



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for 13/909,236 and 75532, inventor Jean-Marc Costecalde, attorney LEE LAW, PLLC, examiner JAMI, HARES, art unit 2162, and notification date 07/24/2018.

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@leelawpllc.com
docketing_archive@leelawpllc.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JEAN-MARC COSTECALDE and KEVIN N. TRINH

Appeal 2017-010372
Application 13/909,236¹
Technology Center 2100

Before JON M. JURGOVAN, NABEEL U. KHAN, and
AARON W. MOORE, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–18. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify International Business Machines Corporation as the real party in interest. App. Br. 3.

BACKGROUND

THE INVENTION

According to Appellants, the invention relates “generally to records management software programs, and more particularly to a record management software program having program code for managing a life cycle for metadata, wherein the life cycle for the metadata is separate from a life cycle for an object to which the metadata is associated.” Spec. ¶ 1.

Exemplary independent claim 1 is reproduced below.

1. A computer-implemented method comprising:
 - assigning a first life cycle to a metadata object and a second life cycle to a system object, where the metadata object comprises metadata information associated with the system object; and
 - programmatically managing retention of the metadata object within computer readable storage memory according to the first life cycle independently of managing retention of the system object within the computer readable storage memory according to the second life cycle.

REFERENCES AND REJECTIONS

1. Claims 1–18 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Final Act. 16–18.
2. Claims 1, 2, 4–8, 10–14, and 16–18 stand rejected under 35 U.S.C. § 103 as unpatentable over Kilday (US 7,818,300 B1, Oct. 19, 2010) and Gauba² (US 2008/0178198 A1, July 24, 2008. Final Act. 19.

² We note that at places in the record Gauba is misidentified as US 2009/017721 A1. *See, e.g.*, Final Act. 19, 22. We further note that references to “Mimatsu” appear in the record, however no specific passages of Mimatsu (US 2009/017721 A1; July 9, 2009) cited. *See, e.g.*, Final Act.

3. Claims 3, 9, and 15 stand rejected under 35 U.S.C. § 103 as unpatentable over Kilday, Gauba, A1, and Brooks et al., (US 2006/0259468 A1, Nov. 16, 2006). Final Act. 22–23.

DISCUSSION

REJECTION UNDER 35 U.S.C. § 101

Under 35 U.S.C. § 101, a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” The Supreme Court has “long held that this provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013)). The Supreme Court in *Alice* reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice*, 134 S. Ct. at 2355. The first step in that analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts,” such as an abstract idea. The Court acknowledged in *Mayo* that “all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract

21 (discussing claim 6). As recognized by Appellants (*see* App. Br. 46), these apparent errors are typographical or clerical in nature, and do not appear to have impeded Appellants’ ability to respond fully and meaningfully to the Examiner’s grounds for rejection. *See* 35 U.S.C. § 132(a).

ideas.” *Mayo*, 566 U.S. at 71. We, therefore, look to whether the claims focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016). If the claims are not directed to an abstract idea, the inquiry ends. Otherwise, the inquiry proceeds to the second step where the elements of the claims are considered “individually and ‘as an ordered combination,’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 134 S. Ct. at 2355 (quoting *Mayo*, 566 U.S. at 78–79).

Step One of Alice/Mayo Framework

Under the first step of the *Alice/Mayo* framework, the Examiner finds “The claims are directed to the abstract idea of responsive to assigning a first lifecycle to an object and assigning a second lifecycle to its associated metadata object, which can be done in human mind.” Final Act. 17. The Examiner also finds “[t]he claimed invention is related to organizing and retaining data (e.g. system object and metadata) through lifecycle policies in which mathematical correlations are being used to determine a corresponding assigned lifecycle phase (e.g. review, export, or destroy phase).” Ans. 13.

Appellants argue “This claimed subject matter represents a completely new architectural approach to computer data organization and processing. Appellant’s claimed subject matter represents a fundamental change to data organization and processing within computing platforms.” App. Br. 13.

Appellants also argue the claims are:

directed to a technological innovation for and improvement of records management software applications (processes performed), and is technologically rooted in computing platform technologies and improvements to those technologies. Appellant's claimed subject matter resulted and is necessarily rooted in computer technology to overcome a problem specifically arising in the realm of these specific types of computer platforms.

