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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ASHA TARACHANDANI,
SIVASANKARAN CHANDRASEKAR, MAN-HAY TAM,
ANH-TUAN TRAN, RAVI MURTHY, NIPUN AGARWAL, and
ERIC SEDLAR

Appeal 2010-008118
Application 11/442,106
Technology Center 2100

Before ROBERT E. NAPPI, JUSTIN BUSCH, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

BUSCH, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-20. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

Introduction

According to Appellants, the invention relates to a mechanism "for detecting and disregarding application specific nodes contained in shared XML documents." Abstract.

STATEMENT OF THE CASE

Exemplary Claim

Claim 1 is exemplary and reproduced below:

> 1. A method for isolating application specific information in XML data, the method comprising the steps of:
>
> receiving one or more criteria that identifies nodes within a collection of XML documents to ignore;
>
> receiving a query that specifies a path operation based on a path;
>
> wherein one or more of said identified nodes is under said path; and
>
> based at least on the one or more criteria, computing the path operation as if one or more of said identified nodes is not in the collection of XML documents.

Reference

Lemon	US 2003/0140311 A1	Jul. 24, 2003

Rejections

The rejection of claims 1 and 10 under 35 U.S.C. § 101 as being directed to non-statutory subject matter have been withdrawn.

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lemon.

ISSUE[1]

Appellants argue that Lemon's searching of all tags in order to find a tag with a particular label as disclosed does not meet the recited "based at least on the one or more criteria, computing the path operation as if one or more of said identified nodes is not in the collection of XML documents." App. Br. 8.

Issue: Has the Examiner erred in finding that Lemon discloses "based at least on the one or more criteria, computing the path operation as if one or more of said identified nodes is not in the collection of XML documents," as recited in claims 1 and 10?

ANALYSIS

In addition to arguments related to Lemon's failure to disclose identifying nodes to be ignored and receiving queries that specify a path operation based on a path, Appellants argue that Lemon searches all tags for

[1] We recognize that Appellants have asserted additional arguments. However, the identified issue is dispositive and thus, we do not consider Appellants' remaining arguments.

a label and does not compute a path operation as if the identified nodes to be ignored are not part of the path. App. 13-14.

The Examiner states that the claim language is broad and silent with respect to how the query is executed and whether or not each tag is inspected. Ans. 12. The Examiner finds that "irrelevancy" is the criteria used to identify nodes to be ignored (Ans. 9) and that paragraphs 43-47 of Lemon meet the recited "query path"; the Examiner appears to be asserting that paragraphs 43-47 of Lemon disclose "receiving a query that specifies a path operation based on a path." Ans. 10-11. Even accepting the Examiner's findings that Lemon discloses receiving criteria to identify nodes to be ignored and that the query in Lemon "specifies a path operation based on a path," we do not concur with the Examiner that Lemon teaches computing a path operation that ignores the identified nodes.

While we agree with the Examiner that the limitation at issue is broad and does not specify how the path operation is computed, we do not agree that it does not specify whether every tag is inspected. The claim specifically recites that the path operation is computed "as if one or more of said identified nodes is not in the collection." Thus, at least the identified nodes are not "inspected." As Appellants point out, the Examiner relies on paragraphs 43-47 of Lemon to disclose the "query that specifies a path operation based on a path," but has not provided an explanation as to how the identified "irrelevant" nodes would be under such a path, as recited in the claims. Reply Br. 3-4 (claim 1 recites, in part, "one or more of said identified nodes is under said path"). Moreover, we agree with Appellants that "[c]omputing the steps to '[g]et that value' is not the same as computing

the path operation" as if the ignored nodes are not a part of the path. Reply 4. We do not see, nor has the Examiner provided a satisfactory explanation as to, where Lemon discloses computing the path operation as if the nodes under the path are not present. Therefore, we cannot affirm the anticipation rejection.

Based on the evidence and arguments in front of us, we are constrained to find that the Examiner erred in rejecting independent claim 1. Independent claim 10 includes similar limitations to claim 1 and we therefore find that the Examiner erred in rejecting claim 10 for the same reasons as discussed above. Similarly, claims 2-9 and 11-20 include each of the limitations of claims 1 or 10 and we therefore find that the Examiner erred in rejecting claims 2-9 and 11-20 for the same reasons as discussed above.

DECISION

The Examiner's rejection of claims 1-20 is reversed.

REVERSED

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