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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SIMON COCKAYNE and RAGHUNATH DAITA

Appeal 2018-007078
Application 13/927,801
Technology Center 2100

Before DEBRA K. STEPHENS, MICHAEL J. STRAUSS, and
HUNG H. BUI, *Administrative Patent Judges*.

STRAUSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1, 3, 5, 6, 8–13, 15–21, and 24–26. Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

¹ We use the word “Appellant” to refer to “Applicant(s)” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as CA, Inc. Appeal Br. 1.

CLAIMED SUBJECT MATTER

The claims are directed to producing more meaningful web services descriptions via automated cross-reference of external information sources. Spec., Title. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for generating narrative interface descriptions, the method comprising:

 parsing, by a processor, a web service description file to identify an element therein based on a property of the element, wherein the web service description file is provided by a web service provider, wherein the web service description file comprises a machine-readable description of a computing interface, and wherein the machine-readable description comprises a plurality of elements including the element and a string of characters identifying the element that is meaningless in a human-readable format;

 retrieving, by the processor and from a data source, cross-reference data comprising human-readable narrative information corresponding to the element[] wherein the human-readable narrative information provides descriptive information about the element in the human-readable format;

 generating, by the processor, an embellished web service description file wherein the element is modified to include the cross-reference data, wherein the generating the embellished web service description file comprises modifying content of the element to include the human-readable narrative information while retaining a structure of the machine-readable description;

 identifying, by the processor, a change to the data source wherein the human-readable narrative information is updated, resulting in updated human-readable narrative information;

 retrieving, by the processor, the updated cross-reference data [sic., human-readable narrative information²]; and

² For purposes of understanding the intended scope of claim 1, we include Appellant's proposed amendment filed March 2, 2017. The Amendment, filed after issuance of the Final Action mailed January 4, 2017, was refused

re-generating, by the processor, the embellished web service description file wherein the element is modified to include the updated human-readable narrative information.

REFERENCES

The prior art relied upon by the Examiner is:

LeBlanc	US 6,304,877 B1	Oct. 16, 2001
Rafnsson	US 2008/0271047 A1	Oct. 30, 2008

REJECTIONS

Claims 1, 5, 6, and 15³ stand rejected under 35 U.S.C. § 112(b) as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the inventor or a joint inventor regards as the invention. Final Act. 2–3.

Claims 1, 3, 5, 6, 8–13, 15–21, and 24–26 stands rejected under 35 U.S.C. § 103 as being unpatentable over Rafnsson and LeBlanc. Final Act. 3–23.

ANALYSIS

35 U.S.C. § 112

The Examiner rejects claims 1, 5, 6, and 15 under 35 U.S.C. § 112(b) as indefinite for the reasons set forth in the Action. Final Act. 2–3.

entry by the Examiner on the basis it would raise new issues requiring further consideration or search. *See* Advisory Action mailed May 4, 2017 p. 1.

³ Although not included among the claims listed as rejected, dependent claims 3 and 16 also suffer by inheritance from the alleged deficiencies of base independent claim 1 from which they depend. We leave to the Examiner any corrective action.

Appellant filed an Amendment after final action on March 2, 2017 amending the rejected claims in an attempt to address the rejection. However, the Amendment was refused entry by the Examiner. Advisory Action mailed May 4, 2017 p. 1. Rather than providing argument that the rejection are improper, Appellant requests the rejection be “held in abeyance pending outcome of this Appeal.” App. Br. 11. In the absence of substantive argument, we summarily sustain the § 112(b) rejection. *See* Manual of Patent Examining Procedure (MPEP) § 1205.02 (“If a ground of rejection stated by the examiner is not addressed in the appellant's brief, that ground of rejection will be summarily sustained by the Board.”); *see also In re Berger*, 279 F.3d 975, 984 (Fed. Cir. 2002) (affirming the Board’s decision to sustain an uncontested rejection of claims under 35 U.S.C. § 112, second paragraph and finding the appellant had waived his right to contest the indefiniteness rejection by not presenting arguments as to error in the rejection on appeal to the Board).

35 U.S.C. § 103

We have reviewed the Examiner’s rejection under 35 U.S.C. § 103 in light of Appellant’s arguments the Examiner has erred. We agree with Appellant’s conclusions as to this rejection of the claims.

