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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/642,898	03/10/2015	Ryan J. Thompson	KORD001	6884
124782	7590	09/27/2019	EXAMINER	
Philip McKay Hawley Troxell P.O. Box 1617 Boise, ID 83701-1617			CHEN, ZHAN	
			ART UNIT	PAPER NUMBER
			2194	
			NOTIFICATION DATE	DELIVERY MODE
			09/27/2019	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* RYAN J. THOMPSON and JUSTIN GRANT

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Appeal 2018-008348  
Application 14/642,898  
Technology Center 2100

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Before ERIC B. CHEN, JUSTIN BUSCH, and JENNIFER L. McKEOWN,,  
*Administrative Patent Judges.*

McKEOWN, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant<sup>1</sup> appeals under 35 U.S.C. § 134(a) from the Examiner's decision to reject claims 1–33, which constitutes all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> According to Appellant, the real party in interest is Kordata, Inc. App. Br. 2.

## STATEMENT OF THE CASE

### Appellant's disclosed and claimed invention

A computing system environment executes platform-independent instructions to combine object data of a plurality of objects into a platform-independent object. Such objects of the plurality of objects may, for example, include form, entity and schema objects. Platform-dependent instructions comprising a set of one or more platform-specific instructions to display and operate on the platform-independent object are executed on a specific platform type associated with the platform-dependent instructions. By decoupling the hardcoded functionality from easily created and edited object portions of the application design, rapid deployment and execution of customized functionality across multiple distinct platforms is thereby enabled.

### Abstract.

Claim 1 is illustrative of the claimed invention and reads as follows:

1. A system for rapid deployment and execution of customized functionality across multiple distinct platforms comprising:

a database coupled to a network, the database having stored therein object data of a plurality of objects;

a set of platform-independent instructions comprising instructions to combine at least a portion of the object data of the plurality of objects into a platform independent object;

a set of platform-dependent instructions comprising a set of one or more platform-specific instructions to convert and otherwise perform operations on the platform-independent object using a specific platform type associated with the platform-dependent instructions;

at least one computing processor, the computing processor configured to communicate with the database over the network;  
and

at least one memory coupled to the at least one computing processor, the at least one memory having stored therein

instructions which when executed by the at least one computing processor perform a process for rapid deployment and execution of customized functionality across multiple distinct platforms including:

combining, using at least a portion of the set of platform-independent instructions, the object data of the plurality of objects into a platform-independent object;

deploying the platform-specific set of instructions to a first platform of the specific platform type of the set of platform-specific instructions;

converting, by performing at least a portion of the set of platform-dependent instructions on the platform-independent object by the first platform, at least a portion of the platform-independent object into a platform-dependent object: and

displaying at least a portion of the platform-dependent object by the first platform.

#### THE REJECTIONS

The Examiner rejected claims 1, 8, 10–12, 19, 21–23, 30, 32, and 33 under 35 U.S.C. § 103 as unpatentable over Ahmed (US 2012/0047425 A1; Feb. 23, 2012) and Tseitlin (US 2007/0250828 A1; Oct. 25, 2007). Final Act. 3–11.

The Examiner rejected claims 2, 13, and 24 under 35 U.S.C. § 103 as unpatentable over Ahmed, Tseitlin, and Akkiraju (US 2010/0077386 A1; Mar. 25, 2010). Final Act. 12–14.

The Examiner rejected claims 3, 14, and 25 under 35 U.S.C. § 103 as unpatentable over Ahmed, Tseitlin, and Akkiraju, and Nori (US 2006/0195460 A1; Aug. 31, 2006). Final Act. 14–16.

The Examiner rejected claims 4–6, 15–17, and 26–28 under 35 U.S.C. § 103 as unpatentable over Ahmed, Tseitlin, and Nori. Final Act. 16–21.

The Examiner rejected claims 7, 18, and 29 under 35 U.S.C. § 103 as unpatentable over Ahmed, Tseitlin, Nori, and Dengler (US 2007/0130205 A1; June 7, 2007). Final Act. 21–24.

The Examiner rejected claims 9, 20, and 31 under 35 U.S.C. § 103 as unpatentable over Ahmed, Tseitlin, and Doganata (US 2007/0209034 A1; Sept. 6, 2007). Final Act. 24–25.

## ANALYSIS

### THE § 103 REJECTION BASED ON AHMED AND TSEITLIN

#### *Claims 1, 8, 10–12, 19, 21–23, 30, 32, and 33*

Based on the record before us, we are persuaded that the Examiner erred in finding that claims 1, 8, 10–12, 19, 21–23, 30, 32, and 33 are unpatentable over Ahmed and Tseitlin.

