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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YALON LOTAN, GIL TZADIKEVITCH, and HADAS AVRAHAM

Appeal 2019-003259
Application 14/396,131
Technology Center 2100

Before KARA L. SZPONDOWSKI, SCOTT B. HOWARD, and STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant[1] seeks our review under 35 U.S.C. § 134(a) from a final rejection of claims 1–3, 5–7, 11–14, 16–18, and 20–25, i.e., all pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

[1] We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42 (2017). Appellant identifies the real party in interest as ENTIT SOFTWARE LLC. Appeal Br. 1.

STATEMENT OF THE CASE

The Invention

According to the Specification, the invention concerns a "federated configuration data management system" configured "to support data stores including data from multiple tenants." Spec. ¶ 9.[2] The Specification explains that "techniques for retrieving data located on external data stores," e.g., data warehousing, include "loading data from one or more external data stores into a data warehouse." *Id.* ¶ 2. But according to the Specification, these techniques "may be very costly." *Id.* Hence, the invention endeavors to "use database federation techniques or, more specifically, configuration management database (CMDB) federation techniques, instead of data warehousing techniques" to retrieve "data from the external data stores to a CMDB on-the-fly without having to copy large amounts of data to the CMDB." *Id.*

Exemplary Claim

Independent claim 1 exemplifies the claims at issue and reads as follows (with formatting added for clarity):

> 1. A method comprising:
>
> receiving a query from a client at a data management server comprising a processor, wherein the query comprises a tenant property condition corresponding to the client;

[2] This decision uses the following abbreviations: "Spec." for the Specification, filed July 31, 2012; "Final Act." for the Final Office Action, mailed June 29, 2018; "Appeal Br." for the Appeal Brief, filed October 26, 2018; "Ans." for the Examiner's Answer, mailed January 24, 2019; and "Reply Br." for the Reply Brief, filed March 22, 2019.

identifying, by the data management server, an external data store comprising data specified by the query comprising the tenant property condition;

determining, by the data management server, whether the external data store is multi-tenant enabled or non-multi-tenant enabled; and

in response to determining that the external data store is non-multi-tenant enabled:

determining whether a default tenant defined for the non-multi-tenant enabled external data store matches the tenant property condition specified by the query;

in response to determining that the default tenant defined for the non-multi-tenant enabled external data store matches the tenant property condition specified by the query,

removing, by the data management server, the tenant property condition from the query,

executing the query, with the tenant property condition removed from the query, on the non-multi-tenant enabled external data store to retrieve the specified data, and

adding tenant information of the default tenant to the specified data that is returned to the client; and

in response to determining that the default tenant defined for the non-multi-tenant enabled external data store does not match the tenant property condition specified by the query, returning an empty result for the query to the client.

Claims App. i.

The Prior Art Supporting the Rejections on Appeal

As evidence of unpatentability under 35 U.S.C. § 103, the Examiner relies on the following prior art:

Tubman et al. ("Tubman")	US 2010/0115100 A1	May 6, 2010
Kowalski et al. ("Kowalski")	US 2012/0330929 A1	Dec. 27, 2012 (filed June 27, 2011)
Venkataraman et al. ("Venkataraman")	US 2013/0097204 A1	Apr. 18, 2013 (filed Dec. 4, 2012)[3]
Mandelstein et al. ("Mandelstein")	US 2013/0238641 A1	Sept. 12, 2013 (filed Mar. 8, 2012)

The Rejections on Appeal

Claims 1–3, 5–7, 13, 14, 16–18, and 22 stand rejected under 35 U.S.C. § 103 as unpatentable over Kowalski, Venkataraman, and Mandelstein. Final Act. 11–28.

Claims 11, 12, 20, 21, and 23–25 stand rejected under 35 U.S.C. § 103 as unpatentable over Kowalski, Venkataraman, Mandelstein, and Tubman. Final Act. 28–39.

ANALYSIS

We have reviewed the rejections in light of Appellant's arguments that the Examiner erred. For the reasons explained below, we disagree with the Examiner's conclusions concerning unpatentability under § 103. We provide the following to address and emphasize specific findings and arguments.

The § 103 Rejection of Claims 1–3, 5–7, 13, 14, 16–18, and 22

As noted above, the § 103 rejection of independent claims 1 and 13 rests on Kowalski, Venkataraman, and Mandelstein. *See* Final Act. 11–17, 20–25. Appellant argues that the Examiner erred in rejecting claims 1

[3] Venkataraman is a division of an application filed on March 5, 2012.

and 13 because the references do not teach or suggest the following limitations in claim 1 and similar limitations in claim 13: "determining . . . whether the external data store is multi-tenant enabled or non-multi-tenant enabled"; "determining whether a default tenant defined for the non-multi-tenant enabled external data store matches the tenant property condition specified by the query"; and "in response to determining that the default tenant defined for the non-multi-tenant enabled external data store matches the tenant property condition specified by the query, removing . . . the tenant property condition from the query." *See* Appeal Br. 6–11; Reply Br. 2–9.

