

The opinion in support of the decision being entered
today is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte VIRGIL A. ALBAUGH, MESSAOUD BENANTAR, PHILIP
YEN-TANG CHANG, and HARI HARANATH MADDURI

Appeal 2007-1403
Application 10/226,966
Technology Center 2100

Decided: August 15, 2007

Before JAMES D. THOMAS, JOSEPH F. RUGGIERO, and ROBERT E.
NAPPI, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal involves claims 1, 3 through 11, 13 through 21, and 23
through 33. We have jurisdiction under 35 U.S.C. §§ 6(b) and 134(a).

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As best representative of the disclosed and claimed invention, independent claim 1 is reproduced below:

1. A method in a data processing system for registering with a service, said method comprising the steps of:

providing a service bureau, said service bureau displaying a graphical depiction of each of a plurality of services available from said service bureau;

generating a process definition, said process definition is generated by a user selecting ones of said plurality of services displayed within said service bureau in a particular sequence, wherein said plurality of services are provided by a plurality of processing nodes;

graphically depicting said process definition within said service bureau;

permitting a graphical selection of any one of said plurality of processing nodes within said graphical depiction of said process definition;

in response to a receipt of a selection of one of said plurality of processing nodes, providing, by said one of said plurality of processing nodes, a registration form; and

receiving, by said one of said plurality of processing nodes, registration information that is required to receive a service provided by said one of said plurality of processing nodes through said registration form, said registration information including user-profile information, wherein said registration is completed directly with said one of said plurality of processing nodes through the service bureau.

The following references are relied upon by the Examiner:

Fiszman	US 6,115,646	Sep. 5, 2000
Bahar	US 7,024, 696 B1	Apr. 4, 2006 (filed Jun. 14, 2000)

All claims on appeal, claims 1, 3 through 11, 13 through 21, and 23 through 33, stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Fiszman in view of Bahar.

Rather than repeat the positions of the Appellants and the Examiner, reference is made to the Brief and Reply Brief for Appellants' positions, and to the Answer for the Examiner's positions.

OPINION

For the reasons set forth by the Examiner in the Answer, as expanded upon here, we sustain the rejection of all claims on appeal under 35 U.S.C. § 103. On page 11 of the principal Brief, Appellants argue independent claim 1 as representative of the subject matter of independent claims 11 and 21 as well. Similar approaches are taken with respect to dependent claim 31 and the other dependent claims 32 and 33 as expressed at page 20 of the principal Brief on appeal.

At the outset, the principal Brief does not argue before us that Fiszman and Bahar are not properly combinable within 35 U.S.C. § 103. Rather, in the principal brief, Appellants just argue in effect that the combination does not teach or suggest the features of providing the claimed service bureau in the initial clause of independent claim 1 on appeal as well as generating the process definition requirement in the next succeeding clause. As such, any arguments of the absence of combinability within 35 U.S.C. § 103 are waived.

Nonetheless, ““there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness’ [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account

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of the inferences and creative steps that a person of ordinary skill in the art would employ.” *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)). The Examiner’s extensive reasoning in the Answer is consistent with and follows this analytical framework.

We begin our remarks with the Examiner’s observation at the bottom of page 9 of the Answer that the discussion beginning at the bottom of Specification page 1 teaches that it was known in the art to utilize one centralized location called a service bureau where various services may be selected. It is stated in the first full paragraph at Specification page 2 that the user has the ability to view (indicating a display of some kind) and select services provided by the service bureau. Thus, as admitted in Appellants’ Specification it is known in the art to use a service bureau.

We therefore do not agree with Appellants’ views that in the context of the rejection of record, first that the service bureau claimed requires the depiction of all services available and the ability of the user to select among all of the services available and that this is not taught in Fiszman as noted at page 16 of the principal Brief. We do not agree with the urging that Fiszman does not teach or suggest a service bureau. Notwithstanding the fact that it is known in the art to use such a service bureau, the teachings of Fiszman as outlined by the Examiner do indicate at least the user’s ability to create a corresponding graphical depiction and process definition manually that are explained in words other than “a service bureau” per se. The use of such manual capability of Fiszman is not excluded by representative independent claim 1 on appeal. Even the graphical depiction of Figure 9 of Fiszman, reproduced on page 14 of the Brief, illustrates a common or

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centralized depiction of a process definition already selected by a user as an example in that reference to operate in a certain sequence.

Implicitly the depiction shown there does illustrate the graphical depiction of all of those services that are available within the reference in one location. The main panel depiction in Figure 5 of this reference and its various later depictions, such as Figures 11 and 14, show in the form of a list a plurality of services available which may be selectively combined to generate a process definition of the type claimed. Some of the later figures show the “registration” capability, a feature also known in the prior art and noted at Specification page 2.

Moreover, we agree with the Examiner’s views that the claimed “a service bureau” may also be determined to exist in Fiszman according to the generic process automation “system” characterized as Generic Process Automation Engine (GPAE) in Figures 1 and 3, which system is disclosed to comprise the engine 10 and the Common Object Request Broker Architecture (CORBA) bus 16. Additional enhancing features are shown in Figures 3, 4, and 17. None of the other features of representative independent claim 1 are argued before us in the principal Brief. It is noted that the Examiner does not utilize Bahar to make up for the alleged deficiencies of the primary reference with respect to the service bureau and the generating process definition of claim 1, but merely the ability to enhance other but non-argued features before us. Still, even though the focus of Bahar is to avoid software piracy, there is a remote service system 9 in Figure 1 which may be considered by the artisan to be analogous to the claimed service bureau, which system services various users, notwithstanding the contrary urging at page 9 of the Reply Brief. Appellants

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admit that Bahar teaches “registering the software application online with a remote service system.”

With respect to the arguments at page 4 of the Reply Brief, even if we agree with Appellants’ interpretation that the language of claim 1 describing the graphical depiction of all of the services available at the service bureau, the already identified teachings and showings in Fiszman illustrate this capability as well as the ability to add on new services, such as by the use of the plug-in tools in the lower right portion in Figure 3 and the plug-in processes at the bottom right portion of Figure 17. It appears to us that the artisan would well appreciate that the showings in Figures 3 and 17, for example, represent that all services available from various nodes or tools may be readily available for the user to create a respective process definition as represented by Figure 9 from all the available services also shown there.

Lastly, we turn to representative claim 31. The arguments presented at pages 20-21 of the principal Brief are misplaced. Appellants merely argue without explanation that “Fiszman and Bahar cannot teach or suggest ‘that services are added to said service bureau without affecting a prior registration with any of said plurality of processing nodes.’” The noted portion of Bahar at the top of page 21 of this Brief clearly indicates otherwise. There the Examiner makes reference to the compelling teachings at column 6, lines 55-61 of Bahar. The same lack of interference is believed present in Fiszman regarding the newly added services we noted earlier.

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In view of the foregoing, the decision of the Examiner rejecting all claims on appeal under 35 U.S.C. § 103 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).

AFFIRMED

tdl

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