



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/532,464	09/15/2006	Dongbai Guo	OID 2006-023-01	2839
55498	7590	02/20/2013	EXAMINER	
Vista IP Law Group, LLP (Oracle)			OBISESAN, AUGUSTINE KUNLE	
2160 Lundy Avenue			ART UNIT	PAPER NUMBER
Suite 230			2156	
San Jose, CA 95131			NOTIFICATION DATE	DELIVERY MODE
			02/20/2013	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@viplawgroup.com  
ev@viplawgroup.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* DONGBAI GUO

---

Appeal 2010-005992  
Application 11/532,464  
Technology Center 2100

---

Before MAHSHID D. SAADAT, DAVID M. KOHUT, and  
LARRY J. HUME, *Administrative Patent Judges*.

KOHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the Final rejection of claims 2-10, 14, 17-20, 27-33, 35-38, 41, 42, and 46-50.<sup>1</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We affirm the Examiner's rejection of these claims.

## INVENTION

The invention is directed to a method, data storage device, and apparatus for validating complex digital objects. Spec. 9-10. Claim 27 is representative of the invention and is reproduced below:

27. Apparatus for validating a digital object with identifiable subobjects, the digital object being subject to constraints concerning structure and/or content of the subobjects, the apparatus being implemented in a processor and data storage accessible to the processor and the apparatus comprising:  
    a representation of the digital object in the data storage;  
    a validation specification in the data storage that describes the constraints to which the object is subject;  
    an executable compiler in the data storage that, when executed by the processor, produces a compiled validation specification; and  
    an executable validator in the data storage that, when executed by the processor, validates the digital object by applying the compiled validation specification to the representation of the digital object.

## REFERENCES

Tian                      US 5,671,353                      Sep. 23, 1997

Michael Benedikt et al., *Capturing both Types and Constraints in Data Integration*, *SIGMOD* 2003, June 9-12, 2003.

---

<sup>1</sup> Claims 1, 4, 12, 13, 15, 16, 21-26, 34, 39, 40, and 43-45 were previously cancelled.

### REJECTIONS AT ISSUE

Claims 2-10, 17-20, 27, 30-33, 35-38, 46, and 48-50 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tian. Ans. 3-10.

Claims 14, 28, 29, 41, 42, and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Tian and Benedikt. Ans. 10-12.

### ISSUES

Did the Examiner err in finding that Tian discloses a validation specification, an executable compiler that produces a compiled validation specification, or an executable validator that validates the digital object by applying the compiled validation specification to the representation of the digital object, as required by claim 27?<sup>2</sup>

Did the Examiner err in finding that Tian discloses declarative constraint language, a constraint defined in terms of other constraints, a specification of the constraint which includes specifications of other constraints, or an action specifier, as required by claims 2-10 and 35-38 ?

Did the Examiner err in finding that Tian discloses the limitations found in claims 17-, 30, 31, and 48? `

Did the Examiner err in finding that the combination of Tian and Benedikt teaches or suggests optimizing with respect to the cost of evaluating constraints which includes the cost of applying the constraint to the digital object, as required by claims 14, 28, 29, 41, 42, and 47?

---

<sup>2</sup> Appellant selects claim 27 as representative of the group of claims comprising Group 1 that include claims 27, 32, 33, 46, 49, and 50. App. Br. 5, 8.

## ANALYSIS

### **Claims 27, 32, 33, 46, 49, and 50**

Appellant argues that Tian does not disclose a validation specification, an executable compiler, a compiled validation specification, or a validator as required by claim 27. App. Br. 8; Reply Br. 2. Appellant argues that Tian's validator "does not permit the separation of the description of the constraints for which validation is necessary from the implementation of the validator" (App. Br. 9) nor does Tian disclose any of the claimed terms as shown by the table on page 3 of the Reply Brief. We disagree.

