and does not depict a bi-directional visualization. Thus, Faitelson does not disclose displaying, in a single view, bi-directional visualization. At best, Faitelson uses two separate views (Figs. 3 and 4) to display bi-directional visualization. The Examiner does not provide a sufficient explanation as to how or why a skilled artisan would have combined the visualizations of Faitelson's Figs. 3 and 4 into a single view.

We, therefore, do not sustain the Examiner's obviousness rejection of claim 1, or of claims 2, 3, and 6, which depend from claim 1.

Claim 8 recites "displaying, in a single view, bi-directional visualization of authority of users over SACs in an enterprise-wide network." Because Faitelson does not disclose displaying, in a single view, bi-directional visualization, we do not sustain the Examiner's obviousness rejection of claim 8, or of claims 9 and 10, which depend from claim 8.

Claim 13 recites "displaying, in a single view, a first uni-directional visualization... and a second uni-directional visualization." Because Faitelson does not disclose displaying, in a single view, bi-directional visualization, we do not sustain the Examiner's obviousness rejection of claim 13, or of claims 14, 15, and 18, which depend from claim 13.

Claim 19 does not require bi-directional visualization *in a single view*. We, therefore, sustain the Examiner's obviousness rejection of claim 19.

Claim 20 recites "displaying, in a single view, for a given user, visualization of the authority of a given user... and SAC-wise visualization for a given SAC of the authority." Because Faitelson does not disclose displaying, in a single view, bi-directional visualization, we do not

sustain the Examiner’s obviousness rejection of claim 20, or of claims 21 and 22, which depend from claim 20.

THE OBVIOUSNESS REJECTION OF CLAIM 7 OVER BIANCO AND FAITELSON

The Examiner finds Bianco and Faitelson teach all limitations of claim 7. Non-Final Act. 17–19.

Appellants do not present additional arguments for claim 7. *See App. Br. 10.*

Claim 7 does not require bi-directional visualization *in a single view*. We, therefore, sustain the Examiner’s obviousness rejection of claim 7.

THE NON-STATUTORY SUBJECT MATTER REJECTION OF CLAIMS 1–3, 6–10,  
13–15, AND 18–22

Claims 1–3, 6–10, 13–15, and 18–22 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Ans. 20.

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. The Supreme Court, however, has long interpreted § 101 to include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *E.g., Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014).

In determining whether a claim falls within the excluded category of abstract ideas, we are guided in our analysis by the Supreme Court’s two-step framework, described in *Mayo and Alice*. *Id.* at 2355 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1296–97

(2012)). In accordance with that framework, we first determine whether the claim is “directed to” a patent-ineligible abstract idea. *See Alice*, 134 S. Ct. at 2356 (“On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981) (“Analyzing respondents’ claims according to the above statements from our cases, we think that a physical and chemical process for molding precision synthetic rubber products falls within the § 101 categories of possibly patentable subject matter.”); *Parker v. Flook*, 437 U.S. 584, 594–95 (1978) (“Respondent’s application simply provides a new and presumably better method for calculating alarm limit values.”); *Gottschalk v. Benson*, 409 U.S. 63, 64 (1972) (“They claimed a method for converting binary-coded decimal (BCD) numerals into pure binary numerals.”).

The patent-ineligible end of the spectrum includes fundamental economic practices, *Alice*, 134 S. Ct. at 2357; *Bilski*, 561 U.S. at 611; mathematical formulas, *Flook*, 437 U.S. at 594–95; and basic tools of scientific and technological work, *Gottschalk*, 409 U.S. at 67. On the patent-eligible side of the spectrum are physical and chemical processes, such as curing rubber, *Diamond*, 450 U.S. at 184 n.7, “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores,” and a process for manufacturing flour, *Gottschalk*, 409 U.S. at 69.

If the claim is “directed to” a patent-ineligible abstract idea, we then consider the elements of the claim—both individually and as an ordered combination—to assess whether the additional elements transform the nature



of the claim into a patent-eligible application of the abstract idea. *Alice*, 134 S. Ct. at 2355. This is a search for an “‘inventive concept’”—an element or combination of elements sufficient to ensure that the claim amounts to “‘significantly more’” than the abstract idea itself. *Id.*

Appellants present the following principal argument:

The claimed invention relates to a computer related problem of understanding and managing access controls to collections of network objects in an enterprise-wide network, which is not an abstract idea. Additionally, the claimed invention enables a user to easily visualize the potential impact of access control changes, which provides a technical solution to a technical problem of effectively managing the plethora of network accesses in an enterprise-wide network. Absent the ability to effectively visualize and manage network accesses, the ability of the enterprise to effectively share information with the appropriate users is greatly compromised. Thus, the claimed invention is not drawn to an abstract idea.

Reply Br. 2.

