UNITED STATES PATENT AND TRADEMARK OFFICE

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13/790,252	03/08/2013	William Andrew TRIEBEL	2011-0048US01	5740

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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 WILLIAM ANDREW TRIEBEL

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Appeal 2018-008559
Application 13/790,252
Technology Center 3600

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Before DENISE M. POTHIER, CARL S. SILVERMAN, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

DEJMEK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant[1] appeals under 35 U.S.C. § 134(a) from a Final Rejection of
claims 1, 3–7, 11, 13–16, and 18–23. Appellant has canceled claims 2,
8–10, 12, and 17. *See* Appeal Br. 24–28. We have jurisdiction over the
remaining pending claims under 35 U.S.C. § 6(b).

We affirm.

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[1] Throughout this Decision, we use the word "Appellant" to refer to
"applicant" as defined in 37 C.F.R. § 1.42 (2017). Appellant identifies
Oracle International Corporation as the real party in interest. Appeal Br. 3.

STATEMENT OF THE CASE
Introduction

Appellant's disclosed and claimed invention generally relates to "a computer system that manages clinical data." Spec. ¶ 2. More specifically, Appellant describes a "cohort identification system." Spec. ¶ 6. According to the Specification, a "cohort" refers to a set of related or similar pieces of data, such as "a group of patients with identical or similar characteristics" or "a set of one or more related adverse event cases, or a set of one or more related medical records." Spec. ¶¶ 5, 17. In a disclosed embodiment, a cohort identification system identifies a cohort (e.g., of patients or adverse event cases) by retrieving metadata of a data source to create a structured query language (SQL) query based on the retrieved metadata and executing the SQL query on a data source (e.g., a drug safety database) to create a case series (i.e., list) of adverse event cases. Spec. ¶¶ 3, 6; *see also* Spec. ¶¶ 17, 19. A report based on the case series is generated. Spec. ¶ 6.

Claim 1 is representative of the subject matter on appeal and is reproduced below with the disputed limitation emphasized in *italics*:

> 1. A non-transitory computer-readable medium having instructions stored thereon that, when executed by a processor, cause the processor to identify a cohort, the identifying comprising:
>
> retrieving, by a query builder, metadata from a repository that comprises information about one or more data fields of a drug safety database, the metadata including a data type and information for creating a structured query language (SQL) query for each data field of the one or more data fields, the drug safety database including a plurality of adverse event records, each adverse event record including a patient identifier and drug safety data associated with the patient;

creating, by the query builder, the SQL query for the drug safety database based on the retrieved metadata, the SQL query including at least one SQL statement and at least one data field of the drug safety database;

applying, by a query compiler, one or more SQL syntax rules to the SQL query to determine that the SQL query complies with the SQL syntax rules;

storing, by the query compiler, the SQL query in a query repository;

retrieving, by the query compiler, the SQL query from the query repository, the SQL query including the SQL statement and the data field of the drug safety database;

compiling, by the query compiler, the SQL query into an executable format;

executing, by the query compiler, the executable format of the SQL query on the drug safety database to create a single case series; and

generating, by a reporting case series application programming interface, a report, based on the single case series, including a visualization of the single case series.

The Examiner's Rejections

1.   Claims 1, 3–7, 11, 13–16, and 18–23 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. Final Act. 3–6.

2.   Claims 1, 3–7, 11, 13–16, and 18–23 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Bellin et al. (US 2009/0076845 A1; Mar. 19, 2009) ("Bellin"); Bhattacharya et al. (US 2008/0319958 A1; Dec. 25, 2008) ("Bhattacharya"); Oracle® Argus Safety User's Guide, Release 6.0.1, E15952-03 (July 2011) ("Oracle"); and

Krishnaprasad et al. (US 2006/0235839 A1; Oct. 19, 2006)

("Krishnaprasad"). Final Act. 7–13.

