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

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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 PAUL H. PHIBBS, MARIANNE RUEGSEGGER, and
LINETTE DRAPER

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Appeal 2019-001135
Application 12/351,501
Technology Center 2100

_____

Before BRADLEY W. BAUMEISTER, JASON V. MORGAN, and
AMBER L. HAGY, *Administrative Patent Judges.*

HAGY, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the
Examiner's decision to reject claims 1, 2, 6–8, and 11–14, which are all of
the pending claims. *See* Final Act. 1. We have jurisdiction under
35 U.S.C. § 6(b).

We AFFIRM.

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[1] We use the word Appellant to refer to "applicant" as defined in 37 C.F.R.
§ 1.42. Appellant identifies the real party in interest as Teradata US, Inc.
Appeal Br. 2.

CLAIMED SUBJECT MATTER

According to Appellant, and by way of background, enterprises typically track "all aspects of their business electronically," with transaction and customer data stored in databases. Spec. ¶ 2. Enterprises typically "develop reports and real-time statistics from their databases," in which they use a "Structured Query Language (SQL)" that may include a variety of nested rules. *Id.* ¶ 3. A "rule," according to Appellant's Specification, "is a conditional comparison identified in a statement, such as If X then Y or When X do Y, and the like." *Id.* ¶ 14. Appellant's Specification states that "users are generally not permitted to have multiple rule evaluations as a source or a driver to other portions of SQL statements," so "improved techniques for using database rule results are needed." *Id.* ¶¶ 4–5.

Claim 1, reproduced below, illustrates the claimed subject matter:

1.   A method implemented in a computer-readable storage medium and processed by a processor to perform the method, comprising:

receiving Structured Query Language (SQL) statements, each statement is a set of operations processed by an Application Programming Interface (API) of a database;

identifying a first rule and a second rule in the SQL statements before the SQL statements are processed, results for the first and second rules are combined and used as a source for other portions of the SQL statements, the first and second rules are referenced, via an Application Programming Interface, by names embedded within the SQL statements using labels, and wherein the rules are user-defined, identifying includes parsing the SQL statements to identify the first rule as including other nested first rules, and identifying further includes parsing the SQL statements to identify the second rule as including other nested second rules; and

> evaluating the first rule and the second rule against the database and providing the results to other portions of the SQL statement for processing when the SQL statements are processed; and

> wherein said first and second rules, said nested first rules, and said nested second rules are conditional comparisons.

REFERENCES

The prior art relied upon by the Examiner is:

Name[2]	Reference	Date
Chow	US 5,875,334	Feb. 23, 1999
Polo	US 6,785,668 B1	Aug. 31, 2004
Ringrose	US 2006/0041458 A1	Feb. 23, 2006

REJECTION[3]

Claims 1, 2, 6–8, and 11–14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Chow, Polo, and Ringrose.

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[2] All references are cited using the first-named inventor.

[3] The Leahy-Smith America Invents Act ("AIA") included revisions to 35 U.S.C. § 103 that became effective on March 16, 2013. Because the present application was filed before March 16, 2013, the Examiner applies the pre-AIA version of the statutory basis for unpatentability. *See* Final Act. 3 (applying "pre-AIA 35 U.S.C. [§] 103(a)").

OPINION

We have considered Appellant's arguments and contentions (Appeal Br. 5–7; Reply Br. 2–5)[4] in light of the Examiner's findings and explanations (Final Act. 5–7; Ans. 3–5). For the reasons set forth below, we are not persuaded of Examiner error in the rejection of the pending claims, and we, therefore, sustain the Examiner's rejection.

Claims 1, 2, 6–8, and 11–14 are all rejected under the same ground of rejection. Final Act. 3. Appellant argues the patentability of all claims together with independent claims 1 and 8, which Appellant argues collectively. *See* Appeal Br. 5–7; Reply Br. 2–5. We select claim 1 as the representative claim, pursuant to our authority under 37 C.F.R. § 41.37(c)(1)(iv). Claims 2, 6–8, and 11–14 stand or fall with claim 1.

The Examiner finds Chow teaches the limitations of "receiving Structured Query Language (SQL) statements . . . each statement is a set of operations processed by an Application Programming Interface (API) of a database," "identifying a first rule and a second rule in the SQL statements before the SQL statements are processed," "and wherein the rules are user-defined," and "evaluating the first rule and the second rule against the database." Final Act. 3 (citing Chow 1:50–55, 1:60–65, 2:50–65, 3:35–40, Figs. 2–6, 24) (emphasis omitted). The Examiner finds Chow does not explicitly teach "results for the first and second rules are combined and used as a source for other portions of the SQL statements, the first and second rules are referenced, by names embedded within the SQL statements using

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[4] Only those arguments made by Appellant have been considered in this decision. Arguments Appellant did not make are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

labels," for which the Examiner relies on Polo. *Id.* at 3–5 (citing Polo 4:50–56, 5:3–5, 6:9–16, 8:60–65, 9:55–57) (emphasis omitted). The Examiner also finds Chow and Polo "do not explicitly teach" the steps of "identifying includes parsing the SQL statements to identify the first rule as including other nested first rules," "identifying further includes parsing the SQL statements to identify the second rule as including other nested second rules," and "wherein said first and second rules, said nested first rules, and said nested second rules are conditional comparisons," for which the Examiner relies on Ringrose. *Id.* at 5 (citing Ringrose ¶¶ 52, 100, Fig. 2B) (emphasis omitted).

