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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte OLAF SCHMIDT

Appeal 2018-003470¹
Application 13/543,254²
Technology Center 3600

Before MURRIEL E. CRAWFORD, MICHAEL C. ASTORINO, and
TARA L. HUTCHINGS, *Administrative Patent Judges*.

HUTCHINGS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner’s rejection of claims 1–14, 19, 21, 23, 25, and 26, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ Our decision references Appellant’s Appeal Brief (“App. Br.,” filed Aug. 28, 2017) and Reply Brief (“Reply Br.,” filed Feb. 15, 2018), and the Examiner’s Answer (“Ans.,” mailed Dec. 15, 2017) and Final Office Action (“Final Act.,” mailed Feb. 23, 2017).

² Appellant identifies SAP SE as the real party of interest. App. Br. 1.

CLAIMED INVENTION

Appellant's claimed invention relates to systems and techniques for supporting legal hold operations in a cloud environment. Spec. ¶ 16.

Claims 1, 8, and 25 are the independent claims on appeal. Claim 1 is representative of the claimed subject matter:

1. A computer-implemented method for managing a legal hold on cloud documents, the method comprising:
 - receiving, by one or more processors, legal-hold information in a legal-hold framework implemented on a cloud platform, the cloud platform configured to store documents and to perform services for multiple tenants, the legal-hold framework comprising a content management system and a plurality of services that include a legal-hold service, a first service, and a second service, wherein:
 - (i) the first and second services are configured to allow the multiple tenants on the cloud platform to remotely manage documents stored on the cloud platform,
 - (ii) the legal-hold service is configured to parse new documents that are uploaded to the cloud platform or that are created on the cloud platform in order to determine whether the new documents are covered by any legal hold that has been defined for a corresponding one of the multiple tenants on the cloud platform who created or uploaded the new document,
 - (iii) the content management system is configured to manage document storage and metadata information in respective repositories for the multiple tenants on the cloud platform, **the content management system arranged as a layer between the legal-hold service and the first service, but not as a layer between the legal-hold service and the second service,** and
 - (iv) the legal-hold information includes information that identifies at least:
 - (a) one or more first documents stored on the cloud platform that are to be covered by a first legal hold so as to block the one or more first

documents from being modified or deleted on the cloud platform while the one or more first documents are covered by the first legal hold,

(b) one or more second documents stored on a registered computing system outside of the cloud platform that are to be covered by the first legal hold so as to block the one or more second documents from being modified or deleted on the registered computing system while the one or more second documents are covered by the first legal hold, the registered computing system being operated separately and independently from the cloud platform, and

(c) a legal action associated with the first legal hold;

in response to receiving the legal-hold information:

(i) updating a legal-hold index stored on the cloud platform with respective identifiers for the one or more first documents and the one or more second documents to indicate that the one or more first documents and the one or more second documents are covered by the first legal hold,

(ii) updating the metadata information with the information that identifies the legal action associated with the first legal hold,

(iii) accessing registration information on the cloud platform for the registered computing system, and

(iv) using the registration information to provide an alert to the registered computing system that the one or more second documents stored on the registered computing system outside of the cloud platform are covered by the first legal hold; **receiving, by the legal-hold service and from the content management system, a call to perform a first legal-hold operation, wherein the content management system submits the call to perform the first legal-hold operation to the legal-hold service in response to a request that is to invoke the first legal-hold operation and that was submitted by the first service to the content**

management system, wherein the legal-hold service receives the call to perform the first legal hold operation from the content management system rather than from the first service as a result of the content management system being arranged as the layer between the legal-hold service and the first service; and receiving, by the legal-hold service and from the second service, **a call to perform a second legal-hold operation, wherein the call to perform the second legal-hold operation bypasses the content management system as a result of the content management system not being arranged as a layer between the legal-hold service and the second service.**

App. Br. 18–20 (Claims Appendix) (emphasis added).

REJECTIONS

Claims 1–14, 21, 23, 25, and 26 are rejected under 35 U.S.C. § 103(a) as unpatentable over Schmidt (US 2009/0150866 A1, pub. June 11, 2009) and Pogodin (US 2009/0164790 A1, pub. June 25, 2009).³

Claim 19 is rejected under 35 U.S.C. § 103(a) as unpatentable over Schmidt, Pogodin, and Manghani, Amit, *Key Characteristics of a PAAS Offering*, 2 CLOUDBOOK 5 (2011) (“Manghani”).

