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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANKE SCHMEINK, SANDRA GEISLER,
ANDREAS BRAUERS, and CHRISTOPH JOSEF QUIX

Appeal 2019-003358
Application 13/132,945¹
Technology Center 2100

Before THU A. DANG, LARRY J. HUME, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

DEJMEK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant² appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–9 and 21–28. Appellant has cancelled or withdrawn claims 10–20 and 29–31. Appeal Br. 7–10. We have jurisdiction over the remaining pending claims under 35 U.S.C. § 6(b).

We reverse.

¹ This application was subject to an earlier appeal (Appeal No. 2016-000428, decided January 23, 2018) in which we affirmed the Examiner’s rejection of the then-pending claims.

² Throughout this Decision, we use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42 (2018). Appellant identifies Koninklijke Philips N.V. as the real party in interest. Appeal Br. 2.

STATEMENT OF THE CASE

Introduction

Appellant's disclosed and claimed invention generally relates to "linking data of a data source to a target database." Spec. 1:2–3. In a disclosed embodiment, the linking of data is accomplished using an ontology-based mapping between selected concepts and properties of a reference ontology and various data source ontologies. Spec. 3:17–19. According to the Specification, a target database may be defined "by a selected first set of concepts and properties of [a] reference ontology." Spec. 5:13–14.

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

1. A method comprising:

accessing a target database comprising at least one table associated with a first concept or property of a reference ontology, *wherein the target database is defined by a user selected first set of concepts and properties of the reference ontology*;

defining a data source ontology for a data source comprising a dataset, said data source ontology comprising a second concept or property; and

creating a link between said second concept or property of the data source ontology and said first concept or property of the reference ontology, said link defining to which table of said target database data of said dataset, associated with said second concept or property of the data source ontology, is related.

The Examiner's Rejections

1. Claims 1–5, 8, and 9 stand rejected under pre-AIA 35 U.S.C. § 102(b) as being anticipated by Fox et al. (US 2005/0149484 A1; July 7, 2005) (“Fox”). Final Act. 5–9.

2. Claims 6, 7, and 21–28 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Fox and Dheap et al. (US 2007/0226246 A1; Sept. 27, 2007) (“Dheap”). Final Act. 9–16.

ANALYSIS³

Rejection under pre-AIA 35 U.S.C. § 102(b)

Appellant argues that Fox fails to disclose a target database is defined by a user selected first set of concepts and properties of the reference ontology, as recited in independent claim 1. Appeal Br. 2–5; Reply Br. 2–3. In particular, Appellant argues Fox describes a data transformation process wherein a source and target database are imported into the disclosed software application and an ontology model is built to facilitate the data transformation. Appeal Br. 2–5; Reply Br. 2–3. Moreover, Appellant asserts that Fox discloses it is the *ontology model*—not the *target database*—that is modified by the user. Appeal Br. 2–5 (citing Fox ¶¶ 179, 181, 451, 453, Figs. 9A–9E); Reply Br. 2–3.

We are persuaded by Appellant’s arguments.

³ Throughout this Decision, we have considered the Appeal Brief, filed December 18, 2018 (“Appeal Br.”); the Reply Brief, filed March 25, 2019 (“Reply Br.”); the Examiner’s Answer, mailed January 28, 2019 (“Ans.”); and the Final Office Action, mailed July 30, 2018 (“Final Act.”), from which this Appeal is taken.

Fox generally relates to “deriving transformations for transforming data from one schema to another.” Fox ¶ 2. In describing the invention, Fox describes that given a source database and a target database, a transformation of source to target databases is accomplished by mapping the source and target databases into an ontology model. Fox ¶¶ 53–54. In addition, Fox discloses that the “ontology model is built by adding classes and properties to an initial ontology model,” which may be manually added by a user. Fox ¶ 451. Thus, rather than disclosing a target database defined by a user selecting a first set of concepts and properties of a reference ontology, we understand the sections of Fox relied by the Examiner to disclose a user selecting concepts and properties of a target database to build the ontology model to facilitate the data transformation.

For the reasons discussed *supra*, we do not sustain the Examiner’s rejection of independent claim 1. For similar reasons, we do not sustain the Examiner’s rejection under pre-AIA 35 U.S.C. § 102(b) of claims 2–5, 8, and 9, which depend directly or indirectly therefrom.

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

The Examiner does not rely on Dheap to cure the deficiencies of Fox, discussed above. Accordingly, for similar reasons, we do not sustain the Examiner’s rejection under pre-AIA 35 U.S.C. § 103(a) of claims 6, 7, and 21–28.

CONCLUSION

We reverse the Examiner’s decision rejecting claims 1–5, 8, and 9 under pre-AIA 35 U.S.C. § 102(b).

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We reverse the Examiner's decision rejecting claims 6, 7, and 21–28 under pre-AIA 35 U.S.C. § 103(a).

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–5, 8, 9	102(b)	Fox		1–5, 8, 9
6, 7, 21–28	103(a)	Fox, Dheap		6, 7, 21–28
Overall Outcome				1–9, 21–28

REVERSED