App. Br. 13–14; *see also* App. Br. 14, 16 (arguing the claims are directed to improving technological processing of computers that provide data management services), 22 (arguing the claims are directed to “a new concept inextricably tied to computer technology and distinct from the types of concepts found by the courts to be abstract).” Similarly, under *Enfish*, Appellants argue the claims are not directed to an abstract idea because they “affect an improvement of the functioning of the computer itself” by allowing a “reduction of memory/storage and increased speed of in-system processing.” App. Br. 19. According to Appellants, the independent management of the life cycles of metadata objects and associated system objects allows for the deletion of the system object while preserving the metadata information about the system object, thus “reducing storage requirements for system objects that may be deleted and for which the metadata object has separate utility.” App. Br. 20. For the same reasons, the “claimed subject matter further allows increased processing speed of remaining system objects because system objects that are no longer needed may be removed (and not processed, e.g., for directory listings, etc.).” App. Br. 20.

Appellants further argue the claims are not directed to a method of organizing human activity because the claims are not in any way related to or similar to interpersonal and intrapersonal activities. App. Br. 18.

Appellants also argue the claims cannot be performed by a human because “[a] human cannot perform a ‘computer-implemented method.’ Further, a human cannot perform ‘program instructions.’” App. Br. 21.

We are unpersuaded by Appellants’ arguments. The claims are directed to assigning a life cycle to a system object and to a metadata object and to managing retention of the metadata object independently of managing retention of the system object. We agree with the Examiner that the claims are directed to organizing and retaining data and that such a process could be performed in the human mind. Indeed, Appellants also characterize their claims as directed to “computer data organization and processing.” App. Br. 13. Claims directed to organizing data have been found to be directed to abstract ideas by our reviewing court. *Digitech Image Tech. v. Electronics for Imaging, Inc.*, 758 F.3d 1344 (Fed. Cir. 2014).

Appellants’ arguments that the claims are directed to improvements in computer technology and rooted in computer technology are unpersuasive. Claim 1, for example, merely indicates the method is “computer-implemented” and that management of the retention of metadata and system objects occurs “programmatically” within a “computer readable storage memory.” These references to computer technology are insufficient to support an argument that the claims are rooted in computer technology. *See DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir. 2014) (recitation of generic computer elements does not make a claim directed to an abstract idea patent-eligible). The central aspect of the claims, which is to manage the life cycle of two objects independently, is something that can be done through mental steps. Appellants’ reliance on recitations of “a computer-implemented method” and “program instructions” as

precluding the method from being performed by a human are, for the same reasons, unpersuasive.

Further, Appellants' argument that the claims improve the functioning of the computer because of a reduction in storage requirements and an increase in processing speeds is incommensurate with the scope of the claims. These benefits, according to Appellants, stem from allowing the system objects to be deleted while maintaining their metadata objects. *See* App. Br. 19–20. However, the claims are not limited to instances where the system object is deleted without deletion of its associated metadata object. The claims only require independent management of the lifecycles of these two types of objects regardless of whether one of those objects is subsequently deleted or not. Thus, the improvements to the functioning of the computer cited by Appellants do not necessarily follow from the claimed subject matter.

Step Two of Alice/Mayo Framework

Under step two of the *Alice/Mayo* framework, the Examiner finds “adding the subject matter of ‘programmatically’, ‘computer readable storage memory’, and/or processors and managing the first and second lifecycles independently to the claim 1–18 are not enough to qualify as “significantly more.”” Ans. 13. The Examiner finds

Viewed as a whole, these additional claim element(s) do not provide meaningful limitation(s) to transform the abstract idea into a patent eligible application of the abstract idea such that the claim(s) amounts to significantly more than the abstract idea itself (e.g. a mental process that can be performed in the human mind).

Final Act. 17–18.

Appellants argue the claims amount to an inventive concept for resolving a data management problem. App. Br. 22. According to Appellants

the claims address a technological problem of independent control/management of life cycles of two distinct types of in-system objects (metadata objects and system objects) that have historically been tightly coupled with dependencies. This complex processing is not believed possible without Appellant's claimed novel and non-obvious technological innovation. As such, the claimed subject matter also amounts to significantly more than simply performing 'responsive to assigning a first lifecycle to an object and assigning a second lifecycle to its associated metadata object.' Therefore, when taken as a whole, the claimed subject matter also has additional limitations that amount to significantly more than any form of abstract idea that has been treated as an exception to patentability. As such, under this additional reasoning, the claim also recites patent eligible subject matter (Step 2B: YES).