Appellant contends that the cited combination fails to teach or suggest “combining, using at least a portion of the set of platform-independent instructions, the object data of the plurality of objects into a platform-independent object,” as required by claim 1. App. Br. 11–12; *see also* claims 12 and 23 (reciting similar limitations). Specifically, Appellant identifies that the Examiner relies on Ahmed’s web content file as the recited platform-independent object and the corresponding reference to the location of the data, or universal resource locator (URL), as the platform-independent instructions. App. Br. 12. As such, Appellant maintains that, under the Examiner’s reading, Ahmed must teach using the URL, i.e. platform-independent instructions, to combine object data of the plurality of objects into a web content file, i.e. platform-independent object. App. Br. 12. According to Appellant, Ahmed’s URL does not combine the object

data and “fails to operate on objects at all.” Further, Appellant argues that “[a] URL, in common parlance, is not comprised of, nor does it include any instructions which can operate on objects at all.” App. Br. 12.

On the other hand, the Examiner determines that

Ahmed figure 4 is an example of a web content file. A web content file is a platform independent object (Ahmed [0071]) that is used to generate a web page (Ahmed [0069]), which may include instructions to combine external data within the web page. In Ahmed figure 4, the URL to the PHP script Data.php combines a Data form within a generated web page.

Ans. 26. The Examiner further explains that “an example of a URL can be .php [such as the php in Fig. 4 of Ahmed]. PHP is a scripting language used to combine any type of data with a generated web page.” *Id.* According to the Examiner, “[t]he claim does not clearly define the combining operation, and therefore, does not explicitly exclude combining by reference” and “Ahmed figure 4 shows how a URL is used to combine external data into a web content file.” *Id.*

We agree with the Examiner that a .php script is known in the art to combine data with a generated web page and, thus, could satisfy the recited combining. The issue before us, then, is whether Ahmed’s Data.php script in Figure 4 teaches or suggests combining object data into a platform-independent object, such as the web content file or the virtualization layer (VL), which is converted to the platform-dependent object that is displayed, as required by the claimed invention. Ahmed’s Figure 4 is reproduced below including the Examiner’s identified Data.php script, as highlighted.

```
<div id="content">
  <h3>Please enter contact info.</h3>
  <form name="Contacts"
    data-bitzer-title="Contact"
    data-bitzer-desc="Contacts List"
    data-bitzer-type="COMPONENT"
    data-bitzer-data-url="/mysugarm/Contacts/Data.php"
    data-bitzer-sync-scheme="WEBAPP_SOFT"
    data-bitzer-pagination="true"
    action="Save.php" method="POST"
    enctype="multipart/form-data">
    <input type="hidden" name="id" value=""
      data-bitzer-primary-key="true"
      data-bitzer-type="Integer">
      <table class="form" width="100%">
        <tr>
          <th width="27%">
            <div align="left">
              Photo
            </div>
          </th>
          <td>
            <input data-bitzer-label="Photo"
              data-bitzer-short-label="Pic"
              data-bitzer-type="image"
              data-bitzer-help-text="Photo of contact"
              type="file" name="photo_c"
              size="50"
              data-bitzer-display-group-name="Personal"
            >
          </td>
        </tr>
      </table>
    </form>
  </div>
```

**FIG. 4**

Ahmed describes “FIG. 4 illustrates one example of a web content file 30 including a VL that uses tags.” Ahmed ¶ 87. We note that Ahmed generally appears to function in a similar manner to the disclosed invention. For example, tags are used to create the VL in Ahmed and similar tags are used to create the platform-independent object of the disclosed invention. Compare Ahmed ¶ 87–89 with Spec. ¶ 97. Ahmed, however, provides no further discussion or disclosure with respect to the depicted Data.php script. As such, based on the record before us, it is unclear whether Ahmed’s

Data.php script combines the object data into the recited platform-independent object, which is converted to the platform-dependent object that is displayed, as required by the claimed invention. In order for us to sustain the Examiner's rejection, we would need to resort to impermissible speculation or unfounded assumptions or rationales to supply deficiencies in the factual bases of the rejection before us. *In re Warner*, 379 F.2d 1011, 1017 (CCPA 1967). As such, based on the record before us, we are persuaded that the Examiner has not sufficiently shown that that Ahmed and Tseitlin combined teach or suggest the limitations of independent claims 1, 12, and 23.

Accordingly, we reverse the Examiner's rejection of claims independent claims 1, 12, and 23, as well dependent claims 8, 10, 11, 19, 21, 22, 30, 32, and 33, as unpatentable over Ahmed and Tseitlin.

#### THE REMAINING § 103 REJECTIONS

##### *Claims 2–7, 9, 13–18, 20, 24–29, and 31*

As discussed above, based on the record before us, the Examiner has not sufficiently shown that the combination of Ahmed and Tseitlin teaches or suggests the limitations of independent claims 1, 12, and 23. The Examiner does not find the additionally cited prior art cures the deficiencies of Ahmed and Tseitlin. Accordingly, we similarly reverse the rejection of claims 2–7, 9, 13–18, 20, 24–29, and 31, which depend directly or indirectly from one of claims 1, 12, and 23.

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DECISION

We reverse the Examiner's decision to reject claims 1–33.

REVERSED