

**REMARKS**

**Claims 36-56** are pending in the application.

**Claims 36-56** have been **rejected**.

**Claims 36, 43, and 46-52** have been **amended**. No new matter is added herein.

No claims have been cancelled or added.

**Rejection of Claims Under 35 U.S.C. § 101**

Claims 46-51 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse these rejections. However, without acquiescing to the propriety of the rejection, and without prejudice or disclaimer, Applicants have amended claims 46-51 to address Examiner's concerns. As such, claims 46-51 are directed to statutory subject matter. In view of this, Applicants respectfully request that the rejection of claims 46-51 under 35 U.S.C. § 101, be reconsidered and withdrawn.

Applicants respectfully note that these amendments to claims 46-51 are performed to expedite prosecution, and thus Applicants reserve the right to argue that the originally written claims 46-51 are directed to statutory subject matter.

**Rejection of Claims under 35 U.S.C. §112**

Claim 36, 46, 52 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse these rejections. Applicants also submit that the original specification provides explicit support for the elements of claim 36 of:

designing a process, wherein  
    said process represents a non-technical model of said business process,  
    said designing is performed using a non-technical user interface, and  
    said designing further comprises  
        ...  
receiving information, wherein  
    said information is configured to allow said insufficiently-  
        defined element and said insufficiently-defined  
        connector to be completed

For example, in paragraphs [0030] and in paragraphs [0048]-0063] and figures 3A and 3B, the specification describes how a person (e.g., a business analyst) creates / edits one or more steps in a process. This process is then checked, such as with regard to whether all blocks are connected, etc. If the blocks are not connected properly (and/or other errors are found), the system can receive information that defines such elements / connections.

As such, claims 36, 46, and 52 comply with the written description requirement. In view of this, Applicants respectfully request that the rejection of claims 36, 46, and 52 under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

*Rejection of Claims under 35 U.S.C. § 103*

Claims 36-39, 43-44, 46-67, 52-53 and 56

Claims 36-39, 43-44, 46-67, 52-53 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lovell et al., U.S. Patent 7,370,315 in view of Dunn, U.S. Patent 4,656,603. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Lovell and Dunn, alone or in any rational combination, fail to teach or suggest all the elements of independent claim 36, which 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,  
said designing is performed using a non-technical user interface, and  
said designing further comprises  
identifying an element, wherein  
said element is an insufficiently-defined element,  
identifying a connector, wherein  
said connector is an insufficiently-defined connector, and  
receiving information, wherein  
said information is configured to allow said insufficiently-defined element and said insufficiently-defined connector to be completed,  
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 said technical user interface.

As will be demonstrated, Lovell and Dunn fail to teach or suggest the features of this claim. For example, Lovell does not teach or suggest designing a process using a non-technical user interface, where designing includes receiving information to complete any insufficiently-defined element and connector to be defined. Furthermore, Lovell fails to teach or suggest any concepts comparable to transferring access to the process from any such non-technical user interface to a technical user interface. Because Lovell fails to teach or even suggest any such operation, Lovell also fails to teach or even suggest implementing the process as a technical model using a technical user interface.

Lovell relates to a visual programming environment that provides synchronization between source code and graphical component objects. *Lovell at Title*. Lovell discusses a design surface (that provides a visual representation of various entities) and the underlying code structures that support the entities. *Lovell at Abstract*. Lovell's objects that are defined within the design surface are capable of being mapped directly to an underlying code structure. *Id.* Lovell also discusses an interface editor that allows users to define methods of an interface, as well as arguments, fields, and properties of methods. *Lovell at 10:40-11:4*.

It appears that the Office Action (OA) is attempting to draw parallels between the design surface of Lovell and the claimed non-technical user interface (e.g., as recited in claim 36). *See OA at p. 5*. Furthermore, it appears that the OA is attempting to draw parallels between the source code editor of Lovell and the claimed technical user interface (e.g., as recited in claim 36). *See OA at p. 5*. Applicants respectfully disagree. Notwithstanding other failings of Lovell, Lovell neither teaches, nor fairly suggests designing a process using a non-technical user interface, particularly where such designing includes receiving information to complete both an insufficiently-defined element and an insufficiently-defined connector to be defined (e.g., as recited in claim 36). The OA, correctly, does not cite Lovell for this element of claim 36, and instead cites Dunn as somehow showing, teaching, or suggesting this element. Therefore, Applicants respectfully submit that Lovell does not teach or suggest at least this element of claim 36.

Dunn, however, fails to remedy such deficiencies, in spite the OA's arguments to the contrary . While Dunn appears to relate to some manner of schematic diagram generating system (*see, e.g., Dunn* at Title), Applicants respectfully observes that the OA cites the same portion of Dunn as somehow showing, teaching, or suggesting both the claimed receiving, using a non-technical user interface, information to complete an insufficiently-defined connector to be defined, and the claimed receiving, using a technical user interface, information to complete a non-executable connector to be defined. Applicants respectfully submit that these citations by the OA are improper (as well as logically impossible), as the same feature of Dunn cannot be possibly mapped to both the claimed technical interface and the claimed non-technical interface, regardless of any posited comparisons or characterizations (which Applicants maintain would be inapposite, in any event). Applicants respectfully request that the next OA (should one, in fact, be issued) either withdraw Dunn as a reference, or provide proper and logically sound arguments with regard to these claimed limitations. Applicants also note that these shortcomings are not surprising, as Dunn does not even discuss using two separate user interfaces, and certainly fails to do so in the claimed manner. Thus, alone or in any rational combination with Lovell (which fails to teach these elements, as noted), Dunn fails to remedy such deficiencies, and would thus result in a combination of references that (were such a combination even appropriate) would still fail to teach or suggest at least these features of claim 36.