³ The Final Office Action rejects claim 23 twice: at item numbers 16 and 17, respectively. Final Act. 20. The rejection at item number 16 tracks the language of claim 23; whereas, the rejection at item number 17 tracks the language of claim 26. *See id.* Therefore, we treat the Examiner’s identification of claim 23, instead of claim 26, at paragraph 17, as a typographical error. We also treat the omission of claim 26 from the rejection heading at page 3 of the Final Office Action as an oversight.

ANALYSIS

Independent Claims 1, 8, and 25, and Dependent Claims 1–7, 9–14, 21, and 23

We are persuaded by Appellant’s argument that the Examiner erred in rejecting independent claims 1, 8, and 25 under 35 U.S.C. § 103(a) because Schmidt does not teach “the content management system arranged as a layer between the legal-hold service and the first service, but not as a layer between the legal-hold service and the second service,” and

receiving, by the legal-hold service and from the content management system, a call to perform a first legal-hold operation, wherein the content management system submits the call to perform the first legal-hold operation to the legal-hold service in response to a request that is to invoke the first legal-hold operation and that was submitted by the first service to the content management system, wherein the legal-hold service receives the call to perform the first legal hold operation from the content management system rather than from the first service as a result of the content management system being arranged as the layer between the legal-hold service and the first service,

as recited in claim 1, and similarly recited in independent claims 8 and 25.

See Reply Br. 1–3; see also App. Br. 15–16. The Examiner finds that Schmidt teaches the argued limitations. *See Final Act. 5–6* (citing Schmidt ¶¶76–78, Fig. 2), 9–10 (citing Schmidt ¶¶76–78, 90–101, 134 Fig. 2); *see also Ans. 5–7* (citing Schmidt ¶¶ 76–78).

Schmidt relates to creating, facilitating, managing, or otherwise enforcing legal holds for business objects, documents, and other transactional data. Schmidt ¶ 1. Schmidt describes that a server includes, in part, processor 125, business application 132, and case management

software 134. *Id.* ¶ 74. Case management software 134 offers an integrated central entry point for the legal discovery process, identifying relevant electronic documents in a distributed system landscape. *Id.* ¶ 22; *see also id.* ¶ 30 (case manager 134 supports a company-wide legal hold process). Case manager 134 is integrated with various application program interfaces (APIs) to other applications/services to determine whether the data object is subject to a legal hold. *Id.* ¶¶ 92, 101. Case manager 134 may receive a request from a module or user, including business application 132, for an objects hold status. *Id.* ¶ 134.

Business application 132 is any application or software that executes, changes, deletes, or manages business information. *Id.* ¶ 76. Business application 132 can be a composite application or an application built on other applications that includes an object access layer (OAL) and a service layer. *Id.* The OAL is operable to exchange data with a plurality of enterprise systems (e.g., customer relationship management (CRM) systems, human resources management (HRM) systems, project management (PM) systems, knowledge management (KM) systems). *Id.*

The Examiner finds that Schmidt’s business application 132 is the claimed “content management system,” and Schmidt’s case management system 134 is the claimed “legal hold service.” *See* Final Act. 5–6. In particular, the Examiner reasons that business application 132 is arranged between the case manager 134 and other enterprise services. *Id.* at 6 (citing Schmit, Fig. 2).

However, we find no indication in the cited portions of Schmidt teaching or suggesting that case manager 134 receives from business application 132 “a call to perform a first legal hold operation” and that

business application 132 “submits the call to perform the first legal-hold operation to [case manager 134] in response to a request that is to invoke the first legal-hold operation and that was submitted by [a] first service,” as required by claim 1, and similarly required by claims 8 and 25. At best, paragraph 134 of Schmidt describes determining whether an object is subject to a hold by business application 132 (or another suitable module, including the front end of case manager 134, information retention manager 136, and others) sending a request for an object’s hold status to case manager 134. But sending a request for a hold status is not a call to perform a legal-hold operation, much less a request to perform a legal-hold operation that was submitted by another service to business application 132.

In view of the foregoing, we do not sustain the Examiner’s rejection of independent claims 1, 8, and 25 and dependent claims 2–7, 9–14, 21, 23, and 26 under 35 U.S.C. § 103(a) as unpatentable over Schmidt and Pogodin.

Dependent Claim 19

The Examiner’s rejection of dependent claim 19 under 35 U.S.C. § 103(a) does not cure the deficiencies in the Examiner’s rejection of the independent claim 1. Therefore, we do not sustain the rejection of claim 19 under 35 U.S.C. § 103(a) for the same reasons set forth above with respect to independent claim 1.

DECISION

The Examiner’s rejections of claims 1–14, 19, 21, 23, 25, and 26 under 35 U.S.C. § 103(a) are reversed.

REVERSED