

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES DEAN HILDRETH

Appeal No. 2002-0561
Application No. 09/410,531

ON BRIEF

Before HAIRSTON, BARRETT, and GROSS, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 36.

The disclosed invention relates to a system and method for performing data mining applications in which the data retrieved from a relational database is reduced in bulk by reducing the number of rows and columns in the data.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejection of claims 1 through 36.

Appellant has not challenged the examiner's findings (final rejection, page 2) that McElhiney discloses "a computer having one or more data storage devices connected thereto," and "a relational database management system, executed by the computer, for managing a relational database stored on the data storage devices." The examiner acknowledges (final rejection, page 3) that "McElhiney does not explicitly teach reducing data retrieved from the relational database in bulk by reducing the number of columns or rows in the data." The examiner believes, however, that "since McElhiney teaches when search table exceeds a predetermined value, it is split into subtables, replacing one partition with two smaller ones [col. 9, lines 1-7], it can be understood that the columns and rows in the data from the search table are split up accordingly." (final rejection, page 3). The examiner then reaches the conclusion (final rejection, page 3) that "[i]t would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add this feature to the system of McElhiney as an efficient means to increase the processing time."

Appeal No. 2002-0561
Application No. 09/410,531

Appellant argues (brief, page 4) that "clustering records together in separate sub-tables for parallel scans, however, is not the same as reducing the data in bulk by reducing the number of columns or rows in the data, and then operating on the reduced data to find clusters therein."

We agree with appellant's argument. Nothing in the record supports the examiner's conclusion that splitting the search tables in McElhiney would have led the skilled artisan to the disclosed and claimed reduction of data in the relational database by "reducing the number of columns or rows in the data." According to In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002), the examiner's conclusory statements in the rejection must be supported by evidence of record. To date, the examiner has not provided any evidence to support the conclusion reached in the rejection. As a result thereof, the obviousness rejection of claims 1 through 36 is reversed.

Appeal No. 2002-0561
Application No. 09/410,531

The decision of the examiner rejecting claims 1 through 36
under 35 U.S.C. § 103(a) is reversed.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
LEE E. BARRETT)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
ANITA PELLMAN GROSS)	
Administrative Patent Judge)	

KWH/lp

Appeal No. 2002-0561
Application No. 09/410,531

JAMES M. STOVER
NCR CORPORATION
1700 SOUTH PATTERSON BLVD. WHQ4
DAYTON, OH 45479