Still further, Applicants note that the OA attempts to equate Lovell's binding of an object to a compiler (*see, e.g., Lovell* at 8:20-34) with the claimed transfer of access to the process from any such non-technical user interface to a technical user interface. Applicants respectfully disagree, and note that the cited portions of Lovell merely discuss compiling an object using one of the compilers. *Id.* Lovell is silent with regard to providing any user interface by way of any such compiler, notwithstanding the other deficiencies extant in such a characterization. This is not surprising, as a compiler is a different software entity, and serves a very different purpose from a user interface. Furthermore, Applicants respectfully note that, in the cited portion, Lovell discusses refining a model using a design surface (the alleged non-technical interface) or using a source editor (the alleged technical interface). *See element 308 of Lovell's* Figure 3. Therefore, Applicants respectfully submit that Lovell cannot provide any showing, teaching, or suggestion as to an operation or operations in any way comparable to the claimed transferring access of a process (even assuming, *arguendo*, that such a process was somehow disclosed by Lovell) from

one user interface to another user interface (even assuming, *arguendo*, that such interfaces were somehow disclosed by Lovell). This would be particularly problematic if, after such a transfer (and ignoring the other infirmities in such a characterization), both such interfaces were still used to modify a given element. Therefore, Applicants respectfully submit that Lovell does not teach or suggest at least this element of claim 36.

The OA, correctly, also does not cite Dunn for this element of claim 36 (as there is also nothing even remotely resembling such an access transfer in Dunn). Thus, alone or in any rational combination with Lovell (which also fails to teach these elements, as noted), Dunn fails to remedy such deficiencies, and would thus result in a combination of references that (were such a combination even appropriate) would still fail to teach or suggest at least these features of claim 36.

Since the combination of Lovell and Dunn does not teach or suggest each and every feature of claim 36, the combination of Lovell and Dunn cannot render claim 36 obvious. Furthermore, independent claims 46 and 52 are patentable over Lovell and Dunn for similar reasons to independent claim 36, and further in view of their own features. Still further, claims dependant on independent claims 36, 46, and 52 are patentable over Lovell and Dunn for at least the reasons provided for their respective base independent claims, and further in view of their own features. Accordingly, Applicants respectfully request that the rejection of claims 36-39, 43-44, 46-67, 52-53 and 56 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 40-42, 48-50, and 54

Claims 40-42, 48-50, and 54 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lovell and Dunn as applied to claim 36 above, and in further in view of Iborra et al., U.S. Patent 7,137,100 (“Iborra”). Applicants respectfully traverse this rejection.

As described above, independent claims 36, 46, and 52 are patentable over Lovell and Dunn. Upon review of Iborra, Applicants have determined that Iborra does not remedy at least those deficiencies of Lovell and Dunn noted earlier, and therefore claims 36, 46, and 52 are also patentable over Lovell, Dunn, and Iborra , alone or in combination. Applicants further assert that claims which depend from independent claims 36, 46, and 52 are also patentable over Lovell, Dunn, and Iborra for at least the reasons provided for their respective base claims, and further in

view of their own features. Accordingly, Applicants respectfully request that the rejection of claims 40-42, 48-50, and 54 be reconsidered and withdrawn.

Claims 45, 51, and 55

Claims 45, 51, and 55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lovell and Dunn as applied to claim 36 above, and in further in view of Nwabueze, U.S. Publication No. 2002/0144174 (“Nwabueze”). Applicants respectfully traverse this rejection.

As described above, independent claims 36, 46, and 52 are patentable over Lovell and Dunn. Upon review of Nwabueze, Applicants have determined that Nwabueze does not remedy at least those deficiencies of Lovell and Dunn noted earlier, and therefore claims 36, 46, and 52 are also patentable over Lovell, Dunn, and Nwabueze, alone or in combination. Applicants further assert that claims which depend from independent claims 36, 46, and 52 are also patentable over Lovell, Dunn, and Nwabueze for at least the reasons provided for their respective base claims, and further in view of their own features. Accordingly, Applicants respectfully request that the rejection of claims 45, 51, and 55 be reconsidered and withdrawn.

Non-Finality of the Next Office Action

Moreover, Applicants note that if the Examiner should reject claim 36 (and other independent claims) by providing a discussion and citations that purportedly address the above-argued limitations, (which have been inadequately addressed in the pending Office Action, as shown), then such citations must be presented in a subsequent non-final Office Action, in accordance with MPEP § 706.07(a), since they would set forth new grounds of rejection that are not being necessitated by any claim amendments of the by the Applicants, nor by an Information Disclosure Statement. Moreover, only a non-final Office Action would afford Applicants a full opportunity to respond to the new grounds of rejection.

**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.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes 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.

I hereby certify that this correspondence is being submitted to the U.S. Patent and Trademark Office in accordance with 37 C.F.R. § 1.8 on September 4, 2013 by being (a) transmitted via the USPTO's electronic filing system; or (b) transmitted by facsimile to \_\_\_\_\_; or (c) deposited with the U.S. Postal Service as First Class Mail in an envelope with sufficient postage addressed to: Mail Stop \_\_\_\_\_, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450.

/ Samuel G. Campbell III /

September 4, 2013

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Samuel G. Campbell III

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Respectfully submitted,

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