

**REMARKS**

Claim 1 is pending in the application.

Claim 1 has been rejected.

Claim 1 has been cancelled.

Claims 36-55 have been amended.

**Double Patenting**

Claims 1 stands rejected on the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 of U.S. Patent No. 7,117,449. An appropriate Terminal Disclaimer accompanies this response. Accordingly, the applicants respectfully submit that this rejection is overcome.

**Rejection of Claims under 35 U.S.C. § 102(b)**

Claims 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,802,514 issued to Huber et al. (“Huber”). Applicants respectfully traverse this rejection.

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or

hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As an initial matter, Applicants respectfully note that the rejection is now moot with respect to claim 1, as claim 1 has been cancelled.

New independent claim 36 is representative of new independent claims 46 and 52, and recites:

36. A method comprising:  
modeling a business process, wherein said modeling comprises  
designing a process, wherein  
said process represents a non-technical model of said business  
process, and  
said designing is performed using a non-technical user interface,  
in response to an indication that said process is complete, transferring  
access to said process from said non-technical user interface to a  
technical user interface, and  
implementing said process, wherein  
said implementing implements said process as a technical model of  
said business process, and  
said implementing is performed using a technical user interface.

Support for the limitations presented herein can still be found throughout the instant Specification, and, for example, at least at paragraphs [0021]-[0099], as well as in Figs. 1-12.

Applicants further respectfully submit that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that Huber fails to teach (or even suggest) several of the limitations in these claims.

Huber, in the cited portions or elsewhere, insofar as Applicants are able to discern, provides no teaching as to an integrated process modeler, as recited in the independent claims. By contrast to the claimed invention, Huber is directed to:

“A tool for the development of multiple-table database applications for client/server environments automates both capture of system requirements and code production. A client portion of a multiple-table, client/server database application for processing requests against a server database, is developed by first storing in a repository a description of the server database describing database entities within the server database and relationships between those database entities. Representations of the database entities are displayed, and an application drawing window is provided. The user drags and drops within the application drawing window one of said representations that represents a particular database entity. The tool then creates within the repository an entry for the particular database entity, and draws within the drawing window a representation of the particular database entity. For each database entity for which an entry within the repository has been created, the tool checks the description of the server database stored in the repository to determine

whether a relationship exists between the particular database entity and the database entity being checked. If a relationship does exist between the particular database entity and the database entity being checked, the tool then creates within the repository an entry for that relationship, and draws within the drawing window a connector representing that relationship. The foregoing drag-and-drop sequence is repeated multiple times. When the design is complete, the tool, using information stored in the repository, automatically generates the client portion of the multiple-table, client/server database application.” (Huber, Abstract)

No technology even comparable to the claimed integrated process modeler is taught by Huber. Applicants therefore respectfully submit that independent claims 36, 46 and 52, and all claims depending thereon, are allowable over Huber for at least the foregoing reasons.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-508

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

/ Samuel G. Campbell III /

Samuel G. Campbell III  
Attorney for Applicants  
Reg. No. 42,381  
512-439-5084 (Telephone)  
512-439-5099 (Facsimile)