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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/297,235	11/15/2011	Suraj Jacob	333960.01	1041
69316	7590	06/01/2016	EXAMINER	
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052			YEN, SYLING	
			ART UNIT	PAPER NUMBER
			2166	
			NOTIFICATION DATE	DELIVERY MODE
			06/01/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SURAJ JACOB

Appeal 2014-007329
Application 13/297,235
Technology Center 2100

Before JEAN R. HOMERE, CAROLYN D. THOMAS, and
JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1–20, which are all of the pending claims in the present application. Claims App. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

The present invention relates generally to providing a search to facilitate discovery or access to configuration functions of a computer application. *See* Abstract.

Claim 1 is illustrative:

1. A system, comprising:
 - one or more processing units; and
 - a plurality of components, each of which is executed by at least one of the one or more processing units, the plurality of components comprising:
 - a reference component configured to access a set of metadata correlated with configuration functions of a computer application, the configuration functions comprising user-customizable settings associated with the application;
 - an indexing component configured to distinguish respective subsets of the set of metadata that are associated with respective ones of the configuration functions; and
 - a searching component configured to receive a set of search data input by a user of the application, compare the set of search data with the subsets of the set of metadata, and identify a matching subset of metadata that satisfies a condition pertaining to the search data defined by a function.

Appellant appeals the following rejections:

- R1. Claim 20 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter (Final Act 2);
- R2. Claims 1–11, 13, 14, 16, 19, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sherwood (US 2007/0180066 A1, Aug. 2, 2007) (Final Act 3); and
- R3. Claims 1–20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishnaswami (US 2005/0091346 A1, Apr. 28, 2005) and Sherwood (Final Act 22).

ANALYSIS

Rejection under § 101

Appellant presents no arguments pertaining to the Examiner's rejection of claim 20 as being directed to non-statutory subject matter (Final Act. 2). Nor, can we find anything in the record that indicates that this rejection is withdrawn. Accordingly, we summarily sustain this rejection. *See* Manual of Patent Examining Procedure (MPEP) § 1205.02, 8th ed., Rev. 8, July 2010 ("If a ground of rejection stated by the Examiner is not addressed in the Appellant's brief, that ground of rejection will be summarily sustained by the Board.").

Rejections under § 102(e) and § 103(a)
Claims 1–20

Issue: Did the Examiner err in finding that Sherwood discloses receiving a set of *search data input by a user* of the application and comparing the set of search data with the subsets of the set of metadata, as set forth in claim 1?

Appellant contends that:

[n]owhere does [paragraph [0024]] disclose that the data records are accessed based on a set of input by a user of the application. Instead, as explained by paragraph [0087] . . . data records are accessed based on a query that is automatically formulated by interface generator 340 and SQL access manager 348

(App. Br. 8).

In response, the Examiner finds "a system user clearly has to input the SQL query data (e.g. declarative SELECT statement) to construct and produce SQL queries to retrieve user desired data" (Ans. 12–13). We disagree with the Examiner.

In essence, the Examiner finds that although Sherwood uses a SQL access manager to form queries for the retrieval of data (i.e., machine generated queries), a system user still has to input the SQL query data to construct the SQL queries. However, we find that the Examiner's interpretation of how Sherwood constructs its SQL queries contradicts with the actual disclosure of Sherwood. For example, Sherwood discloses that "SQL access manager is used to form queries for the retrieval of data, such as configuration data" (¶ 87) and "the metadata is used by the SQL access manager 348 to generate mean, such as an SQL query, for accessing values stored elsewhere, such as configuration data 440" (¶ 97). In other words, Sherwood uses stored data, i.e., metadata, to construct the SQL queries, not user inputs, as proffered by the Examiner.

Thus, we disagree with the Examiner's finding that Sherwood discloses receiving a set of search data input by a user of the application and comparing the set of search data with subsets of the set of metadata, as recited in each of the independent claims. The Examiner also has not found that any of the other references of record teach this feature. Because we agree with at least one of the arguments advanced by Appellant, we need not reach the merits of Appellant's other arguments. Accordingly, we will *not* sustain the Examiner's anticipation rejection of claims 1–11, 13, 14, 16, 19, and 20 nor the obviousness rejection of claims 1–20.

DECISION

We reverse the Examiner's § 102(b) rejection of claims 1–11, 13, 14, 16, 19, and 20 and the Examiner's § 103(a) rejection of claims 1–20.

We affirm the Examiner's § 101 rejection of claim 20.

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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-IN-PART