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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SIMON G. THOMPSON, THUC D. NGUYEN, YANG LI,
HAMID GHARIB, and NICK GILES

Appeal 2015-006881
Application 12/096,847
Technology Center 2100

Before JOHNNY A. KUMAR, CATHERINE SHIANG, and ALEX S. YAP,
Administrative Patent Judges.

SHIANG, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1, 2, and 5–13, which are all the claims pending and rejected in the application. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

STATEMENT OF THE CASE

Introduction

The present invention relates to databases. *See generally* Spec. 1. Claim 1 is exemplary:

1. A method of generating a database query, the method comprising:

receiving a user selection of one of a number of predetermined generic database queries from a user;

automatically generating user specific data from a user profile corresponding to the user, the user profile data comprising a user data statement table comprising a number of user data statements, wherein each user data statement comprises a relationship identifier and two or more data items, the user specific data being generated by:

i) generating a user data items list comprising all of the data items comprised in the user data statement table;

ii) for each of a set of predetermined applicable query statements, each of the applicable query statements comprising an applicable relationship identifier, an applicable data item and a variable, inserting each of the data items held in the user data statement table into the applicable query statement and storing the applicable query statement in an applicability criteria data set if it matches one of the user data statements held in the user data statement table;

iii) for each of a set of predetermined effects query statements, each of the effects query statements comprising an effects relationship identifier and a variable, inserting each of the elements of the applicability criteria data set into the effects query statement and storing it in the user specific data if it matches one of the user data statements held in the user data statement table; and

automatically applying the user specific data to a number of user specific generator query statements in order to generate one or more user specific queries.

References and Rejection

Claims 1, 2, and 5–13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dutta (US 2003/0050865 A1, publ. Mar. 13, 2003) and Schaefer (US 2006/0190461 A1, publ. Aug. 24, 2006).

ANALYSIS

We have reviewed the Examiner's rejection in light of Appellants' contentions and the evidence of record. We concur with Appellants' contention that the Examiner erred in finding Dutta and Schaefer collectively teach "for each of a set of predetermined applicable query statements, each of the applicable query statements comprising an applicable relationship identifier, an applicable data item and a variable," as recited in independent claim 1.¹ *See* App. Br. 11.

The Examiner cite Schaefer's paragraph 88 and finds:

[88] For example, the first tuple 556 in the database 402 comprises arguments 554 conforming to a first predicate 510 namely, "A is supervised by B, has phone number C, and works in D." The first argument 558 of the tuple 552 corresponds with the variable "A" in the predicate 504. The second argument 560 of the tuple 552 corresponds with the variable "B" in the predicate 504, and so on.)

Final Act. 9.

Appellants argue:

The Final Office Action's analysis with respect to this limitation is brief and incomplete. The above claim language clearly recites that it is the query statements which comprise an "applicable relationship identifier, an applicable data item and a variable". The passage referred to by the Final Office Action in paragraph [0088] merely describes the structure of one of the elements which is stored within the predicate table. There is no disclosure or suggestion in Schaefer that a query statement comprises the elements listed above in integer ii) of claim 1. Furthermore, whereas the tuple 556 comprises a number of data items, none of them are a variable, as is recited in claim 1, as all of the data items have a fixed value.

¹ Appellants raise additional arguments. Because the identified issue is dispositive of the appeal, we do not reach the additional arguments.

App. Br. 11.

The Examiner does not respond to Appellants' arguments.

We agree with Appellants that Schaefer's paragraph 88 does not discuss any "set of predetermined applicable *query* statements" (emphasis added), let alone "a set of predetermined applicable query statements, each of the applicable query statements comprising an applicable relationship identifier, an applicable data item and a variable," as required by claim 1. Schaefer's paragraph 88 relates to Figure 5B, which "is a chart illustrating the contents of a dynamic predicate relation." Schaefer ¶ 43. Schaefer explains:

The apparatus includes a correlation module, a storage module, a query module, and a deletion module. The correlation module associates a set of predicate identifiers with a set of predicates. Each predicate is a description of a relationship between objects, or properties of objects. The predicate includes a predetermined number of arguments.

Schaefer Abstract (emphases added).

Because the Examiner fails to provide sufficient evidence or explanation to support the rejection, we are constrained by the record to reverse the Examiner's rejection of claim 1.

Independent claim 9 recites a claim limitation that is substantively similar to the disputed limitation of claim 1. *See* claim 9. Therefore, for similar reasons, we reverse the Examiner's rejection of independent claim 9.

We also reverse the Examiner's rejection of dependent claims 2, 5–8, and 10–13, which depend from claims 1 and 9.

Appeal 2015-006881
Application 12/096,847

DECISION

We reverse the Examiner's decision rejecting claims 1, 2, and 5–13.

REVERSED