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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/426,344	04/20/2009	Ilya Simon Itkin	94.0171	4641
48879	7590	07/17/2018	EXAMINER	
SCHLUMBERGER INFORMATION SOLUTIONS 10001 Richmond Avenue IP Administration Center of Excellence HOUSTON, TX 77042			MCINTYRE, CHARLES AARON	
			ART UNIT	PAPER NUMBER
			3685	
			NOTIFICATION DATE	DELIVERY MODE
			07/17/2018	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* IILYA SIMON ITKIN, SUBRAMONIAPILLAY  
VALLINAYAGAM SUBRAMONIAN, DALE MARVIN BLUE, and  
STEPHEN CHELACK<sup>1</sup>

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Appeal 2017-002890  
Application 12/426,344  
Technology Center 3600

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Before ROBERT E. NAPPI, SCOTT B. HOWARD, and  
JOYCE CRAIG, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1, 2, 4, 9, 11, 13, 18, and 20. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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<sup>1</sup> According to Appellants, the real party in interest is Schlumberger Technologies Corporation. Appeal Brief 3.

## INVENTION

Appellants' disclosed invention is directed to a method for retrieving data from a database. *See* Abstract. Claim 1 is representative of the invention and reproduced below.

1. A method for accessing a database comprising:

receiving, from a user, a query for oilfield data in the database, wherein the query defines an operation to perform on the oilfield data, and wherein the oilfield data is regarding an oilfield entity;

determining, from an entitleable table, that the oilfield data is entitleable;

obtaining an identifier of the user;

obtaining, with a processor and from an entitlement table, a role in the entitlement table corresponding to the identifier of the user;

obtaining, with the processor and using the role in the entitlement table, a workflow identifier for a workflow having a relationship between the oilfield entity and an oilfield;

obtaining, with the processor and using the workflow identifier, a chasing rule that defines a source table corresponding to a well within the oilfield, a target table corresponding to the oilfield entity, and a traversal of a hierarchy of tables according to the workflow from the source table to the target table for obtaining of the oilfield data;

obtaining, with the processor, the oilfield data in the database based on authentication that the oilfield data is entitleable and that the user is entitled to view the oilfield data, and by traversing the hierarchy of tables from the source table to the target table to obtain the oilfield data; and

presenting the oilfield data to the user.

## REJECTIONS AT ISSUE<sup>2</sup>

The Examiner rejected claim 1, 2, 4, 9, 11, 13, 18, and 20 under 35 U.S.C. § 101 for being directed to patent-ineligible subject matter. Final Act. 3–4.

The Examiner rejected claims 1, 2, 4, 9, 11, 13, 18, and 20 under 35 U.S.C. § 103(a) for being unpatentable over Agarwal et al. (US 6,965,903 B1, issued Nov. 15, 2005), Sandhu et al. (“Role Based Access Control Models”, Computer, 1996) and Wald (US 2006/0224637 A1, Oct. 5, 2006). Final Act. 4–7.

## PRINCIPLES OF LAW

Patent-eligible subject matter is defined in 35 U.S.C. § 101 of the Patent Act, which recites:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

There are, however, three judicially created exceptions to the broad categories of patent-eligible subject matter in 35 U.S.C. § 101: laws of nature, natural phenomena, and abstract ideas. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014); *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 70 (2012). Although an abstract idea itself is patent ineligible, an application of the abstract idea may be patent eligible. *Alice*, 134 S. Ct. at 2355. Thus, we must consider “the elements of

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<sup>2</sup> Throughout this Decision we refer to the Appeal Brief filed March 28 2016, Reply Brief filed December 7, 2016, Final Office Action mailed October 26, 2015, and the Examiner’s Answer mailed October 7, 2016.

each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (citing *Mayo*, 566 U.S. at 78–80). The claim must contain elements or a combination of elements that are “sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [abstract idea] itself.” *Id.* (quoting *Mayo*, 566 U.S. at 72–73). The Federal Circuit has explained that, in determining whether claims are patent-eligible under Section 101, “the decisional mechanism courts now apply is to examine earlier cases in which a similar or parallel descriptive nature can be seen—what prior cases were about, and which way they were decided.” *Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016). The Federal Circuit also noted in that decision that “examiners are to continue to determine if the claim recites (i.e., sets forth or describes) a concept that is similar to concepts previously found abstract by the courts.” *Id.* at 1294 n.2.

#### ANALYSIS

We have reviewed Appellants’ arguments in the Briefs, the Examiner’s rejections, and the Examiner’s response to Appellants’ arguments. Appellants’ arguments have persuaded us of error in the Examiner’s conclusion that the claims are directed to patent-ineligible subject matter, however, Appellants’ arguments have not persuaded us of error in the Examiner’s conclusion that the claims are obvious over the prior art.

DECISION

Rejection under 35 U.S.C. § 101

Appellants argue on pages 7 through 10, of the Appeal Brief, that the Examiner has failed to articulate a reasoned rationale demonstrating that the claim is directed to a judicial exception of an abstract idea. Further, Appellants argue that the Examiner has failed to properly consider the second step of the two part analysis set forth by the Court in *Alice*. App. Br. 10–13.

We concur with Appellants that the Examiner has not set for a sufficient reasoned rationale as to why the claim recites an abstract idea.

