

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID BRANDOW, JOHN M. CHILDS, ROBERT D. CLOSE,
J. Y. ERIC GIGUERE and GENO COSCHI

Appeal No. 2004-2155
Application No. 09/562,641

ON BRIEF

Before BARRETT, BARRY, and LEVY, Administrative Patent Judges.
LEVY, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-34, which are all of the claims pending in this application.

BACKGROUND

Appellants' invention relates to a Java-based database access object referred to as a Java DataWindow. The Java DataWindow includes both client-side and server-side components.

The DataWindow properties reside at an application server. The corresponding client-side DataWindow component, embedded for instance in a target HTML page, knows how to query the server-side DataWindow for dynamically streaming the DataWindow's properties, so that they may be applied at run-time on the client side. After an end user has entered in the input desired, the changes are determined by the client-side DataWindow component and flushed back to the server-side DataWindow component at the application server. The server-side DataWindow component, in turn, can effect the changes to the back end database, as appropriate (specification, page 5). An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced as follows:

1. A method for providing object-based data access in a Web environment supporting Java, the method comprising:

receiving at a Web browser an end user request for displaying a Web page, thereby invoking a client-side Java-based data access component that is embedded therein;

in response to invocation of the client-side component, invoking a corresponding server-side data access component for retrieving definition information for run-time operation of the client-side component, said definition information including a database query specifying retrieval of information from a database and including a format specification specifying presentation of the information retrieved from the database to the end user; and

applying the definition information, upon receipt, to the client-side component, whereupon information of interest is retrieved from the database and is presented to the end user by the client-side component in accordance with the format specification.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Sarkar	6,012,067	Jan. 4, 2000
Rogers et al. (Rogers)	6,094,655	Jul. 25, 2000 (filed Sep. 18, 1997)

Claims 1-8, 11-14, 16-29, 32 and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rogers.

Claims 9, 10, 15, 30, 31 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers in view of Sarkar.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 18, mailed March 19, 2004) for the examiner's complete reasoning in support of the rejections, and to appellants' supplemental brief (hereinafter: brief)(Paper No. 1, filed February 7, 2004) for appellants' arguments thereagainst. Only those arguments actually made by appellants have been considered in this

decision. Arguments which appellants could have made but chose not to make in the brief have not been considered. See 37 CFR § 41.37(c)(1)(vii).

OPINION

In reaching our decision in this appeal, we have carefully considered the subject matter on appeal, the rejections advanced by the examiner, and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

Upon consideration of the record before us, we reverse, essentially for the reasons set forth by appellants. We begin with the rejection of claims 1-8, 11-14, 16-29, 32 and 33 under 35 U.S.C. § 102(e) as being anticipated by Rogers. We turn first to claim 1.

To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). As stated in In re Oelrich, 666

F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981) (quoting Hansgirg v. Kemmer, 102 F.2d 212, 214, 40 USPQ 665, 667 (CCPA 1939))

(internal citations omitted):

Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. If, however, the disclosure is sufficient to show that the natural result flowing from the operation as taught would result in the performance of the questioned function, it seems to be well settled that the disclosure should be regarded as sufficient.

Thus, a prior art reference may anticipate when the claim limitation or limitations not expressly found in that reference are nonetheless inherent in it. See In re Oelrich, 666 F.2d at 581, 212 USPQ at 326; Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 630, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Under the principles of inherency, if the prior art necessarily functions in accordance with, or includes, the claimed limitations, it anticipates. See In re King, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986).

Appellants assert (brief, pages 6 and 7) that Rogers' approach provides for a user to click on hypertext in an HTML

document and thereby invoke a DIS capsule to interact with a database. The DIS capsule is a program that gathers data from one or more databases, processes the data, and creates a report. HTML tags are created to present the report on a Web browser. The report is returned as a formatted text file or as a graphics file, such as a pie chart. It is argued (brief, page 8) that in contrast to Rogers, appellants' Java DataWindow not only retrieves data, but also retrieves definition information for runtime operation of the client-side component of the Java DataWindow on a client device. Appellants assert (id.) that Rogers does not teach a data access object (i.e., Java DataWindow) as set forth in the claims. It is additionally asserted (brief, page 9) that Rogers does not teach applying the definition information, including a format specification, at the client side data access component.

Appellants acknowledge (brief, page 10) that Roger's system gathers data about the databases, including table definitions, but that Rogers does not refer to retrieving and applying definition information, including a format specification, for run-time operation of a client device. Appellants add (id.) that:

Careful review of the Rogers reference indicates that Rogers does not teach retrieving definition information for runtime operation of a client-side data access component, and applying this definition information, including a format specification, at the client-side data access component.