ANALYSIS[2]

Rejection under 35 U.S.C. § 101

Appellant disputes the Examiner's conclusion that the pending claims are directed to patent-ineligible subject matter. Appeal Br. 7–17; Reply Br. 2–3. In particular, Appellant argues that "cohort identification" is not an abstract idea recognized by the courts. Appeal Br. 8–9. Moreover, Appellant asserts the claimed invention is patent eligible because it "improves the computer-related technology of database queries." Appeal Br. 13–15 (emphasis omitted) (citing *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016)). In addition, Appellant argues the claims do not merely recite conventional features, but instead recite a non-conventional and non-generic arrangement of features that amount to an inventive concept. Appeal Br. 15–17 (citing *BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016)); Reply Br. 7–8. Further, Appellant challenges the Examiner's findings that the claims recite computer functions that are well-understood, routine, and conventional. Reply Br. 2–3.

The Supreme Court's two-step framework guides our analysis of patent eligibility under 35 U.S.C. § 101. *Alice Corp. v. CLS Bank Int'l*, 573

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[2] Throughout this Decision, we have considered the Appeal Brief, filed November 29, 2017 ("Appeal Br."); the Reply Brief, filed August 27, 2018 ("Reply Br."); the Examiner's Answer, mailed June 27, 2018 ("Ans."); and the Final Office Action, mailed June 20, 2017 ("Final Act."), from which this Appeal is taken.

U.S. 208, 217 (2014). In addition, the Office has published revised guidance for evaluating subject matter eligibility under 35 U.S.C. § 101, specifically with respect to applying the *Alice* framework. USPTO, 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) ("Office Guidance"). If a claim falls within one of the statutory categories of patent eligibility (i.e., a process, machine, manufacture, or composition of matter) then the first inquiry is whether the claim is directed to one of the judicially recognized exceptions (i.e., a law of nature, a natural phenomenon, or an abstract idea). *Alice*, 573 U.S. at 217. As part of this inquiry, we must "look at the 'focus of the claimed advance over the prior art' to determine if the claim's 'character as a whole' is directed to excluded subject matter." *Affinity Labs of Tex., LLC v. DirecTV, LLC*, 838 F.3d 1253, 1257–58 (Fed. Cir. 2016). Per Office Guidance, this first inquiry has two prongs of analysis (i) does the claim recite a judicial exception (e.g., an abstract idea), and (ii) if so, is the judicial exception integrated into a practical application. 84 Fed. Reg. at 54. Under the Office Guidance, if the judicial exception is integrated into a practical application, *see infra*, the claim passes muster under § 101. 84 Fed. Reg. at 54–55. If the claim is directed to a judicial exception (i.e., recites a judicial exception and does not integrate the exception into a practical application), the next step is to determine whether any element, or combination of elements, amounts to significantly more than the judicial exception. *Alice*, 573 U.S. at 217; 84 Fed. Reg. at 56.

Here, we conclude Appellant's claims recite an abstract idea because they recite mental processes. If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes

category unless the claim cannot practically be performed in the mind. *See Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) ("[W]ith the exception of generic computer-implemented steps, there is nothing in the claims themselves that foreclose them from being performed by a human, mentally or with pen and paper."); *see also CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372 (Fed. Cir. 2011) (holding that the incidental use of a "computer" or "computer readable medium" does not make a claim otherwise directed to a process that "can be performed in the human mind, or by a human using a pen and paper" patent eligible); *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 71 (2012) (explaining mental processes are not patentable); 84 Fed. Reg. at 52–53 nn.14–15 (explaining that concepts performed in the human mind include observations, evaluations, judgments, and opinions).

More specifically, Appellant's claims are directed to identifying a cohort of data using an SQL query on a database. This is consistent with how Appellant describes the claimed invention. *See* Spec. ¶¶ 6 (describing an embodiment of the claimed invention as "a cohort identification system that identifies a cohort"); 17 (describing using a query on a database, e.g., a medical history database, to identify a cohort (i.e., "a set of one or more related adverse event cases, or a set of one or more related medical records") of data); Appeal Br. 5 (explaining the independent claims are directed to "identifying a cohort"). Identifying a cohort of data using an SQL query on a database (i.e., searching a database to identify related events) is an evaluation that can be performed by a human, mentally or with pen and paper.

