UNITED STATES PATENT AND TRADEMARK OFFICE

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14/572,424	12/16/2014	Siddharth JOHRI	20140334	5979

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VERIZON - ALG
VERIZON PATENTING GROUP
1300 I STREET NW
SUITE 500 EAST
WASHINGTON, DC 20005

EXAMINER
EL-BATHY, MOHAMED N

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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 SIDDHARTH JOHRI, PAUL GERSHTEN,
RAJEEV KUMAR KUNNUMMAL, and
VIKRANT NARENDRA VERMA

_____

Appeal 2019-005043
Application 14/572,424
Technology Center 3600

_____

Before CARL W. WHITEHEAD JR., DAVID M. KOHUT, and
IRVIN E. BRANCH, *Administrative Patent Judges*.

KOHUT, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the
Examiner's decision to reject claims 1–20. We have jurisdiction under
35 U.S.C. § 6(b).

We AFFIRM.

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[1] We use the word "Appellant" to reference the "applicant" as defined in
37 C.F.R. § 1.42. Appellant identifies the real party in interest as "Verizon
Communications Inc." Appeal Br. 3.

STATEMENT OF THE CASE

Appellant's Invention

Appellant's invention relates to an "extract, transform, and load (ETL)" process, which "[i]n computing . . . refers to a process in database usage . . . that extracts data from outside sources, transforms the data to fit operational needs, . . . , [and] loads the data into an end target database." Spec. ¶ 1. Claim 1, reproduced below, is representative of the subject matter argued on appeal.

> 1. A method comprising:
>
> performing, by a server, an extract, transform, and load ("ETL") process that includes parallel performance of:
>
>> retrieving chat and call log files from a customer service database, the chat and call log files including meta-data elements characterizing data in the chat and call log files, and
>>
>> automatically storing the chat and call log files into a server database;
>
> receiving, by the server, a search query implemented as at least one of a phrase query and a wildcard query and related to the chat and call log files stored in the server database;
>
> searching, using the meta-data elements, the chat and call log files responsive to the search query and in parallel with the parallel ETL process; and
>
> providing, by the server, results satisfying the search query to a client computing device for display.

Appeal Br. 15 (Claims Appendix).

Rejections

Claims 1–3, 8–10, and 15–17 stand rejected under 35 U.S.C. § 103 as unpatentable over Gatto (US 2014/0280197 A1; Sept. 18, 2014) and Liberman (US 2013/0136253 A1; May 30, 2013). Final Act. 4–8.

Appeal 2019-005043
Application 14/572,424

Claims 4, 11, and 18 stand rejected under 35 U.S.C. § 103 as
unpatentable over Gatto, Liberman, and Yao (US 2014/0122628 A1; May 1,
2014). Final Act. 8–9.

Claims 5–7, 12–14, 19, and 20 stand rejected under 35 U.S.C. § 103
as unpatentable over Gatto, Liberman, Yao, and Beasley (US 2016/0132812
A1; May 12, 2016). Final Act. 9–12.

OPINION

Appellant argues claims 1–20 with reference to claim 1.
Appeal Br. 13–14. For the following reasons, we are unpersuaded of error
in the rejection of claim 1 and accordingly sustain all rejections.

Appellant contends Liberman does not teach or suggest the following
subject matter for which it is cited: "searching, using the meta-data
elements, the chat and call log files responsive to the search query and in
parallel with the parallel ETL process." Appeal Br. 15 (Claims Appendix);
see also id. at 9 (identifying the disputed limitation), 10–13 (addressing
Liberman); Final Act. 2–3, 6–7 (applying Liberman); Ans. 3–4 (applying
Liberman). In doing so, Appellant characterizes the Examiner's findings as
follows:

> [T]he Office's argument appears to have shifted from the
> argument of the Final Office Action that was addressed in the
> Appeal Brief. *See* [Ans. 3–4]. Specifically, in the Answer, the
> Office's argument appears to be[:] 1) that [the] Liberman
> . . . web analyzer 1312 . . . performs searching operations;
> 2) that [the] Liberman . . . web analyzer 518 . . . performs a
> parallel ETL process; 3) that Liberman states that
> "[e]mbodiments of the invention may support multiple web
> analyzers operating concurrently or in parallel" (paragraph
> [0354]); and, 4) that, therefore, one web analyzer embodiment
> may perform searching in parallel with another web analyzer
> embodiment performing a parallel ETL process.

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Reply Br. 3–4; *see also id.* at 8–9; Appeal Br. 10–13. For the below reasons, we disagree with Appellant's characterization of the rejection.

We do not agree with Appellant that the rejection has changed. In both the Answer and Final Action, the Examiner finds: Liberman's data extractor 540, post extractor 542, and configuration loader 544 perform an ETL process; and, Liberman's interaction center 528 and open sessions database 538 perform a search query on ETL data. Ans. 4; Final Act. 2. The Examiner relies on these components 528, 538, 540, 542, 544 and Liberman's teachings of parallel operations—not on an explicit parallel operation of Liberman's above web analyzers 518, 1312. *Id.* The Examiner relies on Liberman's web analyzers only inasmuch that they are generally described as providing parallel operations and the cited web analyzers 518, 1312 are specifically described as providing ETL and search functions. *Id.*

We agree with the Examiner's reliance on Liberman. We find the components 540, 542, 544 asserted as teaching the claimed ETL process are used to derive metadata from open web sessions. Liberman ¶ 88. Additionally, we find the components 528, 538 asserted as teaching the claimed search are used to search metadata of open web sessions, e.g., to search for a specified user's open session. Liberman ¶ 72. Further, we find the same metadata can be derived and searched by these components 528, 538, 540, 542, 544; e.g., customer identifications are extracted and searched to determine open sessions of specific customers. *Id.* ¶¶ 70, 72. For the above reasons, we agree with the Examiner that the components 528, 538, 540, 542, 544 are *prima facie* evidence that the claimed parallel ETL and search of metadata would have been obvious.

Appellant's further arguments do not address the Examiner's above reliance on Liberman. The Appeal Brief piecemeal attacks individual paragraphs of Liberman as failing to alone describe a parallel ETL and search of metadata. Appeal Br. 10–13. The Reply Brief, as reflected by its above block-quoted characterization of the rejection, addresses whether Liberman's cited web analyzers 518, 1312 are explicitly described as performing a parallel ETL and search of metadata. Reply Br. 3–5, 8–9. The arguments, therefore, fail to address the Examiner's specific findings regarding Liberman's teachings for the relied-upon components 528, 538, 540, 542, 544.

Additionally, Appellant contends Liberman does not describe a web analyzer that searches metadata of chat and call log files. Reply Br. 5. Appellant also contends Liberman does not describe ETL extraction and loading performed in parallel. *Id.* at 6–8. Because Appellant did not set forth these arguments in a timely manner prior to filing of the Reply Brief to permit the Examiner an opportunity to fully respond, these arguments are not considered by the Board. *See* 37 C.F.R. § 41.41(b)(2) ("Any argument raised in the reply brief which was not raised in the appeal brief, or is not responsive to an argument raised in the examiner's answer . . . will not be considered by the Board for purposes of the present appeal, unless good cause is shown"). *See also Ex parte Borden*, 93 USPQ2d 1473, 1474 (BPAI 2010) (informative opinion) ("the reply brief [is not] an opportunity to make arguments that could have been made in the principal brief on appeal to rebut the Examiner's rejections, but were not.").

Therefore, for the reasons indicated above, we sustain the Examiner's rejection of claims 1–20.

OVERALL CONCLUSION

We affirm the Examiner's decision to reject claims 1–20.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	References	Affirmed	Reversed
1–3, 8–10, 15–17	103	Gatto, Liberman	1–3, 8–10, 15–17	
4, 11, 18	103	Gatto, Liberman, Yao	4, 11, 18	
5–7, 12–14, 19, 20	103	Gatto, Liberman, Yao, Beasley	5–7, 12–14, 19, 20	
Overall Outcome			1–20	

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