The examiner's position (answer, page 4) is that claim 1 is anticipated by Roger's disclosure found on page 12, lines 2-26. The examiner argues (answer, page 9) that Rogers meets the claimed "invoking a client-side Java-based data access component that is embedded therein" because the web client's Java applets are executed by a web agent of the web browser and communicates via TCP/IP sockets with a control program agent which in turn provides DIS access. The examiner further asserts (id.) that:

Rogers further teaches the claimed step of "in response to invocation of the client-side component, invoking a corresponding server-side data access component for retrieving definition information for run-time operation of the client-side component, said definition information including a database query specifying retrieval of information from a database and including a format specification specifying presentation of the information retrieved from the database to the end user" [because] the DIS capsule gathers the required data from one or more databases and returns to the control program agent which in turn sends to the user through Java applets in the form of output (col. 12, lines 13-20).

In addition, the examiner takes the position (answer, pages 9 and 10) that:

Rogers further teaches the claimed step of "applying the definition information, upon receipt, to the client-side component, whereupon information of

interest is retrieved from the database and is presented to the end user by the client-side component in accordance with the format specification" [because] the Java applets of web client provides an interactive client processing environment using the multiple database description data provided by the control program [to] the user to achieve online analytical processing.

From our review of Rogers, we note at the outset that Rogers is directed to the use of Domino.Decision, which is applicable to a Lotus Notes environment (col. 6, lines 1-4 and col. 23, lines 60-63). We find no disclosure in Rogers of a Java DataWindow or a "client-side Java-based data access component that is embedded in a Web browser", as recited in claim 1. However, even if assuming arguendo, we found that the Java applets of Rogers broadly meets the claimed "Java-based data access component," we still find that Rogers does not anticipate the claim, for the reasons which follow.

Although Rogers refers to the DIS capsule gathering data, such as table definitions (col. 12, lines 13-17), we agree with appellants that Rogers does not teach retrieving definition information for run-time operation of a client device. Nor does Rogers teach that the definition information, include a format specification, for runtime operation on a client device. Although Rogers discloses (col. 9, line 66 through col. 10, line 2) that figure 4 is a result screen that is returned to the client after the requested service is provided by the computer network in accordance with the invention formatted according to the specifications of a DIS capsule, this does not refer to a format specification that is part of definition information that is for run-time operation on the client-side component. Rather, the formatted specification refers to the specifications of a DIS capsule on the server-side component.

In addition, although Rogers refers to run code (col. 14, lines 44-49) Rogers discloses:

The Web browser 71 can make a request to the Web Server 72 for a report through the use of HTML. The HTML document refers to our control program agent 73, which may be implemented with the C language or other language which can provide run code for the particular Web server which is employed.

This disclosure refers to run code for the server, not the client-side component. Moreover, we find that Rogers does not teach applying the definition information, upon receipt, to the client-side component because in Rogers, all processing of data is performed on the server (col. 11, lines 7 and 8).

In sum, from all of the above, we find that Rogers does not meet all of the limitations of claim 1. Accordingly, the

rejection of claim 1 under 35 U.S.C. § 102(e) is reversed.

Independent claim 24 recites the same limitation as claim 1:

. . . a server-side data access component for
retrieving definition information for run-time
operation of the client-side component, said definition
information including a database query specifying
retrieval of information from a database and a format
specification specifying presentation of the
information received from the database to the end user
. . .

The rejection of claim 24, under 35 U.S.C. § 102(e), as well as the rejection of claims 2-8, 11-14, 16-29, 32 and 33, dependent therefrom, is reversed.

We turn next to the rejection of claims 9, 10, 15, 30, 31 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Rogers in view of Sarkar. We cannot sustain the rejection of claims 9, 10, 15, 31 and 34 because the examiner has not shown, nor do we

find, that Sarkar makes up for the deficiencies of Rogers.
Accordingly, the rejection of claims 9, 10, 15, 30, 31 and 34
under 35 U.S.C. § 103(a) is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims
1-8, 11-14, 16-29, 32 and 33 under 35 U.S.C. § 102(e) is
reversed. The decision of the examiner to reject claims 9, 10,
15, 30, 31 and 34 under 35 U.S.C. § 103(a) is reversed.

REVERSED

LEE E. BARRETT)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
LANCE LEONARD BARRY)	APPEALS
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