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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JU WU and QIAN WU

Appeal 2010-001624
Application 11/137,710
Technology Center 2100

Before JOHN A. JEFFERY, BRADLEY W. BAUMEISTER, and
JENNIFER S. BISK, *Administrative Patent Judges*.

JEFFERY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-4 and 6-18. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

STATEMENT OF THE CASE

Appellants' invention delivers specific parts of electronic reports by (1) augmenting a selected report part with metadata, and (2) inserting the report part within an electronic document. *See generally* Abstract; Spec. ¶¶ 0002, 0008-10. Claim 1 is illustrative:

1. A computer readable storage medium comprising executable instructions to:

specify a selected report including information automatically retrieved from a data source, where the information is structured in accordance with a report schema specifying the form in which the information is presented;

choose a report part from said selected report;

augment said report part with metadata characterizing said report part;
and

insert said report part within an electronic document.

RELATED APPEALS

This appeal is said to be related to three appeals in connection with the following applications: (1) 11/166,039; (2) 11/318,074 (Appeal No. 2010-002378); and (3) 11/137,684 (Appeal No. 2010-006221). Br. 1; Ans. 2. The '039 application, however, was allowed and issued as U.S. Patent 7,580,928.

THE REJECTIONS¹

1. The Examiner provisionally rejected claim 1 on the ground of obviousness-type double patenting over claim 1 of Application No. 11/318,074² and Shaughnessy (US 7,015,911 B2; Mar. 21, 2006 (prov. appl'n filed Mar. 29, 2002)). Ans. 5-6.

¹ The Examiner's entry of amendments filed after final rejection overcame rejections under §§ 101 and 112. *See* Br. 1-2; Ans. 2. Accordingly, those rejections are not before us.

² Although the Examiner's statement of the rejection identifies claim 1 of Application 11/137,710 (Ans. 5), that application is the serial number of the

2. The Examiner provisionally rejected claim 1 on the ground of obviousness-type double patenting over claim 1 of Application No. 11/137,684 and Shaughnessy. Ans. 7-9.³

3. The Examiner rejected claims 1-3, 8, and 14 under 35 U.S.C. § 103(a) as unpatentable over Tracy (US 2002/0042687 A1; Apr. 11, 2002) and Shaughnessy. Ans. 9-15, 28-32.⁴

4. The Examiner rejected claims 4 and 6 under 35 U.S.C. § 103(a) as unpatentable over Tracy, Shaughnessy, and Power (US 2003/0004272 A1; Jan. 2, 2003 (filed Feb. 16, 2001)). Ans. 15-17.

5. The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as unpatentable over Tracy, Shaughnessy, and Houser (US 5,606,609; Feb. 25, 1997). Ans. 18-19.

6. The Examiner rejected claims 9 and 10 under 35 U.S.C. § 103(a) as unpatentable over Tracy, Shaughnessy, and Nwabueze (US 6,775,675 B1; Aug. 10, 2004 (filed Apr. 4, 2001)). Ans. 19-24.

7. The Examiner rejected claims 11 and 12 under 35 U.S.C. § 103(a) as unpatentable over Tracy, Shaughnessy, Nwabueze, and Power. Ans. 24-27.

present application and differs from the serial number identified in the body of the rejection (11/138,074). *See* Ans. 5. Since the latter serial number contains an apparent typographical error (i.e., the serial number should be 11/318,074), we presume the Examiner's rejection is based on the '074 application. *Accord* Fin. Rej. 5.

³ Throughout this opinion, we refer to the Appeal Brief filed May 29, 2009, and the Examiner's Answer mailed September 16, 2009 (supplemented October 2, 2009 and December 1, 2009).

⁴ The Examiner initially rejects only claims 1-3 and 8 over Tracy and Shaughnessy (Ans. 9) and then separately rejects claim 14 over the same grounds (Ans. 28). We consolidate those rejections for clarity and brevity.

8. The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as unpatentable over Tracy, Shaughnessy, Nwabueze, and Houser. Ans. 27-28.

9. The Examiner rejected claims 15-18 under 35 U.S.C. § 103(a) as unpatentable over Tracy, Shaughnessy, and Brown (US 2003/0050919 A1; Mar. 13, 2003 (filed Sep. 5, 2001)). Ans. 32-36.

