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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RICHARD D. DETTINGER,
RICHARD J. STEVENS, and JEFFREY W. TENNER

Appeal 2010-001461
Application 10/897,353¹
Technology Center 2100

Before JEAN R. HOMERE, CAROLYN D. THOMAS, and
ANDREW J. DILLON, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The real party in interest is International Business Machines Corporation.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1-26, which are all the claims pending in the application. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

The present invention relates generally to performing complex data queries. *See* Spec. ¶ [0002].

Claim 1 is illustrative:

1. A method for processing a data access request, the method comprising:

providing a data abstraction layer comprising a set of logical fields used to compose an abstract query, wherein each logical field provides an access method specifying at least a method for accessing a physical data source associated with the logical field, and wherein the physical data source specified for at least one access method comprises an abstract derived entity;

receiving, from a requesting entity, an abstract query wherein at least one logical field included in the abstract query provides an access method that references the abstract derived entity;

retrieving a definition for the abstract derived entity referenced by the at least one logical field; and

generating a derived table sub-query that queries a derived relational table defined by the abstract derived entity to be generated by joining columns of at least two database tables, wherein the columns of the at least two database tables are identified in the abstract derived entity.

Appellants appeal the following rejections:

R1. Claims 1-4, 7, 8, 13-16, 18, and 21-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by Seitz (US Patent Pub. 2005/0154765

A1, July 14, 2005);

R2. Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Seitz and Dettinger (US Patent Pub. 2003/0172056 A1, Sep. 11, 2003); and

R3. Claims 9-12, 17, 19, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Seitz and Kingberg (US 5,734,887, Mar. 31, 1998).

Claim Groupings

Based on Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claims as set forth below. *See* 37 C.F.R. 41.37(c)(1)(vii).

ANALYSIS

*Rejection under 35 U.S.C. § 102(e)
Claims 1-4, 7, 8, 13-16, 18, and 21-26*

Issue: Did the Examiner err in finding that *Seitz* discloses an abstract derived entity and a derived relational table, as claimed in claim 1?

Appellants contend that “*Seitz* simply discloses a data abstraction layer that maps logical tables to corresponding physical tables of a physical database. Nowhere, in the cited section of *Seitz* or any other section of *Seitz*, is an abstract derived entity disclosed” (App. Br. 13). Appellants further contend that “the recited limitations of the present claims (namely, *abstract derived entity* and *derived relational table*) are clearly claimed as separate and distinct limitations, and cannot both be properly analogized to a single limitation of *Seitz*” (Reply Br. 3).

The Examiner found that “the abstract layer provides a derived table with logical fields . . . the abstract derived entity in the instant application is similar to Seitz’s logical tables” (Ans. 18). We agree with the Examiner.

We refer to, rely on, and adopt the Examiner's findings and conclusions set forth in the Answer. Our discussions here will be limited to the following points of emphasis.

In the present Specification,

An [abstract derived entity] ADE is a data object present in the data abstraction layer that is referenced by an access method as though it were a table. . . . the ADE is defined in the data abstraction layer in terms of other entities, including other ADEs, tables, and any conditions or aggregates on named attributes (i.e., columns) of those entities.

(Spec. ¶ [0029].) In other words, the claimed “abstract derived entity” is a data object defined in terms of other entities and any columns of those entities.

Similarly, Seitz discloses “an abstraction layer for different data object implementations **75** that may respectively be utilized to access different persistent storage implementations. . . . may utilize the item number along with the passed logical table to identify the corresponding physical table and physical database.” (*Seitz*, ¶ [0073].) In other words, *Seitz* discloses using a data object (with the passed logical table) to identify a corresponding physical table. Furthermore, *Seitz* discloses “associat[ing] an attribute on a data object with a corresponding column **53** in a database table for use by the query template system” (*Seitz*, ¶ [0122]). In addition, in *Seitz*, “[t]he table joins **222** may be utilized to associate a pair of logical tables with a snippet of SQL that may be utilized in an SQL join (reading two

physical tables with a single SQL statement by identifying a column **53** that is shared by both tables)” (*id.* at ¶ [0127]).

Stated differently, *Seitz* discloses an abstraction layer that utilizes object implementations to access derived relational tables in the physical source. We find that the claimed *generating a derived table sub-query that queries a derived relational table defined by the abstract derived entity* reads on the above-noted teachings of *Seitz* as *Seitz* teachings are strikingly similar (at least conceptually) to the claimed abstraction layer, logical tables, access methods, table joins, attribute association, and query statements.

As for the claimed *merge the query contributions and derived table sub-query into a combined query*, as set forth in claims 13 and 21, the Examiner found that *Seitz* discloses “query templates that may include SQL statements with embedded tags that may be substituted with SQL parameters at runtime . . . transformation rules that may be applied to transform data” (*see* Ans. 7 & 20 and also *Seitz*, ¶¶ [0069] and [0184]), which the Examiner associates with the claimed merge limitation. In response, Appellants merely argues that *Seitz* does not disclose the above-noted limitations without providing any meaningful analysis that explains why the Examiner’s specific findings regarding *Seitz*’s query engine **80** (particularly paras. [0069] and [0184]) does not perform a merge as claimed, as attributes and logical table names are clearly associated therein. (App. Br. 14-15.) A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim. *See* 37 C.F.R. § 41.37(c)(1)(vii). We note that arguments which Appellants could have made but chose not to make in the Briefs have not been considered and are deemed to be waived.

Thus, based on the record before us, we find no error in the Examiner's anticipation rejection of representative claim 1 essentially for the reasons indicated by the Examiner. Claims 2-4, 7, 8, 13-16, 18, and 21-26 fall for similar reasons.

For these reasons, we sustain the Examiner's §102(e) rejection of claims 1-4, 7, 8, 13-16, 18, and 21-26.

*Rejection under 35 U.S.C. § 103(a)
Claims 5, 6, 9-12, 17, 19, and 20*

Appellants have not presented separate arguments for dependent claims 5, 6, 9-12, 17, 19, and 20. Therefore, these claims fall with the claims from which they depend. *See* 37 C.F.R. § 41.37(c)(1)(vii).

DECISION

We affirm the Examiner's § 102(e) and § 103(a) rejections.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) .

AFFIRMED

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