The elements of the claim argued by Appellant (App. Br. 8-9; Reply Br. 2-3) perform particular functions and the Examiner's finding of those elements as software routines (Ans. 13-14) is not precluded by the claim. Thus, we agree with the Examiner's finding that a set of rule objects is the validation specification; building a validation list using a dictionary located in the memory to obtain a list of elements and modules is the executable compiler; and accessing dictionary to obtain warnings, applying the rules to the DICOM message, and generating a warning and storing the warning when a rule is violated is the executable validator (Ans. 13-14) is reasonable and consistent with Appellant's Specification and claim language. Thus, we agree with the Examiner's finding (Ans. 13-14) and sustain the Examiner's rejection of claim 27 and claims 32, 33, 46, 49, and 50 that have been grouped with claim 27.

### **Claims 2-10 and 35-38**

Appellant argues elements of the claims that are part of the validation process, i.e., the type of constraint language, how the constraint is defined, etc. App. Br. 9-10. The Examiner points to parts of the reference that

discloses each of these limitations. Ans. 5-7, 10. We agree with the Examiner's findings. Ans. 5-7, 10. Appellant additionally argues that Tian only places a warning on a validation list and does not disclose an action specifier. App. Br. 10. We do not find this additional argument to be persuasive since the placement of a warning on a validation list is an action that is specified and occurs as a result of the evaluation step. As such, we sustain the Examiner's rejection of claims 2-10 and 35-38.

**Claims 17-, 30, 31, and 48**

Appellant merely argues that Tian does not disclose the recited claim limitations. App. Br. 10. Such statements are not considered to be arguments. 37 C.F.R. § 41.37(c)(1)(vii) (“A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.”); *In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (“[W]e hold that the Board reasonably interpreted Rule 41.37 to require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art.”). As such, we sustain the Examiner's rejection of claims 17-, 30, 31, and 48.

**Claims 14, 28, 29, 41, 42, and 47**

Appellant makes the same arguments with respect to claims 14, 28, 29, 41, 42, and 47 as claim 27. App. Br. 10. For the same reasons discussed *supra* with respect to claim 27, we do not find those arguments to be persuasive. Appellant additionally argues that Benedikt does not teach or suggest optimizing with respect to the cost of evaluating constraints which includes the cost of applying the constraint to the digital object because Benedikt does not teach optimizing the AIG, determining whether the constraints have been satisfied, or determining costs for executing queries and shipping data. App. Br. 11.

The Examiner finds that Benedikt teaches that it was known in the art to determine costs of constraints in data integration and optimize them with different techniques. Ans. 11. We agree with the Examiner (Ans. 11) that it would have been obvious to use Benedikt's cost optimization teachings with Tian's disclosure in order "to minimize cost and time associated with [the] process of validating digital object[s]." Ans. 12. As such, we sustain the Examiner's rejection of claims 14, 28, 29, 41, 42, and 47.

**CONCLUSION**

The Examiner did not err in finding that Tian discloses a validation specification, an executable compiler that produces a compiled validation specification, or an executable validator that validates the digital object by applying the compiled validation specification to the representation of the digital object, as required by claim 27.

The Examiner did not err in finding that Tian discloses declarative constraint language, a constraint defined in terms of other constraints, a

Appeal 2010-005992  
Application 11/532,464

specification of the constraint which includes specifications of other constraints, or an action specifier, as required by claims 2-10 and 35-38.

The Examiner did not err in finding that Tian discloses the limitations found in claims 17-, 30, 31, and 48.

The Examiner did not err in finding that the combination of Tian and Benedikt teaches or suggests optimizing with respect to the cost of evaluating constraints which includes the cost of applying the constraint to the digital object, as required by claims 14, 28, 29, 41, 42, and 47.

#### SUMMARY

The Examiner's decision to reject claims 2-10, 14, 17-20, 27-33, 35-38, 41, 42, and 46-50 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)(1)(iv).

AFFIRMED

ELD