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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LINDA SUSAN ERLANGER, MICHAEL HAROLD EUBANK,
ROBERT R. FRIEDLANDER, JAMES R. KRAEMER,
and MEREDITH KEATING MOORE

Appeal 2010-007948
Application 11/404,330
Technology Center 2100

Before BRUCE R. WINSOR, JEREMY J. CURCURI,
and DAVID C. McKONE, *Administrative Patent Judges*.

WINSOR, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1, 4-18, 21-35, and 38-51, which constitute all the claims pending in this application. Claims 2, 3, 19, 20, 36, and 37 are cancelled

We reverse.

STATEMENT OF THE CASE

“[Appellants’] invention relates to data processing in general and, more particularly, to organization of data.” Spec. ¶ [1]. Still more particularly, Appellants’ invention relates to “storing, organizing and/or manipulating cohort based information associated with a research study.” Abstract. Claim 1, which is illustrative of the invention, reads as follows:

1. A computer-implemented method for storing, organizing and/or manipulating cohort based information associated with a research study, the method comprising:

a processor receiving project information associated with a first project at an interface of a computer database environment, the project information associated with the first project including cohort information associated with at least one cohort of the first project and patient information associated with members of the at least one cohort of the first project, wherein the patient information is one or more of: name, address, phone number, age, and condition clinical data;

generating a first virtual project drawer associated with the first project to be stored in the computer database environment, the first virtual project drawer including project information associated with the first project, at least one cohort file and/or at least two cohort member files,

receiving project information associated with a second project at the interface of the computer database environment, the project information associated with the second project including cohort information associated with at least one cohort of the second project and patient information associated with members of the at least one cohort of the second project;

generating a second virtual project drawer associated with the second project to be stored in the computer database environment, the second virtual project drawer including the project information associated with the second project, at least one cohort file and/or at least two cohort member files;

generating a query to locate project information, one or more cohort information and patient information associated with one or more of the first and second projects;

searching one or more of the first and second project drawers according to the generated query so as to locate results therein that may be relevant to the research study; and

generating a report including the located results, wherein the generated report provides project information, one or more cohort information and patient information associated with one or more of the first and second projects.

Claims 1, 4-18, 21-35, and 38-51 stand rejected under 35 U.S.C.

§ 103(a) as unpatentable over Knapp (US 6,278,999 B1; Aug. 21, 2001) and Ricciardi (US 2004/0215981 A1; Oct. 28, 2004). Ans. 3-26.

Rather than repeat the arguments here, we refer to the Briefs (App. Br. filed Nov. 25, 2009; Reply Br.¹ filed Apr. 26, 2010) and the Answer (Ans. mailed Feb. 25, 2010) for the respective positions of Appellants and the Examiner.

ISSUE

The dispositive issue raised by Appellants' contentions is as follows: Has the Examiner established a prima facie case that Knapp combined with Ricciardi teaches or suggests "a first virtual project drawer associated with [a] first project to be stored in [a] computer database environment, . . . [and] a second virtual project drawer associated with [a] second project to be

¹ In considering the Reply Brief, we note that although it bears information identifying it as applying to the instant patent application and appeal, Reply Br. 1, the arguments and contentions made in the Reply Brief, Reply Br. 2-4, appear to relate to a different, unidentified, patent application and appeal.

stored in the computer database environment” (hereinafter “virtual project drawer limitation”), as recited in claim 1?²

ANALYSIS

In finding that claim 1 is unpatentable over the combination of Knapp and Ricciardi, the Examiner maps the virtual project drawer limitation to Knapp, stating that “Column 4 Lines 8-25, discloses creating a filter which will include information about the project, cohort information and consumer (member) information.” Ans. 3-4. The Examiner further explains:

Examiner maintains that Knapp (Column 12 Lines 31-34) discloses searching a database according to a generated query and Column 3 Lines 26-36, discloses that said database will be partitioned based on numerous viewpoints (appellants drawers) that analyze the data by different basis; therefore during searching the numerous viewpoints stored in the database are accessed so that the desired results can be extracted.

(Ans. 28).

Appellants contend that

the Examiner has either mischaracterized what is simply described as a “database” by *Knapp* and/or has read features into *Knapp* that are not taught or suggested by the reference itself. . . . The database taught by *Knapp* “collects and stores monitoring data from a large number of individuals” (Abstract). However, *Knapp* does not teach or suggest the use of one or more project drawers within the database.

App. Br. 14. We agree with Appellants.

Giving the phrase its broadest reasonable interpretation, *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997), we construe a virtual project drawer to

² Appellants’ contentions raise additional issues. Because we are persuaded of Examiner error by the identified issue, which is dispositive of the appeal, we do not reach the additional issues.

be a portion of a computer database environment dedicated to a particular project, into which are placed project information, cohort files related to the project, and cohort member files related to the project, much like paper files in a drawer of a physical file cabinet. *See* Spec. ¶¶ [4], [31]. We further conclude that the virtual file drawer limitation requires that there be at least two (“first” and “second”) such portions. We conclude our claim construction is consistent with ordinary usage of the words, as understood by one of ordinary skill in the art, and with Appellants’ Specification. *See Morris*, 127 F.3d at 1054.

The passages cited by the Examiner as teaching the virtual project drawer limitation appear to be directed to statistically analyzing the data in Knapp’s information management system and generating data queries (Knapp col. 3, ll. 26-35; col. 4, ll. 8-25; col. 12, ll. 31-34); and to controlling access to the data in the information management system (Knapp col. 4, ll. 8-25). Knapp does teach that “[t]he information management system for personal health digitizers includes processing elements that perform statistical *analysis of the collected data from any of numerous viewpoints*, such as on a per consumer, population segment, or query specific basis.” Knapp col. 3, ll. 32-36 (emphasis added). However, we find that neither this passage of Knapp, nor any other cited passage of Knapp or Ricciardi, teaches or suggests that the “viewpoints” are portions (i.e., “virtual project drawers”) of Knapp’s information management system (i.e., a “computer database environment”) dedicated to a particular set of data files, let alone dedicated to a particular project.

Therefore we conclude the Examiner has not established a prima facie case that Knapp and Ricciardi teach or suggest the virtual file drawer

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limitation. Accordingly, on this record we will not sustain the rejection of (1) claim 1; (2) independent claims 18 and 35, which were argued together with claim 1 and include a limitation substantially the same as the virtual file drawer limitation; and (3) claims 4-17, 21-34, and 38-51, which depend from claims 1, 18, and 35 respectively.

ORDER

The decision of the Examiner to reject claims 1, 4-18, 21-35, and 38-51 is reversed.

REVERSED

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