Consistent with our Office Guidance and case law, we conclude that identifying a cohort of data using an SQL query on a database is a mental process and, thus, an abstract idea. *See* 84 Fed. Reg. at 52; *see also Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (concluding that "analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, as essentially mental processes within the abstract-idea category"); *CyberSource*, 654 F.3d at 1371–72 (concluding claims directed to "detecting credit card fraud based on information relating [to] past transactions" can be performed in the human mind and were drawn to a patent-ineligible mental process); *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1093–94 (Fed. Cir. 2016) (concluding claims directed to "collecting and analyzing information to detect misuse and notifying a user when misuse is detected" to be mental processes within the abstract-idea category); *Voter Verified, Inc. v. Election Sys. & Software LLC*, 887 F.3d 1376, 1385–86 (explaining the concepts of voting, verifying the vote, and submitting the vote for tabulation to be abstract).

Claim 1 is reproduced below and includes the following claim limitations that recite identifying a cohort of data using an SQL query on a database, emphasized in *italics*:

> 1. A non-transitory computer-readable medium having instructions stored thereon that, when executed by a processor, cause the processor to identify a cohort, the identifying comprising:
>
> *retrieving*, by a query builder, *metadata* from a repository that comprises information about one or more data fields of a drug safety database, the metadata including a data type and information *for creating a structured query language (SQL) query* for each data field of the one or more data fields, the drug

safety database including a plurality of adverse event records, each adverse event record including a patient identifier and drug safety data associated with the patient;

creating, by the query builder*, the SQL query for the drug safety database* based on the retrieved metadata, the SQL query including at least one SQL statement and at least one data field of the drug safety database;

applying, by a query compiler, one or more SQL syntax rules to the SQL query to determine that the SQL query complies with the SQL syntax rules;

storing, by the query compiler, the SQL query in a query repository;

retrieving, by the query compiler, the SQL query from the query repository, the SQL query including the SQL statement and the data field of the drug safety database;

compiling, by the query compiler, the SQL query into an executable format;

executing, by the query compiler, the executable format of *the SQL query on the drug safety database to create a single case series*; and

generating, by a reporting case series application programming interface, a report, based on the single case series, including a visualization of the single case series.

More particularly, the concept of identifying a cohort of data using an SQL query on a database comprises (i) gathering information corresponding to data fields of a database to create an SQL query (i.e., the claimed steps of retrieving metadata for creating an SQL query for each data field of the database and creating an SQL query); and (ii) performing the SQL query on

the database to identify a cohort (i.e., the claimed step of executing the SQL query on the database to create a single case series).[3]

Because the claim recites a judicial exception, we next determine whether the claim integrates the judicial exception into a practical application. 84 Fed. Reg. at 54. To determine whether the judicial exception is integrated into a practical application, we identify whether there are "*any additional elements recited in the claim beyond the judicial exception(s)*" and evaluate those elements to determine whether they integrate the judicial exception into a recognized practical application. 84 Fed. Reg. at 54–55 (emphasis added); *see also* Manual of Patent Examining Procedure ("MPEP") § 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 08.2017, Jan. 2018).

Here, we find the additional limitation(s) do not integrate the judicial exception into a practical application. More particularly, the claims do not recite (i) an improvement to the functionality of a computer or other technology or technical field (*see* MPEP § 2106.05(a)); (ii) a "particular machine" to apply or use the judicial exception (*see* MPEP § 2106.05(b)); (iii) a particular transformation of an article to a different thing or state (*see* MPEP § 2106.05(c)); or (iv) any other meaningful limitation (*see* MPEP § 2106.05(e)). *See* 84 Fed. Reg. at 55.

Rather, the additional limitations merely provide additional detail regarding, for example, the contents of the metadata, fields in a drug safety database, and the SQL query. Additionally, limitations regarding storing the

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[3] According to the Specification, a case series "is a set of one or more adverse event cases" and a cohort "is a set of one or more related adverse event cases." Spec. ¶ 17.

