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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RICHARD D. DETTINGER,
TERRENCE R. O'BRIEN, and RICHARD J. STEVENS

Appeal 2011-008810
Application 10/720,960¹
Technology Center 2100

Before THU A. DANG, CAROLYN D. THOMAS, and
CARL W. WHITEHEAD, JR., *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The real party in interest is International Business Machines Corporation.

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 10, 14-16, 20, 21, and 27-32, which are all the claims remaining in the application. Claims 1-9, 11-13, 17-19, and 22-26 are cancelled. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We REVERSE.

The present invention relates generally to making available to the user only those functional modules that meet specified requirements. *See Spec.*, ¶ [0002].

Claim 10 is illustrative:

10. A method of providing a user access to functional modules from within a query application, comprising:

assigning metadata requirements to functional modules that operate on data stored in, or functional modules that generate results that are stored in, a database, wherein the assigned metadata requirements specify conditions required for successful execution of the functional module, wherein at least one condition defines at least one user role required for successful execution of the functional module;

collecting runtime metadata relating to one or more result fields in a query statement, wherein the one or more result fields specify one or more data fields for which data is requested to be returned upon execution of the query statement, wherein the runtime metadata is collected after composition of the query statement, and wherein the runtime metadata is collected before the query statement is submitted for execution;

obtaining a list of functional modules that are accessible from within an application used during the query session;

identifying a limited subset of the functional modules in the list that will successfully execute, by comparing the collected runtime metadata with the assigned metadata requirements; and

providing an interface presenting the user with the identified limited subset of functional modules that will successfully execute.

Appellants appeal the following rejection:

Claims 10, 14-16, 20, 21, and 27-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Win (US 6,453,353 B1, Sept. 17, 2002), Faybishenko (US Patent Pub. 2003/0158839 A1, Aug. 21, 2003), and Chang (US 6,968,509 B1, Nov. 22, 2005).

ANALYSIS

Our representative claim, claim 10, recites, *inter alia*, “collecting runtime metadata relating to one or more result fields in a query statement . . . wherein the runtime metadata is collected after composition of the query statement . . . and . . . is collected before the query statement is submitted for execution.” Independent claims 20 and 27 recite commensurate limitations. Thus, the scope of each of the independent claims includes collecting metadata and a collection timeframe.

Issue: Did the Examiner err in finding that *Faybishenko* and *Chang* teaches and/or suggests collecting metadata and the claimed collection timeframe?

Appellants contend that “*Faybishenko* fails to teach the claimed limitation of ‘collecting runtime metadata . . . such a teaching pertains [to]

the query statement itself, rather than ‘metadata relating to one or more result fields in a query statement’” (App. Br. 13). Appellants further contend that the cited art “fails to teach collecting metadata during the claimed period of time itself” (*id.* at 14). We agree with Appellants.

Here, the Examiner directs our attention to *Faybishenko-Chang* as teaching the claimed interval of time, e.g., *Faybishenko* for disclosing collecting metadata *after* composition of the query statement (*see* Ans. 6) and *Chang* for collecting metadata *before* the query statement is submitted for execution (*see* Ans. 7).

As for *Faybishenko*, it is noted that “a QRP adaptor may monitor or log queries, results, number of hits, searches, results, etc. or generally the information passing through the QRP adaptor.” (*See* Ans. 23 and *Faybishenko* ¶ [0112].) Although not specifically stated, it appears that the Examiner is associating the logged information regarding results, number of hits, etc., as metadata relating to one or more result fields. Even if we assume *arguendo* (without deciding) that such information is metadata relating to result fields (as seemingly proffered by the Examiner), we do not find, and the Examiner has not established, the precise timeframe for collecting such metadata, as required by the claims.

For example, representative claim 10 requires that the metadata be collected *after* composition of the query statement and *before* the query statement is submitted for execution (*see* claim 10). However, *Faybishenko* admittedly only discloses logging/collecting “the information passing through the QRP adaptor” (*Faybishenko* ¶ [0112] and Ans. 25). In other words, collecting information *after* the query statement is submitted for execution (i.e., not *before* being submitted as required by the claims).

On the other hand, Chang discloses monitoring “when a particular key on the keyboard has been pressed by the user and when a particular mouse button has been clicked by the user. . . . records the keyboard type as a user-driven event” (col. 5, ll. 7-17). However, it is unclear to us, and the Examiner has not established, how Chang’s monitoring and recording of the typed keyboard strokes and mouse clicks relates to collecting *metadata*. At best, we find that Chang merely records the query statement itself *while* composing it and before submitting the query for execution, i.e., before hitting the enter key. The Examiner even alleges that “the claimed collection of metadata before the submission of a query is not a pertinent element of [the] claimed invention” (*see* Ans. 25). We disagree, as claim 10 specifically requires metadata to be collected during an interval of time (*after composition-before submitted*). As a result, the Examiner has improperly ignored any *metadata collection* in Chang.

Thus, based on the record before us, and for the reasons set forth with respect to claim 10, we find that the Examiner erred in finding that *Win*, *Faybishenko* and *Chang* discloses each limitation recited in Appellants’ claims. Accordingly, we reverse the Examiner’s obviousness rejection of claims 10, 14-16, 20, 21, and 27-32 as each of these claims contain the above-noted features.

Since we agree with at least one of the arguments advanced by Appellants, we need not reach the merits of Appellants’ other arguments. It follows that Appellants have shown that the Examiner erred in finding that *Win*, *Faybishenko*, and *Chang* renders the claims unpatentable.

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Application 10/720,960

DECISION

We reverse the Examiner's § 103 rejection.

REVERSED

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