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EXAMINER
LEE, SOOKIL J

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte ROBERT KEVIN HOUSTON

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Appeal 2017-009491
Application 13/491,080[1]
Technology Center 2100

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Before ERIC B. CHEN, MONICA S. ULLAGADDI, and SCOTT E. BAIN,
Administrative Patent Judges.

BAIN, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1–7 and 10–23, which constitute all claims
pending in the application. Claims 8 and 9 have been cancelled. We have
jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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[1] Appellant Robert Kevin Houston identifies himself as the real party in
interest. App. Br. 2.

STATEMENT OF THE CASE

Claimed Invention

Appellant's claimed invention relates to a method and system to generate process flow diagrams. Spec. ¶¶ 1–4. According to the Specification, a process flow diagram is a diagram for visualizing a series of activities, for example in a business transaction. *Id.* ¶ 1. The Specification describes that "properly developing process flow diagrams from textual descriptions and to identify problems within the process can be tedious and time consuming." *Id.* at ¶ 2. Appellant's invention is directed to an improvement upon prior methods and systems. *Id.* at ¶ 4.

Claim 1 is illustrative of the invention and the subject matter of the appeal, and reads as follows (with disputed limitation emphasized):

> 1.   A method to generate a process flow diagram, the method comprising:
>
> receiving a textual description of a process from an originating user at a remote terminal, wherein the textual description includes at least one actor and one or more activities;
>
> transmitting the textual description of the process to network servers using a network;
>
> analyzing the textual description at the network servers using an analysis module to detect whether there is an error in the textual description of the process;
>
> searching a database containing predefined rules to find syntactically similar sentences in the database used in the textual description of the process;

using a social graph to control access to the database, wherein the social graph determines the information of the database that is accessed;

creating a connection between the originating user and a selected process expert that the originating user prefers to create expert annotations;

creating links by the selected process expert to other process experts whose annotations the selected process expert approves in order to provide that the process flow description is processed using expert annotations created by the selected process expert and by the other process experts that the selected process expert created links to;

generating an annotated textual description according to a set of predefined rules and the expert annotations that corrects any errors that were detected in the textual description;

generating a process flow diagram from the annotated textual description using a graph generation module; and

transmitting the process flow diagram to the originating user using the network.

App. Br. 12–13 (Claims App.).

Rejections on Appeal

Claims 1–7 and 14–23 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Manson et al. (US 2007/0055491 A1; Mar. 8, 2007), Clavel (US 2009/0251488 A1; Oct. 8, 2009), Kabiljo et al. (US 8,452,851 B2; May 28, 2013), Bookman et al. (US 2008/0133591 A1; June 5, 2008), and Sridhar et al. (US 2010/0287163 A1; Nov. 11, 2010) ("Sridhar"). Final Act. 2–14 (May 5, 2016).

Claims 10–13 stand rejected under pre-AIA 35 U.S.C. § 103(a) as unpatentable over Manson et al., Clavel, Kabiljo et al., Bookman et al., Sridhar, and Kinsel et al. (US 2013/0204940 A1; Aug. 8, 2013). Final Act. 14–17.

ANALYSIS

We have reviewed the Examiner's rejections in light of the arguments raised in the Briefs. On the record before us, we cannot sustain the Examiner's rejections.

In the Final Action, the Examiner finds Sridhar's description of "selecting multiple editors" (Sridhar ¶ 22) teaches or suggests "creating links by the selected process expert to other process experts whose annotations the selected process expert approves . . . ," as recited in claim 1. Final Act. 8–9 (citing Sridhar Fig. 1, ¶¶ 22, 24, 25, 27). In the Answer, the Examiner elaborates, finding the disputed limitation in Sridhar's description of selecting editors *and special administrators*. Ans. 2 (citing Sridhar ¶¶ 24–25). Specifically, in the Answer, the Examiner finds one of ordinary skill would understand Sridhar's "editors" as teaching the recited "selected process expert" and Sridhar's administrators as teaching the recited "other process experts." *Id.*

Appellant argues that the Examiner has erred because neither the Final Action nor the Answer indicates how Sridhar teaches or suggests a selected process expert (whether considered to be Sridhar's editor(s) or special administrators) "creating links . . . *to other process experts* whose

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annotations the *selected process expert approves*." App. Br. 8 (emphasis added); Reply Br. 2–5. We are persuaded by Appellant's arguments.

As Appellant contends, Sridhar teaches or suggests "one flat level of Editors 370," none of whom create links for one another. App. Br. 9 (citing to Sridhar Fig. 3); *see also* App. Br. 7–9. Although Sridhar teaches or suggests "[edited] content is rerouted to specialist administrators for approval" (Sridhar ¶ 25), such rerouting prompts the *special administrator to approve* or reject the content that had been *edited by the editors*. The Examiner does not identify how Sridhar teaches or suggests the *same* "selected process expert" (whether understood as the editor or specialist administrator in Sridhar) both creating the link to other process experts and approving the annotations by the other process experts, as recited in claim 1. *See* Reply Br. 3. Further, Sridhar does not teach or suggest links created (such as by routing content) *by an editor* to other editors or administrators, but rather that content is routed automatically based on a "rating" system. *See* Sridhar ¶¶ 24–25.

Accordingly, we find the Examiner erred on the record before us. We, therefore, do not sustain the obviousness rejection of claim 1. We also do not sustain the obviousness rejections of dependent claims 2–7 and 10–13, which include the limitations of independent claim 1.

The Examiner rejects independent claims 14 and 23 "due to similar reasons as claim 1," and makes no further findings as to these claims. Final Act. 11, 14; Ans. 2–4. For the reasons discussed above, we find the Examiner erred on the record before us, and we do not sustain the obviousness rejection of claims 14 and 23. We also do not sustain the

obviousness rejection of claims 15–22, which depend from claim 14 and therefore include its limitations.[2]

DECISION

We reverse the Examiner's decision rejecting claims 1–7 and 10–23.

REVERSED

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[2] In the event of further prosecution, the Examiner and Appellant may wish to consider whether the claims constitute patent-eligible subject matter under *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S.Ct. 2347 (2014).