

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS A. NOLTING and KAREN DION

Appeal No. 2002-1686
Application No. 09/188,680

ON BRIEF

Before FLEMING, DIXON, and SAADAT, ***Administrative Patent Judges.***

FLEMING, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-34. An amendment was filed on November 13, 2000, under 37 CFR § 1.116. The amendment which has been entered canceled claims 14 and 19 and amended claims 1, 5-8, 11, 15-18, 20-24 and 33. Thus, claims 1-13, 15-18 and 20-34 are before us for our decision.

Invention

The present invention relates to a method and system for analyzing call specific data records for traffic between

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different carriers' portions of a telecommunication network, in order to reconcile accounting information regarding such traffic and/or to identify significant traffic patterns for engineering purposes. See page 1 of Appellants' specification. The invention provides effective techniques for tracking traffic through a telecommunication network in such a manner as to enable analysis of interconnect traffic between two carriers' networks. See page 13 of Appellants' specification. The call records are developed from monitoring or compiling of items of information from certain management data messages used by the carriers' networks. Management data here refers to information generated by the telecommunication network for its operations purposes, for example, interoffice signaling messages generated to control call set-up and tear-down. Another example of such data would be messages sent from central offices of the network to an accounting office, for record keeping and billing purposes. See page 13 of Appellants' specification. Figure 5 is a flow chart illustrating the high-level process of overall management of a traffic track study, such as a CLEC traffic study. Figure 6 is a flow chart useful in explaining the operations involved in data preparation in the traffic track system. See page 17 of Appellants' specification.

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As shown at step S51 of Figure 5, the process essentially begins with the user inputting a number of study selections. See page 49 of Appellants' specification. The network elements monitor the records, and filter the records by parameters (S52), based on the input selections. In step S53, the monitoring equipment transmits the records to the landing zone 50. In step S54, the landing zone 50 loads the records into the tables for this study establishing the appropriate relational database 60. See Figures 5 and 6 and Appellants' specification page 50.

In step S55, the data preparation routine 70 prepares a staging table and possibly one or more summary tables. This involves various translations using reference data, the binning or spreading of records to properly allocate usage time and the loading of data into the appropriate tables. The staging table includes all of the CDRs, as enriched in the data preparation stage. See page 51 of Appellants' specification. The data preparation routine 70 loads the tables into the MDDB software 81 in step S56. Within the MDDB software, a study application is run to present the data to the user in step S57. In our example, the study application relates to one of several types of study of interconnect traffic interconnected to or from a CLEC. See page 52 of Appellants' specification.

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Appellants' independent claim 1 illustrates the Appellants' claimed invention and is reproduced as follows:

1. A method for analyzing a plurality of calls on a telecommunication network, the method comprising the steps of:

capturing particular management data messages, each management data message having information concerning an individual call of a plurality of calls, said particular management data messages generated by a first carrier's telecommunication network during processing of calls associated with a second carrier's telecommunication network;

compiling a detailed record of each of a plurality of interconnect calls crossing an interface between the first carrier's telecommunication network and the second carrier's telecommunication network from the captured particular management data messages;

loading a plurality of detailed records of the plurality of interconnect calls into a table database; and

processing the detailed records in the database table to form a report of interconnect call traffic crossing the interface between the telecommunication networks, wherein the step of processing comprises:

enhancing the detailed records in the database table;

loading the enhanced detailed records into an on-line analytical processing system; and

running a pre-defined study application in the on-line analytical processing system to present specified analytical study results based on the enhanced detailed records.

References

The references relied on by the Examiner are as follows:

Karras et al. (Karras)	5,438,570	Aug. 1, 1995
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Brinkman et al. (Brinkman)	5,712,908	Jan. 27, 1998 (filed May 17, 1996)
Malloy et al. (Malloy)	5,905,985	May 18, 1999 (filed Jun. 30, 1997)

Rejections at Issue

Claims 1-13, 15-17, 20-27, and 30-34 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brinkman in view of Karras.

Claims 18, 28 and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brinkman in view of Karras and further in view of Malloy.

Throughout our opinion, we make references to the briefs¹ and answer for the respective details thereof.

OPINION

With full consideration being given the subject matter on appeal, the Examiner's rejections, and the arguments of Appellants and the Examiner, for the reasons stated *infra*, we reverse the Examiner's rejection of claims 1-13, 15-18 and 20-34 under 35 U.S.C. § 103.

¹ Appellants filed an appeal brief on February 8, 2001. Appellants filed a reply brief on May 22, 2001. The Examiner mailed out an Office communication on June 5, 2001, stating that the reply brief has been entered.

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In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). *See also In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellants. *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444. *See also Piasecki*, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all the evidence and arguments." *Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." *In re Lee*,

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277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). With these principles in mind, we commence review of the pertinent evidence and arguments of Appellants and Examiner.

Appellants argue that claim 1 requires loading detailed records of interconnect calls into a table and a database and processing the detailed records in the database table to form a report of interconnect call traffic crossing the interface between the telecommunication networks which involves the process of enhancing the detailed records in the database and loading the enhanced detailed records into an on-line analytical processing system. Appellants also argue that claim 1 recites that the processing involves running a pre-defined study application in the on-line analytical processing system to present specified analytical study results based on the enhanced detailed records. See page 13 of Appellants' brief.