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SQL query in a repository, retrieving the SQL from the repository, and generating a report based on the created single case series are the types of extra-solution activities (i.e., in addition to the judicial exception) the courts have determined to be insufficient to transform judicially excepted subject matter into a patent-eligible application. *See* MPEP § 2106.05(g); *see also Bilski v. Kappos*, 561 U.S. 593, 612 (2010) (holding the use of well-known techniques to establish inputs to the abstract idea as extra-solution activity that fails to make the underlying concept patent eligible); *Elec. Power*, 830 F.3d at 1355 (explaining that "selecting information, by content or source, for collection, analysis, and display does nothing significant to differentiate a process from ordinary mental processes"); *Elec. Power*, 830 F.3d at 1354 (recognizing "that merely presenting the results of abstract processes of collecting and analyzing information, without more (such as identifying a particular tool for presentation), is abstract as an ancillary part of such collection and analysis"); *Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Can.*, 771 F. Supp. 2d 1054, 1066 (E.D. Mo. 2011) *aff'd*, 687 F.3d 1266 (Fed. Cir. 2012) (explaining "storing, retrieving, and providing data . . . are inconsequential data gathering and insignificant post solution activity").

Contrary to Appellant's assertions (*see, e.g.*, Appeal Br. 16–17), the additional limitations recited in the dependent claims also fail to confer patent eligibility to the claims. Rather, the dependent claims provide additional extra-solution activities (e.g., "storing the single case series in a case series repository," as in claim 3; "retrieving the single case series from the case series repository using the reporting case series application programming interface," as in claim 4; or "displaying the report within the reporting software application," as in claim 5). As discussed above, these

limitations are insufficient to transform judicially excepted subject matter
into a patent-eligible application.

In addition, we disagree with Appellant (*see, e.g.*, Appeal Br. 13–15)
that the claims recite an improvement to the computer-related technology of
database queries. As the Examiner finds (Final Act. 4), the claims do not
improve the functioning of the computer, but instead merely use generic
computer components (e.g., a processor, memory, storage (i.e., databases
and repositories)) that operate in their normal, expected manner. *See also*
DDR Holdings, LLC v. Hotels.com, L.P., 773 F.3d 1245, 1258–59 (Fed. Cir.
2014). Similarly, as described in the Specification, the query builder and
query compiler modules merely perform standard data processing activities
(e.g., providing a user interface to create a query from selected elements, and
converting a query into an executable format). See Spec. ¶¶ 60–64.
Additionally, as the court in *Enfish* explained, "the first step in the *Alice*
inquiry . . . asks whether the focus of the claims is on the specific asserted
improvement in computer capabilities . . . or, instead, on a process that
qualifies as an 'abstract idea' for which computers are invoked merely as a
tool." *Enfish*, 822 F.3d at 1335–36. As discussed above, the focus of the
pending claims is on identifying a cohort of data using an SQL query on a
database and the recited computing elements are invoked merely as a tool.
See Enfish, 822 F.3d at 1335–36. The additional step of compiling the SQL
query into an executable format such that the SQL query may be executed
on the database merely uses generic computer functions (i.e., a query
compiler) as a tool to carry out the abstract idea. Further, we note that using
a computer to perform tasks more quickly or efficiently does not confer
patent eligibility on an otherwise ineligible abstract idea. *See, e.g.*, *Bancorp*

Servs., LLC v. Sun Life Assurance Co. of Can. (U.S.), 687 F.3d 1266, 1278 (Fed. Cir. 2012) ("[T]he fact that the required calculations could be performed more efficiently via a computer does not materially alter the patent eligibility of the claimed subject matter.").

For at least the foregoing reasons, the claims do not integrate the judicial exception into a practical application.

Because we determine the claims are directed to an abstract idea or combination of abstract ideas, we analyze the claims under step two of *Alice* to determine if there are additional limitations that individually, or as an ordered combination, ensure the claims amount to "significantly more" than the abstract idea. *Alice*, 573 U.S. at 217–18 (citing *Mayo*, 566 U.S. at 77–79). As stated in the Office Guidance, many of the considerations to determine whether the claims amount to "significantly more" under step two of the *Alice* framework are already considered as part of determining whether the judicial exception has been integrated into a practical application. 84 Fed. Reg. at 56. Thus, at this point of our analysis, we determine if the claims add a specific limitation, or combination of limitations, that is not well-understood, routine, conventional activity in the field, or simply append well-understood, routine, conventional activities at a high level of generality. 84 Fed. Reg. at 56. "Whether something is well-understood, routine, and conventional to a skilled artisan at the time of the patent is a factual determination." *Berkheimer v. HP, Inc.*, 881 F.3d 1360, 1369 (Fed. Cir. 2018).