Appellant does not contest the Examiner's findings regarding the teachings of Chow or Polo, but focuses on challenging the Examiner's findings regarding the teachings of Ringrose. Appeal Br. 6. Appellant describes Ringrose as follows:

> Ringrose describes a system for creating and editing scenarios for use with resource-allocation systems. The system provides for the organization of business rules into rule groups, exemplified by elements 114 in Figure 1. As explained in paragraph [0039] of Ringrose, "Rules of any type may be organized within the database into rule groups. A rule group may contain individual rules and/or other rule groups. Rule groups may include a collection of rules that have something in common that is a useful organization unit." This grouping of rules within the limited resources of the scenario-management/ resource-allocation system of circa 2005 described in Ringrose provides for the manipulation of a plurality of rules in a set that can be conveniently activated or deactivated together, and facilitates the selection of rules for scenarios.

Id.

Although Appellant acknowledges that Ringrose teaches rules organized into rule groups, Appellant then argues as follows:

> The rule groups described in Ringrose are not rules, they are not SQL statements, and they are not rules contained within SQL statements, as recited in independent claims 1 and 8 of the present application. And the rules contained within the rule groups described in Ringrose are not nested rules within a rule contained within a SQL statement.

Id.

In response, the Examiner clarifies that Ringrose does teach rules, noting Ringrose teaches "multiple rule groups such as each group contains multiple other rules." Ans. 3 (citing Ringrose ¶¶ 87, 88, 100, Figs. 2A, 2B). The Examiner further finds that, in Ringrose, "[e]ach rule group's members may include individual rules and/or other rule groups," and "the rules are nested within each other and each there are multiple rule groups which are considered as first rule and second rule." *Id.* (citing Ringrose ¶ 100). The Examiner further finds Ringrose discloses that "[e]ach rule in the database may be uniquely identified by a rule ID." *Id.* at 4 (citing Ringrose ¶ 96).

As for Appellant's argument that Ringrose fails to disclose "SQL statements," the Examiner finds "Ringrose also teaches in paragraph [0118], 'database can be understood to include one or more memory associations, where such references can include commercially available database products (e.g., **SQL**, Informix, Oracle) and also proprietary databases.'" *Id.* The Examiner further points out that the findings in the Final Rejection regarding SQL statements are also premised on the teachings of Polo and Chow, both of which teach SQL statements with rules and parsing such statements to identify rules. *Id.* (citing Polo 3:5–10, 3:40–45, 9:40–45; Chow 10:55–65 and Figs. 2, 3, 4).

In Reply, Appellant essentially repeats conclusory statements from the Appeal Brief, stating "[t]he scenarios described in Ringrose are not rules, and the rule groups described in Ringrose are not rules. The scenarios and the rule groups discussed Ringrose are not SQL statements, nor are they rules contained within SQL statements, as recited in independent claims 1 and 8 of the present application." Reply Br. 4. Appellant also echoes arguments made in the Appeal Brief by stating "[n]either the scenarios, rule groups, nor the rules contained within the rule groups described in Ringrose are nested rules within a rule contained within a SQL statement." *Id.*

Appellant does not substantively address the Examiner's findings. In particular, with regard to the Examiner's clarification in the Answer regarding Ringrose's teachings of individual rules within rule groups, identifying rules in a database by a rule ID, and of an SQL environment, Appellant quotes those statements, but then simply states that those teachings of Ringrose do not "provide[] any teaching or suggestion" of the disputed limitations of claims 1 and 8. *Id.*

Appellant's conclusory assertions that Ringrose does not disclose rules, SQL statements, or nested rules, despite the Examiner's findings to the contrary, amount to unsupported attorney argument, which is entitled to little probative value. *In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *In re De Blauwe*, 736 F.2d 699, 705 (Fed. Cir. 1984). In a nutshell, Appellant's contentions amount to no more than terse statements of what Ringrose purportedly discloses, followed by a conclusory statement that those disclosures do not teach or suggest the disputed limitations. Appeal Br. 6; Reply Br. 4. Such conclusory attorney assertions have little or no value in identifying the Examiner's alleged error, and, consequently, have little

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persuasive value. *See* 37 C.F.R. § 41.37(c)(iv) ("A statement [that] merely points out what a claim recites will not be considered an argument for separate patentability of the claim."); *see also In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011).

Without sufficient reasoned explanation of why the Examiner's findings are contrary to the cited disclosures, we are not persuaded of Examiner error in the rejection. Accordingly, we sustain the Examiner's rejection of claim 1 as unpatentable under 35 U.S.C. § 103(a) over the combination of Chow, Polo, and Ringrose, along with the rejection of claims 2, 6–8, 11–14, argued collectively with claim 1.

CONCLUSION

The Examiner's decision rejecting claims 1, 2, 6–8, and 11–14 is affirmed.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 2, 6–8, 11–14	103(a)	Chow, Polo, Ringrose	1, 2, 6–8, 11–14	

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. § 1.136(a)(1)(iv).

AFFIRMED