In particular, Appellant argues that claim 1 requires that "in response to determining that the external data store is non-multi-tenant enabled and in response to determining that the default tenant defined for the non-multi-tenant enabled external data store matches the tenant property condition specified by the query, the **tenant property condition** is **removed from the query**." Appeal Br. 8 (emphases by Appellant); *see* Reply Br. 6. Appellant then contends that, in contrast to claim 1, "Venkataraman starts with a data access command that is non-tenant-specific (i.e., does not include a tenant property condition) and translates the non-tenant-specific data access command into a tenant-specific data access command." Appeal Br. 9; *see* Reply Br. 3. Appellant also contends that Mandelstein does not disclose "**removing** the tenant property condition from the query that initially included the tenant property condition, in response to determining that the external data store is **non**-multi-tenant enabled." Appeal Br. 10 (emphases by Appellant); *see* Reply Br. 7–8.

The Examiner finds that Venkataraman teaches (1) determining whether an external data store is multi-tenant enabled or non-multi-tenant

enabled, (2) acting in response to determining that an external data store is non-multi-tenant enabled, (3) acting in response to determining that a default tenant defined for a non-multi-tenant enabled external data store matches a tenant property condition specified by a query, and (4) acting in response to determining that a default tenant defined for a non-multi-tenant enabled external data store does not match a tenant property condition specified by a query. Final Act. 13–14 (citing Venkataraman ¶¶ 17–19, 38). Further, the Examiner finds that Mandelstein teaches (1) determining whether a default tenant defined for a non-multi-tenant enabled external data store matches a tenant property condition specified by a query and (2) removing the tenant property condition from the query. *Id.* at 14–15 (citing Mandelstein ¶¶ 63, 66–67); *see* Ans. 7.

Based on the record before us, we agree with Appellant that the Examiner has not adequately explained how the cited portions of the references in general, and Mandelstein in particular, teach or suggest the disputed "removing . . . the tenant property condition from the query" limitation in claim 1 or the similar limitation in claim 13. Mandelstein discloses "converting a tenant database from one deployment option to another deployment option for each table owned by the requesting tenant." Mandelstein ¶ 66, Fig. 6. For each table owned by the requesting tenant, a multi-tenant application may search the database with a query that "select[s] all data where the tenant identification column" in a table "equals the tenant identification information associated with the requesting tenant" in the query. *Id.* ¶ 66. "Once the data has been selected," the multi-tenant application may "delete[] a column containing tenant identification

information from [a] table resulting from" the query, "depending on the requested deployment option." *Id.* ¶ 67, Fig. 6.

Accordingly, Mandelstein deletes or removes tenant information from the result of the query, not from the query as required by claims 1 and 13. *See* Mandelstein ¶¶ 66–67, Fig. 6. Hence, we do not sustain the § 103 rejection of claims 1 and 13.

Claims 2, 3, 5–7, and 16–18 depend from claim 1, and claims 14 and 22 depend from claim 13. For the reasons discussed for claims 1 and 13, we do not sustain the § 103 rejection of these dependent claims.

The § 103 Rejection of Claims 11, 12, 20, 21, and 23–25

Independent claim 11 includes a limitation similar to the disputed "removing . . . the tenant property condition from the query" limitation in claim 1, i.e., "remove the tenant property condition from the TQL query." Claims App. iii. On this record, the Examiner has not shown how the additionally cited Tubman reference overcomes the deficiency in Kowalski, Venkataraman, and Mandelstein discussed above for claims 1 and 13. Hence, we do not sustain the § 103 rejection of claim 11.

Claims 12, 21, and 23–25 depend from claim 11, and claim 20 depends from claim 13. For the reasons discussed for claims 11 and 13, we do not sustain the § 103 rejection of these dependent claims.

Because these determinations resolve the appeal, we need not address Appellant's other arguments regarding Examiner error. *See, e.g.*, *Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984) (explaining that an administrative agency may render a decision based on "a single dispositive issue").

CONCLUSION

We reverse the § 103 rejections of claims 1–3, 5–7, 11–14, 16–18, and 20–25.

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–3, 5–7, 13, 14, 16–18, 22	103	Kowalski, Venkataraman, Mandelstein		1–3, 5–7, 13, 14, 16–18, 22
11, 12, 20, 21, 23–25	103	Kowalski, Venkataraman, Mandelstein, Tubman		11, 12, 20, 21, 23–25
Overall Outcome				1–3, 5–7, 11–14, 16–18, 20–25

REVERSED