On pages 5 and 6 of the Examiner's answer, the Examiner states

Brinkman et al failed to teach where the detailed records are loaded into a table in a database; and process the detailed records in the database to form a report of the call traffic in the telecommunication network. However, Karras et al teach a method for generating billing records comprising of loading a plurality of detailed records of the plurality of interconnect calls into a table in a database (col. 14 line 63 to col. 16 line 56); and processing the

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detailed records in the database table to form a report of interconnect call traffic crossing the interface between the telecommunication networks (col. 10 lines 23-54), wherein the step of processing comprises enhancing the detailed records in the database table (col. 15 line 2 to col. 16 line 51, Fig. 8); loading the enhanced detailed records into an on-line analytical processing system; and running a pre-defined study application in the on-line analytical processing system to present specified analytical study results based on the enhanced detailed records (col. 16 lines 3-5, and col. 10 lines 41-46).

Appellants argue that none of these portions of Karras satisfies the claim requirement for enhancing records, loading the enhanced records into an on-line analytical processing system and then running an application in that system to present specific study results, as required by Appellants' claim 1. See page 4 of Appellants' reply brief. Appellants have previously argued that Karras only teaches storing of data and fails to teach enhancing the detailed records of a database table, loading the enhanced detailed records into an on-line analytical processing system and running a pre-defined study application in an on-line analytical processing system to present specified analytical study results based on the enhanced detailed records. See pages 13 and 14 of Appellants' brief.

As pointed out by our reviewing court, we must first determine the scope of the claim. "[T]he name of the game is the

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claim." *In re Hiniker Co.*, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998). Claims will be given their broadest reasonable interpretation consistent with the specification, and limitations appearing in the specification are not to be read into the claims. *In re Etter*, 756 F.2d 852, 858, 225 USPQ 1, 5 (Fed. Cir. 1985). Our reviewing court also states in *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) that "claims must be interpreted as broadly as their terms reasonably allow."

We note that Appellants' claim 1 recites

[a] method for analyzing a plurality of calls on a telecommunication network, the method comprising the steps of:

capturing particular management data messages . . . and

compiling a detailed record of each of a plurality of interconnect calls crossing an interface between the first carrier's telecommunication network and the second carrier's telecommunication network from the captured particular management data messages;

loading a plurality of detailed records of the plurality of interconnect calls into a table in a database; and

processing the detailed records in the database table to form a report of interconnect call traffic crossing the interface between the telecommunication networks, wherein the step of processing comprises:

enhancing the detailed records in the database table;

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loading the enhanced detailed records into an on-line analytical processing system; and

running a pre-defined study application in the on-line analytical processing system to present specified analytical study results based on the enhanced detailed records.

Upon our review of Karras, we find that Karras teaches, at best, capturing particular management data messages and storing these particular data messages. See column 4, lines 25-68. Furthermore, we find that when the information in the data package indicates that a call is complete, the system shifts the accumulated call record information from memory to the CPU. See column 14, lines 64-66. Karras further discloses that Figure 8 shows the five line format of the binary words which is used to store information in RAM 48. See col. 15, lines 3-10. Thus, Karras discloses a plurality of separate memory locations which are assigned on an individual call basis for a duration of a given call to store data received over as many data links and communication sounds relative to that call. The information stored identifies the status of the called party, the nature of the call and the numbering plan. See column 16, lines 26-43.

We find that Karras does teach capturing a particular management data message and compiling detailed records of the plurality of interconnect calls and loading a plurality of

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detailed records in a memory. However, we fail to find that Karras teaches processing the detailed records in the database table to form a report of interconnecting call traffic crossing an interface between the intercommunication network, wherein the step of processing comprises enhancing the detailed records in the database table, loading the enhanced detailed records into an on-line analytical processing system and running a pre-defined study application in the on-line analytical processing system to present specified analytical study results based on the enhanced detailed records as set forth in Appellants' claim 1. In regards to Appellants' claim 27, we note that Appellants' claim 27 recites

a processor for receiving the captured particular management data messages from the monitoring system and for compiling a detailed record of each of a plurality of interconnect calls between the first carrier's telecommunication network and the second carrier's telecommunication network from the captured messages;

a database for storing a plurality of detailed records of the plurality of interconnect calls in a table;

and an on-line processing system for reporting aggregate interconnect traffic crossing the interface between the telecommunication networks based on one or more of the plurality of detailed records from the database.

Upon our review of Karras, we find that Karras does not teach these limitations as well. Therefore, we have not sustained the

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Examiner's rejection of claims 1-13, 15-17, 20-27 and 30-34 under 35 U.S.C. § 103 as being unpatentable over Brinkman in view of Karras.

Claims 18, 28 and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Brinkman in view of Karras and further in view of Malloy. We note that claim 18 is dependent on claim 1 and thereby contains all of the limitations recited above. Also, we note that claim 28 is dependent on claim 27 and claim 29 is dependent on claim 28 and thereby also includes all the limitations as discussed in claim 27. We further note that Malloy does not teach or suggest these limitations. Therefore, we will not sustain the Examiner's rejection of claims 18, 28 and 29 under 35 U.S.C. § 103.

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In view of the foregoing, we have not sustained the Examiner's rejection of claims 1-13, 15-18, and 20-34 under 35 U.S.C. § 103.

REVERSED

MICHAEL R. FLEMING)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH L. DIXON)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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