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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARTIN HOFFMANN, MARTIN ERDELMEIER and STEFAN LINKERSDOERFER

Appeal 2018−003862
Application 14/056,491
Technology Center 2100

Before CARL W. WHITEHEAD JR., NABEEL U. KHAN and SHARON FENICK, *Administrative Patent Judges*.

WHITEHEAD JR., *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants are appealing the final rejection of claims 1−20 under 35 U.S.C. § 134(a). Appeal Brief 7−12. We have jurisdiction under 35 U.S.C. § 6(b) (2012).

We reverse.

Introduction

> [W]hen a software vendor or developer creates a software system that may be of interest to many different types of clients, businesses, or industries, each different client or industry more than likely has data that are stored in different database structures and different data formats within those structures. The software vendor has to be aware of these differences among clients and industries, and has to account for these differences in some way. In an embodiment, one way of accounting for these differences

> among industries or clients is to develop a generic solution that can be used by all of the different clients and industries. The generic solution is then aware of, and accounts for, the different data structures and formats of the different clients and industries.

Specification, paragraph 13.

Illustrative Claim

1. A system comprising:
a computer processor operable to:
receive a plurality of database tables from a plurality of different, independent third–party clients in different industries, wherein each of the database tables comprises a database model;
store the database tables in a computer storage device of a software vendor who services the plurality of clients using the plurality of database tables and who maintains the database tables in the computer storage device for the plurality of clients, such that the database tables of the plurality of clients are replicated into the computer storage device of the software vendor;
create a plurality of views for the database tables, the plurality of views each comprising a plurality of fields;
associate the plurality of views with a generic application of the software vendor, wherein the generic application is used by the plurality of clients, and wherein each of the plurality of views serves as a connection between the generic application of the software vendor and a particular database model of a particular client;
present to a user one or more configuration options, the configuration options comprising the plurality of fields;
define a generic field role for one or more of the plurality of fields; and
execute the generic application using the configuration options selected by the user and the defined

> generic field roles to create a user interface for the particular client.

Rejections on Appeal

Claims 1–7 and 9–20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gardner (US Patent 6,058,391; issued May 2, 2000). Final Action 2–5.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gardner and O'Malley (US Patent Application Publication 2012/0296692 A1; published November 22, 2012). Final Action 5–6.

ANALYSIS

Rather than reiterate Appellants' arguments and the Examiner's findings, we refer to the Appeal Brief (filed June 19, 2017), the Reply Brief (filed February 27, 2018), the Answer (mailed January 3, 2018) and the Final Action (mailed February 9, 2017) for the respective details.

35 U.S.C. § 102 Rejection

The Examiner finds Gardner teaches:

> [Receiving] a plurality of database tables from a plurality of different, independent third party clients in different industries (Fig. 6B. wherein the different department corresponds to different industries. Gardner).

Final Action 2.

> [T]he method of creating different views viewed by different departments corresponds to different industries and wherein the

> administrator corresponds to the third party since the administrator is the creator and the viewer of all views and which is a customization of a software and the users such as department and/or employee are different users Col. 7, lines 4−15, Fig. 1, and Col. 7, lines 29−44.

Answer 4.

Appellants argue the Examiner's assertion that Gardner's disclosure of different departments corresponds to the different industries recited in claim 1 is not consistent with the plain and ordinary meaning of the terminology employed in claim 1. Appeal Brief 8 (*citing* Final Action 2). Appellants contend:

> Gardner makes it clear that the tables in FIGS. 6A and 6B come from the same company. Specifically, FIGS. 6A−6B "illustrate the Employee Salary View 602 and the Department/Budget View 604 as defined in the view database depicted in FIGS. 5A−5D." (Gardner, col. 11, ll. 10−12) The views in the series of FIG. 5A−5D are from a single company database (Gardner, col. 10, l. 7.).

Appeal Brief 9.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987). We find Appellants' arguments persuasive of Examiner error. Gardner does not teach receiving a plurality of databases tables from different third party clients from different industries as recited in independent claims 1, 9 and 16. Gardner teaches receiving a plurality of database tables from clients within the same company. Although the Examiner finds that the term industry *can* be used to refer to different

departments of a company, the Examiner does not find that this is true for the departments disclosed in Gardner. *See* Answer 3–4 (citing a dictionary definition to show that "industries *could be* departments or branches of a company"). We are constrained by the record and accordingly, we reverse the anticipation rejection of claims 1−7 and 9−20. Subsequently, we reverse the obviousness rejection of dependent claim 8 for the same reasons.

DECISION

The Examiner's 35 U.S.C. § 102 rejection of claims 1−7 and 9−20 is reversed.

The Examiner's 35 U.S.C. § 103 rejection of claim 8 is reversed.

REVERSED