We hold that claim 1–3, 6–10, 13–15 and 18–22 are directed to an abstract idea, and adopt as our own the Examiner’s holding in the Examiner’s Answer:

Claims 1–3, 6–10, 13–15 and 18–22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claims 1–3, 6–10, 13–15 and 18–22 are directed to abstract idea of displaying, monitoring, reporting and modifying properties of user authority of users over user/user group. The claim recites organizing human activities (e.g., displaying, monitoring, reporting and modifying properties of user authority of users over user/user group), which the courts have considered to fall within the judicial exceptions, e.g., as abstract ideas (*Alice Corp. V. CLS Bank*). Because these human activities are recited in the claims, these claims are directed to a judicial exception.

The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the user interface as recited in claims 1–3 and 6–10 is a generic computer component that performs functions (i.e., displaying, monitoring, reporting and modifying properties). These are generic computer functions (i.e., display, modify properties) that are well-understood, routine, and conventional activities previously known to the industry. These claims do not amount to significantly more than the underlying abstract idea of displaying, monitoring, reporting and modifying properties of user authority of users over user/user group. Accordingly, [claims] 1–3, 6–10, 13–15 and 18–22 are ineligible.

Ans. 20.

Displaying, monitoring, reporting and modifying properties of user authority of users over user/user group had been done for years, and we agree with the Examiner that the claims relate to the basic concept of displaying, monitoring, reporting and modifying properties of user authority of users over user/user group.

Claim 1’s displaying and modifying properties can be done by human thought and a pen and paper.

The Federal Circuit has held that if a method can be performed by human thought alone, or by a human using pen and paper, it is merely an abstract idea and is not patent-eligible under § 101. *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1373 (Fed. Cir. 2011) (“[A] method that can be performed by human thought alone is merely an abstract idea and is not patent-eligible under § 101.”). Similarly, the Federal Circuit has found claims directed to “collecting information, analyzing it, and displaying certain results of the collection and analysis” as directed to a patent-ineligible abstract idea. *Electric Power Group, LLC, v. Alstom*, 830 F.3d

1350, 1353 (Fed. Cir. 2016). Accordingly, the mental processes recited in independent claim 1, *e.g.*, displaying and modifying properties of user authority of users over user/user group, all describe the abstract idea. The abstract idea, even when automated to reduce the burden on the user of what once could have been done with pen and paper, remains an abstract idea. *CyberSource*, 654 F.3d at 1375 (“That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in *Gottschalk v. Benson*.”).

We are not persuaded of error on the part of the Examiner by Appellants’ argument that the claims are not directed to an abstract idea because we have determined that the claims are directed to a process that can be performed in the human mind with perhaps the aid of pen and paper.

Turning to the second step of the *Alice* analysis, because we determine that independent claim 1 is directed to an abstract idea, the claim must include an “inventive concept” in order to be patent-eligible, *i.e.*, there must be an element or combination of elements that is sufficient to ensure that the claim in practice amounts to significantly more than the abstract idea itself.

The question is whether the implementation of the abstract idea involves more than the performance of well-understood, routine, and conventional activities previously known to the industry. Claim 1 recites generic computer functions (*i.e.*, display, modify properties) that are well-understood, routine, and conventional activities previously known to the industry. However, nothing in claim 1 purports to improve computer functioning or “effect an improvement in any other technology or technical field.” *Alice*, 134 S. Ct. at 2359.

Appellants' Specification at ¶ 41 specifically discloses: "The SPBDVAUS preferably resides on a server 104 which is preferably connected to network 100. Network 100 preferably also includes a plurality of disparate computers 106, servers 108 and storage devices 110." There is no indication that the computers used in the invention are anything other than general purpose computers.

The claims also are not adequately tied to "a particular machine or apparatus," especially because they are not tied to any machine or apparatus. *Bilski v. Kappos*, 561 U.S. at 602. As noted by the Examiner, independent claim 1 requires no more than a generic computer to perform generic computer functions that are well known. Ans. 20.

We, therefore, sustain the Examiner's non-statutory subject matter rejection of claim 1. We also sustain the Examiner's non-statutory subject matter rejections of claims 2, 3, 6–10, 13–15, and 18–22, which are not separately argued with particularity.

#### DECISION

We affirm the Examiner's prior art rejection of claims 7 and 19. However, we reverse the prior art rejection of claims 1–3, 6, 8–10, 13–15, 18, and 20–22. Further, we affirm the Examiner's rejection of claims 1–3, 6–10, 13–15, and 18–22 as directed to non-statutory subject matter. Because we have affirmed at least one ground of rejection with respect to each claim on appeal, the Examiner's decision is affirmed. *See* 37 C.F.R. § 41.50(a)(1).

Appeal 2017-005670  
Application 13/378,115

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).

AFFIRMED