Here, Appellant's claims do not recite specific limitations (alone or when considered as an ordered combination) that are not well-understood,

routine, and conventional. Consistent with the *Berkheimer* Memorandum,[4]
we agree with the Examiner's findings that the claims merely recite generic
computer components (e.g., a system comprising a processor and memory)
performing generic computing functions that are well-understood, routine,
and conventional (e.g., storing and retrieving data from a repository,
searching a database, and presenting the results of the database search).
See Mortgage Grader, Inc. v. First Choice Loan Servs. Inc., 811 F.3d 1314,
1324–25 (Fed. Cir. 2016) (generic computer components, such as an
"interface," "network," and "database," fail to satisfy the inventive concept
requirement); *Alice*, 573 U.S. at 226 ("Nearly every computer will include a
'communications controller' and a 'data storage unit' capable of performing
the basic calculation, storage, and transmission functions required by the
method claims."); *Intellectual Ventures I LLC v. Erie Indem. Co.*, 850 F.3d
1315, 1329 (Fed. Cir. 2017) (explaining that receiving a request to execute a
database search and delivering records are routine computer functions that
can only be described as generic or conventional); *see also* Final Act. 5–6;
Ans. 8 (citing Spec. ¶¶ 20, 22–24 (describing hardware in generic terms with
high level of generality)).

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[4] On April 19, 2018, the Deputy Commissioner for Patent Examination
Policy issued a memorandum entitled: Changes in Examination Procedure
Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility
Decision (*Berkheimer v. HP, Inc.*) (i.e., "the *Berkheimer* Memorandum")
(discussing the *Berkheimer* decision) (available at
https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-
20180419.PDF). Support for a finding that an element was well-understood,
routine, or conventional may be shown by citation to one or more court
decisions noting the well-understood, routine, conventional nature of the
element(s). *See Berkheimer* Memorandum 3–4.

Appellant asserts that retrieving metadata from a repository, creating an SQL query, storing the SQL query, and then retrieving the SQL query from a query repository, when viewed in combination with the other claim elements provides "a non-conventional and non-generic arrangement of known, conventional pieces." *See* Appeal Br. 16–17. We disagree.

In *BASCOM*, the court found "the patent describes how its particular arrangement of elements is a technical improvement," and, when construed in favor of BASCOM,[5] the claims may be read to improve an existing technological process. *BASCOM*, 827 F.3d at 1350. As discussed above, the claims do not improve an existing technological process, but rather use the existing components to perform the abstract idea. Additionally, unlike the arrangement of elements (i.e., installation of a filtering tool at a specific location) in *BASCOM*, 827 F.3d at 1349–50, and contrary to Appellant's arguments (*see* Appeal Br. 16–17), Appellant's claims do not recite a non-conventional and non-routine arrangement of known elements.

Additionally, to the extent Appellant contends the claims do not seek to preempt an abstract idea (*see* Appeal Br. 12), we are unpersuaded of Examiner error. "'[W]hile preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.'" *FairWarning IP*, 839 F.3d at 1098 (quoting *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015)); *see also OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015) ("[T]hat the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make

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[5] In *BASCOM*, BASCOM appealed the district court's granting of a motion to dismiss under Fed. R. Civ. P. 12(b)(6). *BASCOM*, 827 F.3d at 1341.

them any less abstract."). Further, "[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." *Ariosa*, 788 F.3d at 1379.

For the reasons discussed *supra*, we are unpersuaded of Examiner
error. Accordingly, we sustain the Examiner's rejection of claims 1, 3–7,
11, 13–16, and 18–23 as patent ineligible under 35 U.S.C. § 101.

