



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.
14/053,603	10/15/2013	JOERG STEINMANN	120768US01	1365
62730	7590	02/28/2018	EXAMINER	
SAP SE 3410 HILLVIEW AVENUE PALO ALTO, CA 94304			EL-BKAILY, AHMAD M	
			ART UNIT	PAPER NUMBER
			2176	
			NOTIFICATION DATE	DELIVERY MODE
			02/28/2018	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):

APRIL.MENG@SAP.COM
GIPinhouse@sap.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOERG STEINMANN, DIRK WAGNER,
CHRISTOPH BIRKENHAUER, and MARTIN STEIERT

Appeal 2017-008542
Application 14/053,603
Technology Center 2100

Before ELENI MANTIS MERCADER, JOHN P. PINKERTON, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

PINKERTON, *Administrative Patent Judge*

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1–20, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify SAP SE as the real party in interest. Br. 3.

STATEMENT OF THE CASE

Introduction

Appellants generally describe the disclosed and claimed invention as follows:

Various embodiments of systems and methods for uploading email templates in campaign management are described herein. In an aspect, the method includes screening an email template prior to uploading the email template to a campaign management application. The criteria for screening includes, but is not limited to, scanning for malware, checking for conformance with code page, and checking for conformance of placeholders with pre-defined format or syntax. Upon detecting an error an error message is notified to a user otherwise the email template is uploaded to the campaign management application for executing an email campaign.

Abstract.²

Claim 1 is representative and reproduced below (with the disputed limitations *emphasized*):

1. An article of manufacture including a non-transitory computer readable storage medium to tangibly store instructions, which when executed cause a computer to:

receive a request to *upload an email template* from an external device to a campaign management application, wherein the email template is in a markup language having one or more tags;

prior to uploading, screen the email template for errors comprising:

² Our Decision refers to the Final Action mailed Mar. 24, 2016 (“Final Act.”); Appellants’ Appeal Brief filed Sept. 7, 2016 (“Br.”); the Examiner’s Answer mailed Dec. 1, 2016 (“Ans.”); and the original Specification filed Oct. 15, 2013 (“Spec.”).

determining whether a content of the email template is encoded according to a predefined code page;

upon determining that the content of the email template is not encoded according to the predefined code page, rendering a first error message;

upon determining that the content of the email template is encoded according to the predefined code page, determining whether the one or more tags are in accordance with the markup language syntax; and

upon determining that at least one of the one or more tags is not in accordance with the markup language syntax, rendering a second error message;

convert the email template from the markup language to an extensible markup language upon determining that each of the one or more tags are in accordance with the markup language syntax; and

upload the converted email template to the campaign management application.

Br. 13 (Claims App'x).

Rejections on Appeal

Claims 1, 2, 7–10, 13–15, and 18–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding (US 2015/0012351 A1; published Jan. 8, 2015) and Grouf et al. (US 2007/0156524 A1; published July 5, 2007) (“Grouf”).

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding, Grouf, and Behrens et al. (US 2007/0113171 A1; published May 17, 2017) (“Behrens”).

Claims 5, 11, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding, Grouf, Behrens, and Susi, III (US 2009/0125537 A1; published May 14, 2009) (“Susi”).

Claims 6, 12, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding, Grouf, and Bennett (US 2009/0282485 A1; published Nov. 12, 2009).

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments in the Appeal Brief and are not persuaded the Examiner erred. Unless otherwise noted, we adopt as our own the findings and reasons set forth by the Examiner in the Office Action from which this appeal is taken (Final Act. 2–12) and in the Examiner’s Answer (Ans. 2–6), and we concur with the conclusions reached by the Examiner. For emphasis, we consider and highlight specific arguments as presented in the Appeal Brief.

Rejection of Claims 1, 2, 7–10, 13–15, and 18–20³ under § 103(a)

In the Final Action, the Examiner finds Harding teaches or suggests the disputed limitations of claim 1. Final Act. 2–3 (citing Harding ¶¶ 11, 24, 29, 39). Appellants argue the Examiner erred for four reasons. First, Appellants argue Harding does not teach receiving a request to “**upload an email template**” because Harding’s disclosure concerns analyzing emails and states “**an email template is not the same as a received email**”

³ Appellants argue these claims as a group, focusing on independent claim 1. Br. 8–10. We consider claim 1 to be representative and, therefore, we decide the rejection of these claims on the basis of claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

message.” Br. 8 (citing Harding ¶¶ 1, 24). According to Appellants, “**receiving and storing email messages**’ cannot be equated to the claim limitation ‘*request to upload an email template*’ as recited in claim 1.” *Id.* at 8–9.

Second, Appellants also argue Harding fails to teach the “***email template***’ *is screened*, as recited in claim 1.” In that regard, “Appellants note that ***Harding teach[es] about parsing and analyzing (screen) email message, and it does not disclose ‘screen email template,’ as recited in Claim 1.***” *Id.* at 9 (citing Harding ¶¶ 29, 39). Third, Appellants argue Harding teaches away from the limitation “screen the email template” because Harding states “**it is more accurate to analyze an actual email rather than a template** for many reasons.” *Id.* (citing Harding ¶ 24). Fourth, Appellants argue Harding fails to teach or suggest “***prior to uploading, screen the email template***” because “*Harding discloses that once the email message is received and stored (uploaded), the message is parsed and then analysis (screening) is performed.*” *Id.* at 9–10.