THE DOUBLE PATENTING REJECTIONS

Since Appellants present no arguments pertaining to the Examiner's provisional double patenting rejections (Ans. 5-9), we summarily sustain those rejections. *See* MPEP § 1205.02, 8th ed., Rev. 8, July 2010 (“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.”).

THE OBVIOUSNESS REJECTION OVER TRACY AND SHAUGHNESSY

The Examiner finds that Tracy discloses every recited feature of representative claim 1 including:

(1) specifying a selected “report” (network scan file 708 or host profile file 710) including automatically retrieved information structured according to a report schema;

(2) augmenting a chosen “report part” (the network scan file's “Host” section) with IP address metadata via profile integrator 706; and

(3) inserting the report part within an electronic Certification and Accreditation (C&A) document. Ans. 9-12, 39-42.

Although the Examiner acknowledges that Tracy does not explicitly illustrate a finished C&A document containing a “Host” part of the network scan “report,” the Examiner nonetheless concludes that inserting this “report

part” in an electronic document would have been obvious in view of Tracy’s “highly customizable” publishing process, or, alternatively, Shaughnessy.

Ans. 12-13.

Appellants argue that Tracy’s relied-upon document is not a “report” as claimed and defined in the Specification, namely information that is (1) automatically retrieved from a data source, and (2) structured according to a report schema specifying the form in which the information is presented. Br. 4-7. Appellants add that Tracy does not augment a chosen “report part” with metadata as claimed, let alone provide information facilitating a link to the selected report as recited in claim 2. Br. 8-12. The issues before us, then, are as follows:

ISSUES

Under § 103, has the Examiner erred by finding that Tracy and Shaughnessy collectively would have taught or suggested:

(1)(a) specifying a selected report including automatically retrieved information structured according to a report schema specifying the form in which the information is presented; (b) augmenting a chosen report part with metadata characterizing the report part; and (c) inserting the report part within an electronic document as recited in claim 1?

(2) the metadata providing information facilitating a link to the selected report as recited in claim 2?

ANALYSIS

Claims 1 and 3

We begin by construing the key disputed limitation of representative claim 1 which recites, in pertinent part, a “report.” As Appellants indicate (Br. 5), the term is expressly defined in the Specification, and refers to information that is (1) *automatically* retrieved from a data source (e.g., a database, data warehouse, and the like), and (2) structured according to a report schema specifying the form in which the information is presented. Spec. ¶ 0003. Automatically-retrieved information is a key aspect of a “report” in Appellants’ parlance that distinguishes it from “non-report” electronic documents which require at least some manual intervention to establish content and formatting. *Compare* Spec. ¶ 0003 *with* ¶ 0006.

Despite the Examiner’s assertion to the contrary (Ans. 37-38), we find Appellants clearly and unambiguously define the term “report” as noted above, notwithstanding using open-ended and exemplary terms in connection with the associated data source. Although broad, this definition hardly lacks “clarity, deliberateness, and precision” as the Examiner alleges (Ans. 38). The Examiner’s assertion in this regard is therefore unavailing.

That said, however, we find no error in the Examiner’s alternative position that interprets the recited “report” in light of this definition. Ans. 39-42. First, even assuming, without deciding, that the recited “electronic document” is a *non-report* electronic document notwithstanding the lack of the term “non-report” in the claim,⁵ the distinction between a “report” and a “non-report” is without a structural or functional difference here, for it

⁵ *But see* claim 1 of related application 11/318,074 (Appeal No. 2010-002378) (reciting a “*non-report* electronic document”) (emphasis added).

merely pertains to *how the data was previously acquired*—not to the data itself. That is, the functions recited in claim 1 pertain to the *data itself* in terms of its selection, augmentation, and insertion, but are not germane to the data’s previous acquisition (i.e., either manually or automatically) which characterizes the data as a “report” or otherwise.