Rejection under pre-AIA 35 U.S.C. § 103(a)

Appellant argues that Bhattacharya, as relied on by the Examiner,
alone or in combination with the other references of record, fails to teach
storing an SQL query in a query repository, and retrieving the SQL query
from a query repository. Appeal Br. 17–19; Reply Br. 4. Instead, Appellant
asserts Bhattacharya teaches storing "metadata elements" created by a query
encoder in a configuration repository. Appeal Br. 17 (citing Bhattacharya
¶¶ 7–9, emphasis omitted). Appellant asserts Bhattacharya's metadata
elements are not SQL queries. Appeal Br. 17.

Bhattacharya generally relates to the "creation of SQL queries from a
combination of metadata elements." Bhattacharya ¶ 7. Bhattacharya
teaches the metadata elements "are created by breaking up components of a
SQL statement . . . and storing the sub-components as metadata elements in
a repository." Bhattacharya ¶ 7; *see also* Bhattacharya ¶ 9 ("The metadata
elements created by the query encoder 101 may be stored in the
configuration repository 102."

In response, the Examiner finds the claim broadly recites that the SQL
query is stored, but does not recite how to implement the storing. Ans. 4.

As such, the Examiner finds Bhattacharya teaches one way to store an SQL query in a query repository. Ans. 4. Additionally, the Examiner indicates that Appellant did not claim storing the "queries themselves." Ans. 4 (emphasis omitted).

When construing claim terminology during prosecution before the Office, claims are to be given their broadest reasonable interpretation consistent with the Specification, reading claim language in light of the Specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). However, the broadest *reasonable* interpretation differs from the broadest *possible* interpretation. *In re Smith Int'l, Inc.*, 871 F.3d 1375, 1383 (Fed. Cir. 2017). The correct inquiry in giving a claim term its broadest reasonable interpretation in light of the specification is "an interpretation that corresponds with what and how the inventor describes his invention in the specification, *i.e.*, an interpretation that is 'consistent with the specification.'" *Smith*, 871 F.3d at 1382–83 (quoting *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997)). We presume that claim terms have their ordinary and customary meaning. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007) ("The ordinary and customary meaning is the meaning that the term would have to a person of ordinary skill in the art in question.") (Internal quotation marks omitted).

Contrary to the Examiner's statement that the claims do not recite storing the "queries themselves" (*see* Ans. 4, emphasis omitted), claim 1 expressly recites, "storing, by the query compiler, the SQL query in a query repository." Consistent with the Specification, the claims require storing *the SQL query*—not merely sub-components (i.e., metadata elements) of the

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SQL query—in a query repository. Moreover, we note the claims also differentiate storing metadata in a repository and storing the SQL query in a query repository.

Because we find it dispositive that the Examiner has not shown by a preponderance of evidence that Bhattacharya teaches storing the SQL query rather than merely storing metadata elements in a configuration repository (*see* Bhattacharya ¶¶ 7–9), we do not address other issues raised by Appellant's arguments related to the pending claims. *See Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984) (finding an administrative agency is at liberty to reach a decision based on "a single dispositive issue").

For the reasons discussed *supra*, we are persuaded of Examiner error. Accordingly, we do not sustain the Examiner's rejection of independent claim 1. For similar reasons we do not sustain the Examiner's rejection of independent claims 11 and 16, which recite similar limitations. In addition, we do not sustain the Examiner's rejection under pre-AIA 35 U.S.C. § 103(a) of claims 3–7, 13–15, and 18–23, which depend directly or indirectly therefrom.

CONCLUSION

We affirm the Examiner's decision rejecting claims 1, 3–7, 11, 13–16, and 18–23 under 35 U.S.C. § 101.

We reverse the Examiner's decision rejecting claims 1, 3–7, 11, 13–16, and 18–23 under pre-AIA 35 U.S.C. § 103(a).

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 3–7, 11, 13–16, 18–23	101	Eligibility	1, 3–7, 11, 13–16, 18–23	
1, 3–7, 11, 13–16, 18–23	103(a)	Bellin, Bhattacharya, Oracle, Krishnaprasad		1, 3–7, 11, 13–16, 18–23
Overall Outcome			1, 3–7, 11, 13–16, 18–23	

TIME PERIOD FOR RESPONSE

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