The Examiner’s rejection states:

[T]he claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claims 1-2, 4, 9, 11, 13, 18, and 20 are drawn to a user looking up information, and if the user has the right to the information, the information being presented to the user (e.g. request to access legal or medical records). The role played by the computer is mere automation and thus the claims are directed to an abstract idea (for instance, in *Alice Corporation Pty. Ltd. v. CLS Bank International, et al.* .. the court found that an “intermediated settlement” was a fundamental economic practice, which is an abstract idea).

Final Act 3. The Examiner has repeated this statement in the Answer as a response to Appellants’ arguments. Answer 2–3. We do not consider this to be a sufficient rationale because, as discussed above, the Federal Circuit has said the decisional mechanism courts now apply is to show that the claims are similar to those held to be abstract by the courts. In this case, the Examiner has concluded that the limitation “user looking up information, and if the user has the right to

the information, the information being presented to the user” is an abstract concept without providing any analysis or comparison to other cases where such concepts were considered abstract.<sup>3</sup> While this may be an abstract concept, the Examiner has not presented sufficient rationale to demonstrate that the claim is drawn to an abstract concept. *See* MPEP 2106.04(a). Accordingly, we do not sustain the Examiner’s rejection under 35 U.S.C. § 101.

#### Rejection under 35 U.S.C. § 103

Appellants argue that the Examiner improperly found limitations of claim 1 are directed to printed matter. App. Br. 13–16. Specifically, Appellants argue that the Examiner’s reliance on the printed matter doctrine is improper as “oilfield data can and likely do communicate some information, but the content within the oilfield data is not being claimed.” App. Br. 15. Appellants argue that the claims recite a hierarchy of tables and the actual content of the oilfield data is not being claimed, and that the limitations ignored by the Examiner are not directed to printed matter. App. Br. 15–16. Further, Appellants argue that the Examiner improperly recognized that the claims recite a functional relationship between the rest of the claim, citing the limitations of i) “a workflow identifier for a **workflow having a relationship between an oilfield entity and an oilfield;**” ii) “**traversal of a hierarchy of tables according to the workflow...**” and iii) “**traversing the hierarchy of tables.**” App. Br. 17–18. Appellants argue

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<sup>3</sup> In as much as the Examiner’s rationale cites to *Alice* as demonstrating that “intermediated settlement” is an abstract concept, the Examiner has not shown how, nor is it readily apparent, this is similar to the claims at issue in this case.

that the limitations directed to oilfield data, oilfield entities, workflow, target table and role, define how the hierarchy of tables is traversed and as such show a functional relationship. App. Br. 18.

We are not persuaded of error by these arguments as we do not find that the Examiner improperly ignored limitations of the claims. We understand the Examiner to have correctly determined that terms “oil field data,” “role,” “entitlement table,” “ workflow identifier,” and “target table” are non-functional descriptive material, which properly construed are merely titles given to the different types of data/claim elements and as such are not afforded patentable weight. “[O]nce it is determined that the limitation is directed to printed matter, one must then determine if the matter is functionally or structurally related to the associated physical substrate, and only if the answer is ‘no’ is the printed matter owed no patentable weight.” *In re DiStefano*, 808 F.3d. 845, 851 (Fed Cir. 2015). Here, contrary to Appellants’ arguments, the fact that the data is “oilfield data” does not change the method, there are no claimed method steps dependent upon the data being oilfield data. The method would not perform differently if the data were water well data, or other property data. Further, Appellants’ Specification, in paragraph 10, states the methods of the system may be performed on databases of other types of data.

Further, Appellants’ arguments on page 17 and 18 of the Appeal Brief, have not persuaded us that the Examiner ignored the functional relationship between the i) “a workflow identifier for a **workflow having a relationship between an oilfield entity and an oilfield;**” ii) “**traversal of a hierarchy of tables according to the workflow...**,” and iii) “**traversing the hierarchy of tables.**” The Examiner has made specific findings

identifying portions of Agarwal, Sandhu, and Wald that teaches these claim limitations. Final Act. 5–6. In making these findings the Examiner has construed the non-functional descriptive terms generically, i.e. the claimed “role” as being an “attribute”, the claimed “oilfield entity” as being an “specific entity” etc. Final Act. 5. Further, we note that the Examiner has also found that the teachings Agarwal, Sandhu and Wald teach the elements identified as non-functional descriptive material, e.g, role, entitlement tables and oilfield data. Final Act. 4–6. Appellants’ arguments directed to the references merely provide a cursory summary of the references and do not address the specific findings by the Examiner. App. Br. 19. As Appellants have not specifically addressed and shown error in the Examiner’s findings, we are not persuaded of error in the Examiner’s rejection of representative claim 1 under 35 U.S.C. § 103. Accordingly, we sustain the Examiner’s rejection, under 35 U.S.C. § 103 of claim 1 and claims 2, 4, 9, 11, 13, 18, and 20 grouped with claim 1.

#### DECISION

We affirm the Examiner’s rejection of claim 1, 2, 4, 9, 11, 13, 18, and 20 under 35 U.S.C. § 101 for being directed to patent-ineligible subject matter.

We reverse the Examiner’s rejection of claims 1, 2, 4, 9, 11, 13, 18, and 20 under 35 U.S.C. § 103(a).

Because we affirm at least one ground of rejection with respect to each claim on appeal, the Examiner’s decision rejecting claims 1, 2, 4, 9, 11, 13, 18, and 20 is affirmed. *See* 37 C.F.R. § 41.50(a)(1).

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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