In any event, we see no reason why Tracy’s network scan file 708 cannot constitute a selected “report” as claimed, for it includes automatically-retrieved information structured according to a “report schema,” namely the Microsoft “.INI” file format as the Examiner indicates. *See* Ans. 39 (citing Tracy, ¶¶ 0056-58, 0063-64); *see also id.*, ¶ 0059 (listing information written to a network scan file); Fig. 8 (illustrating this file). Appellants’ contention that the published document in Tracy’s Paragraph 0143 is not a “report” (Br. 6-7) is unavailing, for this argument does not squarely address—let alone show error in—the Examiner’s mapping Tracy’s network scan file to the recited “report” noted above. Rather, the Examiner maps the published document in Tracy’s Paragraph 0143 to the recited “electronic document” as noted above. Ans. 12.

Nor do we find error in the Examiner’s position that Tracy’s profile integrator 706 augments a chosen “report part” (the network scan file’s “Host” section) with IP address metadata. Ans. 11, 41-42. As shown in Tracy’s Figure 8, the network scan file’s “Host” section 808 is a subset of the information retrieved from the associated data source, and therefore fully meets a “portion of a report” defined in Paragraph 0003 of the Specification. And this “report part” is augmented with at least information from host profile file 710 by the profile integrator as the Examiner indicates. Ans. 41-42; *see also* Tracy, ¶ 0065; Fig. 8 (“Host” section 810). Appellants’

arguments regarding Shaughnessy not augmenting a report part with metadata (Br. 10-11) are inapposite to the Examiner's position based on Tracy's augmenting the network scan file's "Host" section noted above.

Lastly, we see no error in the Examiner's position that it would have been obvious to insert the chosen report part within an electronic document in view of Tracy's "highly customizable" publishing process, or, alternatively, Shaughnessy. Ans. 12-13. Leaving aside the fact that claim 1 does not require inserting an *augmented* report part, but rather a *chosen* report part, we nonetheless find no error in either of the Examiner's alternative positions for the reasons indicated by the Examiner. *See id.*

We are therefore not persuaded that the Examiner erred in rejecting representative claim 1, and claim 3 not separately argued with particularity.

Claims 2 and 8

We likewise sustain the Examiner's rejection of representative claim 2 reciting that the metadata provides information facilitating a link to the selected report. Even assuming, without deciding, that Shaughnessy's functionality in Figure 5B links to data sources and not to a selected report as Appellants contend (Br. 11-12), Appellants nonetheless do not squarely address—let alone persuasively rebut—the Examiner's alternative position based on Tracy's database table links which are said to provide dynamic data facilitating a link to the selected report as claimed. Ans. 13, 43. In any event, we find no error in the Examiner's position (Ans. 13-14, 43-44) that Shaughnessy's path attribute provides information facilitating a link to a report as claimed.

We are therefore not persuaded that the Examiner erred in rejecting representative claim 2, and claim 8 not separately argued with particularity.

THE OBVIOUSNESS REJECTIONS OF CLAIMS 4, 6, AND 7

Since Appellants present no arguments pertaining to the Examiner's obviousness rejections of claims 4, 6, and 7 (Ans. 15-19), we summarily sustain those rejections. *See* MPEP § 1205.02.

THE OBVIOUSNESS REJECTIONS OF CLAIMS 9-12

We also sustain the Examiner's obviousness rejections of claims 9-12. Ans. 19-27. Appellants reiterate similar arguments made in connection with claim 1. Br. 8-11. Appellants also allege that Nwabueze does not teach or suggest augmenting the report with metadata including a *report identifier*. Br. 11 (emphasis added). First, this argument is not commensurate with the language of claim 9 which recites no such identifier, but rather recites that the metadata characterizes (1) a report part source report, and (2) data context. In any event, to the extent that Appellants' argument pertains to these two metadata features, Appellants' argument regarding Nwabueze's alleged shortcomings (*id.*) are inapposite to the Examiner's position which relies on Tracy—not Nwabueze—for the recited metadata features. *See* Ans. 21-22, 41-42. We are therefore not persuaded that the Examiner erred in rejecting claims 9-12.