App. Br. 22–23.

Appellants further argue:

there is no risk of inhibiting future innovation premised on the alleged abstraction. Appellant's claimed subject matter is a narrow technical application of a new technique of programmatic retention of metadata independently of retention of system objects, and is significantly more than merely assigning life cycles, as alleged. Appellant's claimed subject matter produces a concrete result (is not abstract), and does not foreclose future innovation/invention in field of data management.

App. Br. 21.

Appellants argue the claimed subject matter is not generic or well-known because the Examiner's 35 U.S.C. § 103 rejection is clear error.

App. Br. 19.

We find these arguments to be unpersuasive. Appellants' argument that the claims contain an inventive concept that is not well-known because

the Examiner's obviousness rejection is in error is unpersuasive because, as we explain below, we agree with the Examiner that the claims are obvious over the prior art. Further while "novelty in implementation of the idea is a *factor* to be considered . . . in the second step of the *Alice* analysis" (*Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014) (emphasis added)), "the addition of merely novel or non-routine components to the claimed idea [does not] necessarily turn[] an abstraction into something concrete" (*id.*).

Appellants' argument that the claims are not preemptive and do not inhibit future innovation is also unpersuasive. "While preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility." *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015). Moreover, "[w]here a patent's claims are deemed only to disclose patent ineligible subject matter under the *Mayo* framework, as they are in this case, preemption concerns are fully addressed and made moot." *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir.), cert. denied, 136 S.Ct. 701 (2015).

Conclusion

For the aforementioned reasons, we agree with the Examiner that claims 1–18 are directed to an abstract idea. We also agree with the Examiner that the claim elements, when considered individually or as an ordered whole, do not amount to something significantly more than the alleged abstract idea. Accordingly, we sustain the Examiner's rejection of claims 1–18 under 35 U.S.C. § 101.

OBVIOUSNESS REJECTIONS

Claim 1

Appellants argue “Kilday And Gauba Do Not Disclose Assigning Different Life Cycles to a Metadata Object and an Associated System Object, and Do Not Disclose Managing Retention of the Metadata Object Independently of Managing Retention of the System Object According to the Respective Assigned Life Cycles.” App. Br. 28 (emphasis omitted). Specifically, Appellants argue that the Examiner’s rejection is based upon speculation because the Examiner “alleges that the retention policy of the Kilday reference ‘could be managed separately from another object.’” App. Br. 30.

Appellants further argue that “the Kilday reference discloses a very tight coupling between the life cycle/retention of various metadata objects and the system objects (content items)” and prevents the deletion of the content item and its content object until all links between the two are deleted. App. Br. 31. According to Appellants

Any attempt to change the arrangement of the Kilday reference to manage a life cycle/retention of metadata independently from the content item/retention would render the Kilday reference unsatisfactory for its intended purpose of forming detailed relationships (the ‘link count’) between the retention of the content item and the content object.

App. Br. 32.

In fact, according to Appellants, Kilday teaches away from the claimed invention “by the disclosure of a tight coupling of retention of all related objects by use of the retention policy.” App. Br. 31.

We are unpersuaded by Appellants’ arguments. First, we note the Examiner has explained that in Kilday the retainer object may enforce a

retention policy on both the content item and its associated metadata object, or it may not, implying that the content item and its metadata object may be managed independently. Ans. 20 (citing Kilday 5:33–39). Second, Appellants’ argument that the content item and content object are prevented from being deleted until all links between them have been deleted is not commensurate with the scope of the claim. The claim does not require the system object and its metadata object to be deleted simultaneously. It only requires that their life cycles be managed independently. Here, the Examiner has explained that the retainer object may be used to manage the life cycle of the content item (i.e. the claimed “system object”) and its associated content object (i.e. the claimed “metadata object”) independently, even if Kilday does not explicitly disclose that one may be deleted without the other being deleted. Ans. 20–21 (citing Kilday 5:33–39).

We do not agree that Kilday teaches away from managing the system object and metadata object independently. Kilday notes that

In many cases, an enterprise or other content owner may be required and/or may desire to enforce with respect to such metadata the same retention policy or policies and/or other requirements applicable to the underlying content item with which the metadata is associated. Therefore there is a need for a way to ensure that items of content and their associated metadata are retained and disposed of in parallel.

Kilday 1:25–30.

In other words, in *some cases* the two would not be subject to the same retention policy. Indeed, this portion of Kilday implies that a system object and its metadata object being managed independently is the default situation in the absence of positively structured software that links the two together.

Appellants argue that Gauba also does not teach independent management of the lifecycles of metadata objects and their associated system objects. App. Br. 32–33. Appellants highlight Gauba’s teaching that “[t]he DDMM adaptor 304 may remove the metadata object 201 once the pointed or referenced content is no longer available” as evidence that Gauba’s metadata object cannot be removed until the pointed content is no longer available. App. Br. 33. Thus, according to Appellants, Gauba also “enforces a tight coupling between the retention of pointed to objects and the retention of the metadata object.” As with Kilday, Appellants contend that modifying Gauba to provide independent management of the lifecycle of metadata objects and their associated system objects would “render the Gauba reference unsatisfactory for its intended purpose of forming detailed dependency relationships between the content item and the metadata object.” App. Br. 34. Appellants further argue that although Gauba utilizes the term “life cycles” it does not “factually disclose any active assignment (‘assigning’) of a life cycle to the disclosed metadata object.” App. Br. 35.

We are unpersuaded by Appellants’ arguments. As we explained above, the claim does not preclude the metadata object being deleted with its system object. It only requires independent management of life cycles of the two. The Examiner relies on the combination of Kilday and Gauba as teaching this independent management of life cycles. Thus, Appellants’ argument against Gauda alone does not address the Examiner’s rejection. We also do not agree that modifying Gauda would render it unsatisfactory for its intended purpose. Gauda’s intended purpose is “discovery, management, access and control of digital content distributed over a plurality of heterogeneous digital services.” Gauda ¶ 1. The fact that in

Gauda the metadata object and the associated digital content are linked is a feature of Gauda, not its intended purpose, and would not render Gauda unsatisfactory for discovery or management of digital content.

We also do not find Appellants' argument that Gauda does not teach "life cycles" persuasive. The Specification describes a life cycle as "the lifespan of the record that starts from a phase for creating the record (i.e., creation phase) followed by one or more phases for maintaining the record (e.g., review phase, export phase, and destroy phase)." Spec. ¶ 29.

Referring to Figure 3, Gauba explains that an identifier is used to "track metadata objects across multiple life cycles of a metadata object." Figure 3 of Gauba depicts a flow of management of metadata objects, including the creation of a new metadata object, updating the metadata object, and removal of the metadata object. These events parallel the description in Appellants' own Specification of what a life cycle refers to. Thus, we do not agree that Gauba does not teach life cycles of metadata objects.

Claim 2

Claim 2 depends from claim 1 and recites "assigning the first life cycle to the metadata object comprises assigning a metadata record that comprises the first life cycle to the metadata object; and assigning the second life cycle to the system object comprises assigning a system record that comprises the second life cycle to the system object." Appellants argue "The rejection again alleges speculatively with respect to the Kilday reference that if 'a retainer object is assigned to file system comprising retention policy, a second retainer could be assigned to the metadata object. (*Id.*, emphasis added)." Appellants also once again argue that Gauba merely utilizes the term "life cycle" but does not support the Examiner's findings.

App. Br. 40. Appellants also argue that Kilday does not teach the limitations of claim 2 because it discloses “a very tight coupling between the retention of the various metadata objects and the system objects (content items).”

App. Br. 40.

We find these arguments to be unpersuasive. The Examiner finds Gauba teaches lifecycle objects as records with respect to metadata objects and Kilday teaches retention objects as records with respect to system objects. Ans. 23 (citing Gauba Fig. 2A, 3, ¶ 80; Kilday 5:23–48). We agree with the Examiner’s findings and therefore disagree the Examiner’s findings are based on speculation. As to Appellants’ remaining arguments, these are essentially the same as those addressed above with respect to claim 1 and are unpersuasive for the same reasons.

Accordingly, we sustain the Examiner’s rejection of claim 2 and of claims 8 and 14 which were argued together with claim 2. *See* App. Br. 38–41.

Claim 4

Claim 4 depends from claim 1 and recites

where the first life cycle of the metadata object is different from the second life cycle of the system object with which the metadata information of the metadata object is associated, and the metadata information comprises at least one of a name, a creation date, a size, a unique location within a computer file system hierarchy, and a custom property of the system object.

Appellants argue the rejection fails to provide any factual disclosure of a first life cycle for metadata being different than a second life cycle for a system object. App. Br. 42. In particular Appellants once again argue that Gauba does not disclose life cycles, even though it utilizes the term. App. Br. 42. Appellants also point to Kilday’s disclosure of content items and

associated content objects and retention objects, as not disclosing the claimed limitations. App. Br. 42. Finally, Appellants argue “The rejection has further failed to provide any distinguishing factual citation with respect to Appellant’s claimed metadata information that comprises at least one of a name, a creation date, a size, a unique location within a computer file system hierarchy, and a custom property of the system object.” App. Br. 42.

Appellants’ arguments are unpersuasive. As to arguments made previously with respect to claim 1, these arguments are unpersuasive for the same reasons as explained above. Appellants’ argument that the references do not disclose the claimed metadata comprising a name, creation date, size, location or custom property is also unpersuasive. The Examiner finds Kilday teaches that the document object contains descriptive material and other metadata which corresponds to the claimed “custom property” of the system object. The Examiner also finds Kilday discloses recording the creation date of content objects. Ans. 24 (citing Kilday 6:6–11). We agree with the Examiner that these portions of Kilday teach that the metadata includes at least a creation date.

Accordingly, we sustain the Examiner’s rejection of claim 4 and of claims 10 and 16, which Appellants argued together with claim 4. *See* App. Br. 41–43.

Claim 5

Claim 5 depends from claim 1 and recites “deleting the system object without deleting the metadata object.” Appellants argue that Kilday actually suggests that each of the content item and the metadata will be deleted together because the “link count on the document object is used to ensure the document object and associated any associated content item(s) and associated metadata are not

deleted until required and/or permitted by a last remaining retainer.” This union of retaining the set of objects (repeated “and”) enforces the coupling of the retention of these objects to ensure that they are not deleted until permitted by a last remaining retainer object (as a set).

App. Br. 44.

We are unpersuaded of Examiner error. Initially, we note that Kilday’s link count is associated with a content object, which corresponds with the claimed metadata object. This link count prevents the content object from being deleted until requirements to keep the associated content item no longer exist. *See* Kilday 6:22–28. Thus, the links *prevent* deletion of the metadata at least until the system object can be deleted but they do not *require* deletion of the metadata object once the link count is decremented to zero. Thus, Kilday’s reference to the link count alone is not sufficient to show that Kilday does not teach deleting system objects without deleting the associated metadata object.

The Examiner finds that Figure 5C of Kilday depicts a situation where a metadata object, depicted as document object 550, will not be deleted when one of its associated system objects, depicted as content items 542 to 544 is deleted. *Ans.* 26 (citing Kilday Fig. 5C, 6:1–21, 57 et seq.). Figure 5C of Kilday illustrates a situation where multiple content items 542 to 544 share a single document object. *See* Kilday Fig. 5C. The document object is part of the metadata of the content items. Thus, according to Kilday’s link counts, the document object will not be deleted until at least all associated content items are deleted. In other words, Kilday indicates that one of the content items 542 to 544 may be deleted, without its associated document object 550 being deleted because that document object’s link count has not yet reached zero (due to other associated content items still existing).

Accordingly, we sustain the Examiner's rejection of claim 5 and of claims 11 and 17 which were argued together with claim 5. *See* App. Br. 43–45.

Claim 6

Claim 6 depends from claim 1 and recites “blocking access to the metadata object if the first life cycle of the metadata object is not in a destroy phase at deletion of the system object.”

Appellants argue:

As such, what the Kilday reference factually discloses is hold logic that may generally prevent content and/or associated metadata (again together) from being accessed, viewed, moved, deleted and/or changed.

However, there is no factual disclosure of the metadata of the Kilday reference as cited having its own - a separate - set of phases of life cycles that are distinct from life cycles of the content. As a result, there is no factual disclosure of the metadata of the Kilday reference as cited having a “destroy phase,” as required by the plain meaning of Appellant's claim language

There further is no factual disclosure within the Kilday reference as cited of deleting the content without deleting the metadata. As a result, there is no factual disclosure within the Kilday reference as cited of the disclosed metadata object being retained at deletion of the system object. As a further consequence, there is no factual disclosure within the Kilday reference as cited of Appellant's claimed determination of whether ("if) the first life cycle of the metadata object is not in a destroy phase at deletion of the system object.

As another logical consequence, there is no factual disclosure within the Kilday reference as cited of Appellant's claimed blocking access to the metadata object if the first life cycle of the metadata object is not in a destroy phase at deletion of the system object.

App. Br. 46–47.

We are unpersuaded of Examiner error. Appellants' arguments are not commensurate with the scope of claim 6 which does not require a set of life cycle phases for the content item or for the metadata object. Claim 6 merely requires "blocking access to the metadata object if the first life cycle of the metadata object is not in a destroy phase at deletion of the system object." The Examiner finds Kilday teaches "hold logic" which prevents metadata that is under a "hold status" to be accessed, viewed, moved, deleted, and/or changed. Ans. 27 (citing Kilday 4:45–64). The Examiner thus finds it would have been obvious to block access to a metadata object if it is in a hold status, and therefore not in a destroy phase. Ans. 27.

Appellants' argument that Kilday does not disclose retaining metadata at deletion of the system object is unpersuasive in light of the Examiner's findings with respect to claim 5 explaining that if a metadata object, such as Kilday's document object, is associated with multiple system objects (i.e. multiple content items) then the metadata object will not be deleted when one of the content items is deleted. *See* Ans. 26 (citing Kilday Fig. 5C, 6:1–21, 57 et seq.).

Accordingly, we sustain the Examiner's rejection of claim 6 and of claims 12 and 18 which were argued together with claim 6. *See* App. Br. 45–47.

Claim 3

Claim 3 depends from claim 1 and recites:

where the first life cycle of the metadata object is configurable, via a metadata record assigned to the metadata object and based upon at least one configurable predefined rule, to comprise at least a review phase that allows an end-user to review the metadata object, an export phase that allows at least extraction and transfer of the metadata object from a database, and a destroy

phase that allows deletion of the metadata object independently of deletion of the system object.

Appellants argue

However, there is no factual disclosure within the Brooks reference as cited of a life cycle of a metadata object being configurable in any way because the cited disclosure merely discloses document retention processing. Further, there is no factual disclosure within the Brooks reference as cited of a metadata record assigned to the metadata object being based upon at least one configurable predefined rule.

Additionally, there is no factual disclosure within the Brooks reference as cited of a life cycle of a metadata object comprising three (3) specific and distinct phases of life cycle for metadata, specifically at least (i) a review phase that allows an end-user to review the metadata object, (ii) an export phase that allows at least extraction and transfer of the metadata object from a database, and (iii) a destroy phase that allows deletion of the metadata object independently of deletion of the system object.

App. Br. 49–50.

The Examiner relies on Brooks for teaching the claimed phases of the metadata object’s life cycle. Ans. 28 (citing Brooks ¶ 73). Brooks discloses an electronic record management system (“ERMS”) that “provide[s] an improved records retention mechanism for managing the lifecycle of electronic records.” Brooks ¶ 73. The ERMS “manages electronic records according to rules . . . for ensuring records retention and disposal.” Brooks ¶ 73. “The ERMS may support a full range of disposal options through the retention mechanism such as export to an external archive, deletion, retention and review at a later date, and/or any other suitable options.” Brooks ¶ 73. Because Brooks teaches rules for managing records that allow for exporting the record, deleting the record, and reviewing the record, we agree with the Examiner that Brooks, in combination with Kilday and

Appeal 2017-010372
Application 13/909,236

Gaubas, teaches or suggests configurable predefined rules that comprise a review phase, an export phase, and a destroy phase as claimed.

Accordingly, we sustain the Examiner's rejection of claim 3 and of claims 9 and 15 that were argued together with claim 3.

DECISION

The Examiner's rejection of claims 1–18 under 35 U.S.C. § 101 is affirmed.

The Examiner's rejections of claims 1–18 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED