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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANTHONY L. FRIEBEL and THOMAS WARREN COX

Appeal 2019-006865
Reissue Application 14/625,437
Patent 8,756,495
Technology Center 3900

Before JOHN A. JEFFERY, ERIC B. CHEN, and
JENNIFER L. McKEOWN, *Administrative Patent Judges*.

McKEOWN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134, and 136–149 in the application for reissue of U.S. Patent 8,756,495. 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(a). Appellant identifies the real party in interest as SAS Institute Inc. Appeal Br. 1.

CLAIMED SUBJECT MATTER

The claimed invention “relates generally to computer-implemented data conversions and more particularly to tagged and rectangular data processing.” Spec., col. 1, ll. 12–15.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A system for transforming a first data file, including a hierarchically arranged tagged input data structure, to an output data structure in rectangular format, using a mapping specification in a second data file for use in a procedure, the system comprising:

one or more processors;

one or more computer readable storage mediums containing instructions to cause the one or more processors to perform operations including:

generating the second data file, wherein the second data file includes the mapping specification, wherein the mapping specification:

includes one or more data directives that indicate relationship between data in the first data file, wherein the data directives are used to parse content from the first data file and to format the parsed content into rectangular formatted data, wherein the data directives include one or more XPath specifications specifying data items and locations associated with the data items that are to be extracted from hierarchically arranged tagged input data for use in generating output data in rectangular format,

is based on rectangularization characteristics for the hierarchically arranged tagged input data, wherein the rectangularization characteristics are based on one or more data relationships between one or more parent tags and one or more child tags, wherein each parent tag is associated with two or more child tags and wherein each association between a parent tag and two or more child

tags forms a single corresponding table specific to that association, and

identifies a single table corresponding to each data relationship between a parent tag and one or more child tags, wherein the format of the single table is determined using the data directives;

receiving a set of program instructions including:

an indication of a location of the first data file, the first data file including a hierarchically arranged tagged input data structure in non-rectangular format configured to be transformed into rectangular format;

an indication of a location of the second data file, the second data file different than the first data file;

a libname statement identifying the first data file, the second data file, and an XML libname engine; and

an indication of a procedure to process a data file and an indication of the data file to process, wherein the procedure requires data in rectangular format and the indication of the data file to process indicates the first data file in non-rectangular format;

using the indication of the location of the first data file to access the first data file;

displaying the tagged input data in a graphical interface;

receiving, through the graphical interface, an interaction with the tagged input data;

transforming the first data file to an output data structure in rectangular format compatible with the procedure, by:

parsing the hierarchically arranged tagged input data in accordance with the data directives, including the one or more XPath specifications;

generating the output data structure in rectangular format by assembling the parsed

hierarchically arranged tagged input data into rectangular format; and
generating an output of the procedure using the output data structure in rectangular format; and coordinating bi-directional communication between a software application that uses a hierarchical data format and a software application that uses a rectangularized data format, wherein coordinating bi-directional communication includes using the single table and the output data structure.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Newman	US 6,976,212 B2	Dec. 13, 2008
Rys	US 8,140,496 B2	Mar. 20, 2012
Jensen	US 6,834,276 B1	Dec. 21, 2004
Joshi	US 6,532,427 B1	Mar. 11, 2003

REJECTIONS

The Examiner rejected claims 1, 2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134, 136–139, 141–143, 145–147, and 149 under 35 U.S.C. § 103 as unpatentable over Newmans, Rys, and Jensen. Final Act. 6–22.

The Examiner rejected claims 140, 144, and 148 under 35 U.S.C. § 103 as unpatentable over Newmans, Rys, Jensen, and Joshi. Final Act. 22.

ANALYSIS

THE 35 U.S.C. § 103 REJECTION BASED ON NEWMAN, RYS, AND JENSEN
*Claims 1, 2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134,
136–139, 141–143, 145, 146, 147, and 149*

Based on the record before us, we are persuaded that the Examiner erred in concluding that claims 1, 2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134, 136–139, 141–143, 145–147, and 149 are unpatentable over Newman, Rys, and Jensen.

The Examiner finds that Rys teaches “a libname statement identifying the first data file, the second data file, and an XML libname engine,” as recited in claim 1. *See* Ans. 8. In particular, the Examiner explains that Rys describes “the conversion between files in a XML environment that uses XML libname engines” and “the use of query libname in a XML environment.” Ans. 8 (citing Rys Fig. 3, item 313; fig. 4A, item 404; col. 6, lines 20-35; col. 7, lines 10-20; col. 8, lines 5–25).

Appellant, on the other hand, argues that none of the cited prior art, including Rys, teaches the recited libname and libname engine. Appeal Br. 25. For Example, Appellant asserts that “neither Rys nor any of the other cited references teaches using an ‘XML libname engine’ as asserted by the Examiner.” Reply br. 6. According to Appellant, “[s]ince Jensen (and Newman and Rys) do not describe or reference a libname statement or an XML libname engine at all, it couldn't possibly disclose this limitation.” Appeal Br. 25. Moreover, Appellant explains “the Examiner's Answer is purely conclusory; it provides no additional details regarding how Rys

discloses an ‘XML libname engine’ or ‘a libname statement’ as claimed, or how those items are used.” Reply Br. 7.

We agree. The Examiner makes a general conclusion alone that Rys teachings the disputed libname statement limitation. Rys generally describes using a query processor to generate a query plan that includes metaproperty information. *See* Rys col. 7, lines 10-20, col. 8, lines 5–25). However, without further explanation, we are left to speculate as to how the cited combination describes the recited libname statement limitation of claim 1 and, as such, are persuaded that the Examiner does not sufficiently explain how Rys at least suggests the disputed libname statement limitation. Consequently, we are constrained by the record to find that the Examiner erred in concluding Newman, Rys, and Jensen teaches the libname statement limitation of Appellant’s claim 1. Independent claims 9, 17, 25, 47, 69, 92, and 115 include limitations of commensurate scope.

Accordingly, based on the record before us, we do not sustain the obviousness rejection of claims 1, 2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134, 136–139, 141–143, 145, 146, 147, and 149 as unpatentable over Newman, Rys, and Jensen.

THE 35 U.S.C. § 103 REJECTION BASED ON

NEWMAN, RYS, JENSEN, AND JOSHI

Claims 140, 144, and 148

Claims 140, 144, and 148 depend from claims 69, 92, and 115 respectively. As discussed above, we are persuaded that the Examiner erred in rejecting independent claims 140, 144, and 148 as unpatentable over

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Newman, Rys, and Jensen. Joshi does not cure these deficiencies. As such, we similarly are persuaded that the Examiner erred in rejecting claims 140, 144, and 148 as unpatentable over Newman, Rys, Jensen, and Joshi, and we do not sustain the rejection.

CONCLUSION

The Examiner’s rejection under 35 U.S.C. § 103(a)(pre-AIA) of claims 1, 2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134, and 136–149 is reversed.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1, 2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134, 136–139, 141–143, 145, 146, 147, 149	103	Newman, Rys, Jensen		1, 2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134, 136–139, 141–143, 145, 146, 147, 149
140, 144, 148	103	Newman, Rys, Jensen, Joshi		140, 144, 148
Overall Outcome				1–2, 4–10, 12–18, 20–43, 45–65, 67–72, 74–88, 90–111, 113–134, 136–149

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REVERSED