We are not persuaded by Appellants’ arguments that the Examiner erred. Concerning Appellants’ first argument that Harding does not teach receiving a request to upload an “email template,” the Examiner finds, and we agree, based on the broadest reasonable interpretation of the term “email template,” “Harding’s email message clearly suggests the claimed email template.” Ans. 2 (citing *Merck & Co. v. Biocraft Laboratories, Inc.*, 874 F.2d 804, 807–08 (Fed. Cir. 1989) (“[T]he question under 35 [U.S.C.] § 103 is not merely what the references expressly teach but what they would have suggested to one of ordinary skill in the art at the time the invention was made”).

Regarding claim construction, we give the term “email template” the broadest reasonable interpretation that is “consistent with the specification.” *In re Smith Int’l, Inc.*, 871 F.3d 1375, 1382–83 (Fed. Cir. 2017) (quoting *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997)). Appellants’ Specification states that “[a]n ‘email template’ as used herein is a mail body which includes a predefined text [specific to the campaign] and one or more place holders [for receiving a variable or any attribute personal to the recipient].” Spec. ¶ 17. The Specification also states “[t]he email templates may be stored as files (e.g., text files) comprising HTML texts.” *Id.* ¶ 18. Consistent with these statements in the Specification, the Examiner notes that claim 1, as written, does “not preclude sending the template with additional data.” Ans. 2. The Examiner also finds Harding specifically teaches ““once an email template is sent, the email template becomes an actual email”” (citing Harding ¶ 42); in other words, the Examiner finds “the email message is a template plus additional data.” *Id.* at 2–3. The Examiner further finds Harding teaches a request to upload an email message. *Id.* at 3 (citing Harding ¶¶ 42, 43). Thus, considering the broadest reasonable interpretation of “email template” as a template that includes text or data, we agree with the Examiner that Harding’s teaching of a request to upload an email message, which includes a template and data, at least suggests “receive a request to upload an email template,” as recited in claim 1.

We are also not persuaded by Appellants’ second argument that Harding fails to teach the ““screen the email template”” limitation. Br. 9. Appellants acknowledge that Harding teaches parsing and analyzing, i.e., screening, an email message (citing Harding ¶¶ 29, 39), but argue Harding does not teach screening an “email template.” *Id.* Consistent with the

Appellants' acknowledgement, the Examiner finds, and we agree, Harding teaches performing an audit of the email. Ans. 3 (citing Harding ¶ 24). Thus, based on the broadest reasonable construction of the term "email template" as including a template and data, we also agree with the Examiner's finding that Harding's teaching of auditing or screening the email, which includes a template and data, teaches or suggests screening the "email template."

We also are not persuaded by Appellants' third argument that Harding teaches away from the limitation "screen the email template" because Harding states "**it is more accurate to analyze an actual email rather than a template for many reasons.**" Br. 9 (citing Harding ¶ 24). Instead, we agree with the Examiner that this statement does not teach away from the claim limitation because "[t]he statement of analyzing an email template with additional information being advantageous over analyzing the email template alone does not discourage the alternative of analyzing the email template alone." Ans. 4 (citing *In re Fulton*, 391 F.3d 1195, 1201 (Fed. Cir. 2004)).

Lastly, we are not persuaded by Appellants' fourth argument that Harding fails to teach or suggest "***prior to uploading, screen the email template.***" Br. 9–10. The Examiner finds "[t]he Harding reference teaches that after the step of auditing the email message (which is an email template plus additional data) and then uploading said email message (see Harding [42–43]), thus an analysis occurs and then the email is uploaded as recited in claim 1." Ans. 5. Appellants did not file a Reply Brief to address or rebut this finding. For the reasons stated by the Examiner, we agree with the

Examiner's finding that Harding teaches or suggests the limitation "prior to uploading, screen the email template."

Accordingly, we are not persuaded the Examiner erred in (1) finding Harding teaches or suggests the disputed limitations of claim 1 and (2) concluding that the combination of the teachings of Harding and Grouf renders the subject matter of claim 1 obvious under 35 U.S.C. § 103(a). Thus, we sustain the Examiner's rejection of claim 1, as well as independent claims 10 and 15, and dependent claims 2, 7-9, 13, 14, and 18-20, under § 103(a).

Rejection of Claims 3-6, 11, 12, 16, and 17 under § 103(a)

Appellants advance no separate, substantive arguments for claims 3-6, 11, 12, 16, and 17. Instead, Appellants argue these claims are patentable for the reasons discussed in relation to claims 1, 10, and 15, and the additional references, Behrens, Susi, and Bennett, do not cure the deficiencies of Harding and Grouf. Br. 10-11. These arguments are not persuasive because, for the reasons discussed above, there are no deficiencies of Harding and Grouf in regard to the disputed limitations of claim 1. Therefore, we sustain the rejection of dependent claims 3-6, 11, 12, 16, and 17 under § 103(a).

DECISION

We affirm the Examiner's rejections of claims 1-20 under 35 U.S.C. § 103(a).

Appeal 2017-008542
Application 14/053,603

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