

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte KAREN A. PAPIERNIAK, JAMES E. THAISZ,  
LUO-JEN CHIANG and ANJALI M. DIWEKAR

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Appeal No. 2002-0294  
Application No. 09/067,806

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ON BRIEF

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Before KRASS, JERRY SMITH and GROSS, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 2-4, 25-29 and 33-37.

The invention is directed to correlating data records with individual users of the internet. The invention also correlates data records with user sessions during which users perform their transactional events.

Independent claim 25 is reproduced as follows:

25. A method of arranging Internet data stored as separate non-correlated data record that relate to Internet data records with individual users, comprising:

- forming a page map;
- forming a user session map; and
- forming a user session page map.

The examiner relies on the following references:

Bachman et al. (Bachman)	5,907,621	May 25, 1999 (filed Nov. 15, 1996)
Crosskey et al. (Crosskey)	6,035,281	Mar. 07, 2000 (filed Jun. 16, 1997)

Claims 25 and 26 stand rejected under 35 U.S.C. §102 (e) as anticipated by Bachman.

Claims 2-4, 27-29 and 33-37 stand rejected under 35 U.S.C. §103 as unpatentable over Bachman in view of Crosskey, the rejection of claims 5 and 30-32 being withdrawn by the examiner.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

#### OPINION

At the outset, we note that in accordance with appellants' grouping of claims, at page 2 of the principal brief, all claims will stand or fall together. Accordingly, we concentrate on the rejection of independent claim 25 under 35 U.S.C. §102 (e).

It is the examiner's position that Bachman discloses a system which includes arranging internet data stored as separate non-correlated data records that relate to internet data records with individual users, citing Bachman's abstract, Figure 2, and column 3, lines 4-6. The examiner further contends that Bachman's secure token is equivalent to the claimed "Internet data records with individual users." The examiner cites column 3, lines 18-21, and Figure 2 for the claimed "forming a page map;" cites column 3, lines 25-30, and Figure 2 for the claimed "forming a user session map;" and column 3, lines 30-47, lines 66-67, and column 4, lines 1-3, for the claimed "forming a user session page map."

We have reviewed the portions of Bachman cited by the examiner but we find no mention of the claimed "page map," "user session map," or "user session page map."

Of course, an analysis of the claim language initially entails assigning a meaning to the specific claim terms.

Instant Figure 4, together with pages 15-17 of the instant specification, describes the claimed "page map" as being formed by the steps shown in the flowchart of Figure 4. At the very least, formation of the page map entails collecting data from web and proxy server logs. Similarly, reference to Figure 7 shows that, at the very least, formation of a user session map entails the collection of data from server, proxy and

accounting logs. Based on the meaning of the claimed terms gleaned from the specification, we hold that the formation of a page map and the formation of a user session map includes at least the collection of data from server, proxy and accounting logs, as disclosed.

Nowhere, in Bachman, do we find a collection of data from server, proxy or accounting logs. The examiner contends that it is “inherent” in Bachman that there is a collection of user data and a correlation of that data with user records (answer-page 12).

Inherency requires that a certain thing *must* happen, with certainty. It is not enough that that thing *may* happen. The examiner has cited nothing which convinces us of anything in Bachman regarding collection of data from server, proxy and accounting logs. Accordingly, Bachman has not been shown to disclose at least forming a page map and forming a user session map, as those terms are employed in the instant claims. Therefore, Bachman cannot be said to anticipate the instant claimed subject matter.

The Crosskey reference discloses nothing to remedy the deficiencies of Bachman.

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The examiner's decision rejecting claims 25 and 26 under 35 U.S.C. §102 (e)  
and claims 2-4, 27-29 and 33-37 under 35 U.S.C. §103 is reversed.

REVERSED

ERROL A. KRASS	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
JERRY SMITH	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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	)	
ANITA PELLMAN GROSS	)	
Administrative Patent Judge	)	

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