THE OBVIOUSNESS REJECTION OVER TRACY, SHAUGHNESSY, NWABUEZE,
AND HOUSER

Regarding claim 13, the Examiner finds that while Tracy (1) augments a report part with metadata, and (2) includes security settings in reports, Tracy's augmented metadata does not explicitly provide security information to maintain security settings as claimed, but cites Houser as teaching this feature in concluding that the claim would have been obvious. Ans. 27-28, 44-45.

Appellants argue that Houser does not teach or suggest metadata that provides security information to maintain security settings as claimed, but rather protects document contents via encrypted security information that does not depend on the document's contents. Br. 12-13. The issue before us, then, is as follows:

ISSUE

Under § 103, has the Examiner erred in rejecting claim 13 by finding that Tracy, Shaughnessy, Nwabueze, and Houser collectively would have taught or suggested metadata providing security information to maintain security settings?

ANALYSIS

We sustain the Examiner's rejection of claim 13 for the reasons indicated by the Examiner. Ans. 27-28, 44-45. Tracy's information gathering process includes entering a security level (secret, sensitive, etc.) (Tracy, ¶ 0054) which at least suggests providing some security-related metadata to augment a report part, particularly in light of Houser's

embedding security information in an electronic report as the Examiner indicates. *See* Ans. 44-45; *see also* Houser, col. 7, ll. 15-65; Fig. 1. That Houser embeds a security object does not change our conclusion, for this security object nonetheless contains *security information*—a term expressly used by Houser. Houser, col. 7, ll. 31-59. Appellants' arguments regarding Houser's encrypted security information (Br. 12-13) are unavailing given the strength of the Examiner's position based on the cited references' collective teachings. We are therefore not persuaded that the Examiner erred in rejecting claim 13.

THE OBVIOUSNESS REJECTION OVER TRACY, SHAUGHNESSY, AND BROWN

Regarding claim 17, the Examiner finds that while Tracy and Shaughnessy do not explicitly disclose that augmented metadata provides information facilitating a refresh request for the selected report part, Shaughnessy nonetheless discloses a data provider module to provide access to the freshest data for report generation, and Tracy links database tables for dynamic data which is said to suggest refreshing data. Based on these teachings, and further noting that Brown's teaching of the known use of application plugins, the Examiner concludes that claim 17 would have been obvious. Ans. 34-35, 45-47.

Appellants argue that the cited prior art does not teach or suggest access a data provider module to facilitate a refresh operation of a report via access to a selected report as claimed. Br. 13-14. The issue before us, then, is as follows:

ISSUE

Under § 103, has the Examiner erred in rejecting claim 17 by finding that Tracy, Shaughnessy, and Brown collectively would have taught or suggested an application plugin to access a data provider module to facilitate a refresh operation of a report via access to a selected report?

Claims 15-18

We sustain the Examiner's rejection of representative claim 17 essentially for the reasons indicated by the Examiner. Ans. 34-35, 45-47. We first note that claim 16 differs from dependent claim 17 in reciting a refresh operation of the *report part*, whereas claim 17 recites a refresh operation of the *report* via access to the selected report.

The Examiner, however, refers to refreshing the *report* in the rejection of claim 17, but the *report part* in the Response to Arguments. *Compare* Ans. 34-35 *with* Ans. 46. Nevertheless, we find any error associated with inconsistency to be harmless. The Examiner cites Shaughnessy merely to show that accessing a data provider module to provide the freshest data is known, and that applying such a technique to Tracy would have been obvious, particularly in view of Tracy's linked database tables which facilitate dynamically changing data—a position that we find reasonable given the nature of dynamic data as the Examiner indicates. Ans. 34-35. These collective teachings at least suggest refreshing a report by, among other things, accessing a selected report to refresh the data. Nor are we persuaded of error in the Examiner's position that using an application plugin to achieve this end as suggested by Brown (*id.*; *see also* Brown, ¶ 0034) would have been obvious.

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We are therefore not persuaded that the Examiner erred in rejecting representative claim 17, and claims 15, 16, and 18 not separately argued with particularity.

CONCLUSION

The Examiner did not err in rejecting (1) claim 1 on the ground of obviousness-type double patenting, and (2) claims 1-4 and 6-18 under § 103.

ORDER

The Examiner's decision rejecting claims 1-4 and 6-18 is affirmed.

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

AFFIRMED

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