The Examiner finds Rafnsson’s discover services request for metadata (i.e., a metadata “type” of discover services request) teaches Appellants’ web service description file. Final Act. 4; Advisory 2. According to the Examiner, Rafnsson’s discover services request is in a format including a

DISCO⁴ format of a discovery system interrogation algorithm that identifies a discover web server teaches the disputed limitation of an element having a string of characters that is meaningless in a human-readable format. *Id.*

Appellant contends:

1. Rafnsson's request for metadata results in metadata descriptions that are not part of a web service description file. App. Br. 13. Instead, "Rafnsson disclose[s] the Web Service Description Language (WSDL) and DISCO response used in response to the metadata requests are XML documents, which are in human-readable format." *Id.* "The metadata descriptions are not an element within a web service description file." *Id.*
2. "[T]he 'DISCO format' cannot be a web services description file as alleged in the Office Action as it just contains links." *Id.* at 14.

DISCO is an interrogation algorithm used to discover web services and cannot be reasonably construed as a web service description file. *Id.* at 15.

In response, the Examiner determines the claimed element of the web services description file can be broadly interpreted to encompass any data returned disagreeing that "the metadata descriptions are not an element within a web service description file . . . because the metadata descriptions are derived from the service." *Id.* Addressing the DISCO format, the Examiner explains "the claim indicates that the web service description file comprises a machine readable description, and this is provided by Disco. Rafnsson discloses 'wherein the web service description file' (figure 3, 310,

⁴ DISCO is a Microsoft[®] technology for publishing and discovering Web Services (Rafnsson ¶ 30).

325, 330; 0026-0029; service at the application) ‘comprises a machine-readable description’ (0030, disco).” *Id.*

In reply, Appellant argues “[a] discovery request for services, a request for metadata descriptions, and a service request are not synonymous with a web service description file [as claimed].” Reply Br. 3. Furthermore, according to Appellant, “[t]he LeBlanc DDL file is a human readable text file . . . [not] a string of characters identifying the element that is meaningless in a human-readable format as recited in the independent claims.” *Id.* Appellant further argues the rejection is improper because, if the disputed element of the web services description file is broadly interpreted as any data returned, then there is a failure to show that “the recitation of parsing, by a processor, a web service description file is met.” *Id.* at 3–4.

Because we are unable to ascertain the Examiner’s basis for broadly interpreting any returned data as the claimed “element” of the web service description file, we do not sustain the rejection. Furthermore, the Examiner’s reasoning for finding that Rafnsson’s discover services and metadata are components of the claimed web service description file is also inadequate to sustain the rejection. For example, it is not apparent why, as alleged by the Examiner, it is sufficient that the metadata description be derived from the service request. *See* Ans. 6. The Examiner’s reasoning in finding that determining a type of request constitutes parsing is also inadequately explained. *See* Final Act. 4, 6 (“Rafnsson discloses that metadata is parsed since it is returned from the service on the app server.”). Still further, we are unable to ascertain the Examiner’s reasoning for finding that the discover web service (the “element”) is meaningless in a human-

readable format. Accordingly, we determine the Examiner has not set forth with specificity the reasoning.

Because at least one of the arguments advanced by Appellants is persuasive of there being inadequate reasoning or explanation by the Examiner to support the rejection, we need not reach the merits of Appellants' other arguments. Therefore, based on a preponderance of the evidence, we do not sustain the rejection of independent claims 1, 11, and 20 or that of dependent claims 3, 5, 6, 8–10, 12, 13, 15–19, 21, or 24–26.

DECISION

We affirm the Examiner's decision to reject claims 1, 5, 6, and 15 under 35 U.S.C. § 112(b).

We reverse the Examiner's decision to reject claims 1, 3, 5, 6, 8–13, 15–21, and 24–26 under 35 U.S.C. § 103.

DECISION SUMMARY

Claims Rejected	Basis	Affirmed	Reversed
1, 5, 6, and 15	35 U.S.C. § 112(b)	1, 5, 6, and 15	
1, 3, 5, 6, 8–13, 15–21, and 24–26	35 U.S.C. § 103		1, 3, 5, 6, 8–13, 15–21, and 24–26
Overall Outcome		1, 5, 6, and 15	3, 8–13, 16–21, and 24–26

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FINALITY AND RESPONSE

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART