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15/382,522	12/16/2016	Justin LANGSETH	022103-0450656	2110
909	7590	02/27/2020	EXAMINER	
Pillsbury Winthrop Shaw Pittman, LLP PO Box 10500 McLean, VA 22102			DAVANLOU, SOHEILA	
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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* JUSTIN LANGSETH, RUHOLLAH FARCHTCHI,  
QUAN CAT LUU, MATTHEW ROBERT BARRETT, and  
PUNIT RATHORE

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Appeal 2018-006238  
Application 15/382,522  
Technology Center 2100

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Before JOHN A. EVANS, LINZY T. McCARTNEY,  
JASON M. REPKO, *Administrative Patent Judges*.

McCARTNEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant<sup>1</sup> seeks review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1–9, 11–19, 21, and 22. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> Appellant identifies the real party in interest as Zoomdata, Inc. Appeal Brief 2, filed January 22, 2018 (Appeal Br.).

## BACKGROUND

This patent application concerns “facilitating queries via request-prediction-based temporary storage of query results.” Specification ¶ 2, filed December 16, 2016 (Spec.). Claim 1 illustrates the claimed subject matter:

1. A method of facilitating queries via request-prediction-based temporary storage of query results, the method being implemented by a computer system that comprises one or more processors executing computer program instructions that, when executed, perform the method, the method comprising:

predicting that a request will occur in the future, the predicted request comprising a predicted inquiry for a set of values;

performing multiple queries for data related to calculating the set of values,

wherein the multiple queries are performed in response to the request being predicted, and

wherein the related data comprises a first subset of the related data and other subsets of the related data;

obtaining the first subset of the related data based on at least some of the performed multiple queries;

causing the performance of the multiple queries to stop prior to obtaining the other subsets of the related data;

predicting the set of values based on the first subset of the related data without the other subsets of the related data;

causing the predicted set of values to be stored in a temporary data storage;

obtaining a subsequent request, matching the predicted request, from a client device subsequent to the storage of the predicted set of values;

obtaining the predicted set of values from the temporary data storage based on the subsequent request from the client device; and

providing the predicted set of values for presentation at the client device.

Appeal Br. 16.

#### REJECTIONS

<b>Claims</b>	<b>35 U.S.C. §</b>	<b>References/Basis</b>
1, 2, 8, 11, 12, 18, 21, 22	102	Chang <sup>2</sup>
4, 5, 14, 15	103	Chang, Narasayya <sup>3</sup>
3, 6, 7, 13, 16, 17	103	Chang, Roundtree <sup>4</sup>
9, 19	103	Chang, Narasayya, Roundtree

#### DISCUSSION

Claim 1 recites “[a] method of facilitating queries via request-prediction-based temporary storage of query results” that includes “performing multiple queries for data related to calculating the set of values,” “the related data compris[ing] a first subset of the related data and other subsets of the related data.” Appeal Br. 16. The method also includes “obtaining the first subset of the related data based on at least some of the performed multiple queries” and “causing the performance of the multiple queries to stop prior to obtaining the other subsets of the related data.” Appeal Br. 16.

Appellant argues that the Examiner has not shown that Chang discloses the “causing the performance of the multiple queries to stop prior to obtaining the other subsets of the related data” limitation recited in claim 1. *See* Appeal Br. 9–10; Reply Brief 5, filed May 23, 2018 (Reply Br.). Appellant contends that even if the parts of Chang relied on by the Examiner

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<sup>2</sup> Chang et al. (US 2013/0304798 A1; Nov. 14, 2013).

<sup>3</sup> Narasayya et al. (US 2007/0288495 A1; Dec. 13, 2007).

<sup>4</sup> Roundtree et al. (US 2014/0359471 A1; Dec. 4, 2014).

teach stopping the performance of queries, the parts of Chang cited by the Examiner do not disclose stopping the performance of queries *prior to obtaining the other subsets of related data* as required by claim 1. *See* Appeal Br. 9–10; Reply Br. 5.

We agree with Appellant. The Examiner found that Chang discloses the disputed limitation because Chang teaches (1) confirming that a maximum number of concurrent data requests are not being performed before receiving a data request and sending it to a server and (2) returning an error message after retrying a data request a predetermined number of times. *See* Final Action 4, mailed August 21, 2017 (quoting Chang ¶ 50); Examiner’s Answer 6–7, mailed April 11, 2018 (quoting Chang ¶¶ 40, 50–51). Although the cited parts of Chang may teach stopping a data request in particular circumstances, as argued by Appellant, the cited parts of Chang do not disclose stopping a data request “prior to obtaining the other subsets of the related data” as required by the disputed limitation. We therefore agree with Appellant that the Examiner erred.

On this record, we do not sustain the Examiner’s anticipation rejection of claim 1 and claims 2 and 8, which depend from claim 1. Because the Examiner’s anticipation rejection of independent claims 11 and 21 suffers from the same deficiency, we also do not sustain the Examiner’s anticipation rejection of these claims and claims 12, 18, and 22, which depend from either claim 11 or claim 21. Finally, because the Examiner’s obviousness rejections of claims 3–7, 9, 13–17, and 19 do not remedy the deficiencies in the rejections of their respective independent claims, we also do not sustain the Examiner’s obviousness rejections of claims 3–7, 9, 13–17, and 19.

CONCLUSION

The following table summarizes our decision for claims 1–9, 11–19, 21, and 22, the claims before us on appeal:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 2, 8, 11, 12, 18, 21, 22	102	Chang		1, 2, 8, 11, 12, 18, 21, 22
4, 5, 14, 15	103	Chang, Narasayya		4, 5, 14, 15
3, 6, 7, 13, 16, 17	103	Chang, Roundtree		3, 6, 7, 13, 16, 17
9, 19	103	Chang, Narasayya, Roundtree		9, 19
<b>Overall Outcome</b>				1–9, 11– 19, 21, 22

REVERSED