

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte LYNH NGUYEN

Appeal No. 2004-2267
Application No. 09/651,184

HEARD: March 10, 2005

Before KRASS, BARRY, and SAADAT, *Administrative Patent Judges*.
BARRY, *Administrative Patent Judge*.

DECISION ON APPEAL

A patent examiner rejected claims 1-22. The appellant appeals therefrom under 35 U.S.C. § 134(a). We reverse.

BACKGROUND

The invention at issue on appeal manages the temporary storage of files. A "database" is a computerized system for storing and retrieving data. (Spec. at 1.) "A common application for databases relates to their interaction with Internet web browsers. In responding to a web browser query, a table may need to be created on

the web browser. This requires the transfer of data files and the formatting of a table on the web browser." (*Id.* at 2.)

Small files (e.g., "character values") may be passed directly from the database, converted into a hypertext markup language ("HTML") format, and displayed on the browser. Large object binary files ("LOBs") (e.g., picture files, video files, audio files, executable code), however, are difficult to pass directly. Accordingly, LOBs are often stored in a temporary directory, and a datalink is passed to a requesting browser. (*Id.* at 3-4.) "Given the volume of potential Internet use and the size of LOBs, a temporary directory may rapidly fill up even relatively large memory devices," (*id.* at 4.), explains the appellant. "Full temporary directories would no longer be accessible and would prevent the retrieval and use of additional LOBs. Furthermore, because the temporary directory is a public directory, a hacker may be able to access LOBs in the temporary directory, which are stored in the temporary directory beyond a reasonable time." (*Id.*)

Accordingly, the appellant's invention monitors the time that a LOB has been stored in a temporary, public directory. More specifically, an interface module stores data files requested by a web browser in the directory. The interface module generates or duplicates data file names corresponding to each file and sends the names to a clean module. A timing module generates time stamps for each name; the time stamps reflect

the time each name was received and are stored in association with their respective data file names. (*Id.* at 5.)

A delete module reviews the time stamps to determine if a preestablished time has passed. Upon passage of the time, the latter module removes the corresponding data file from the directory. (*Id.* at 5-6.) Only those data files processed by the interface module will be deleted by the delete module. Therefore, concludes the appellant, his invention "increase[s] storage space and reduce[s] opportunities for unauthorized viewing of data files." (*Id.* at 6.)

A further understanding of the invention can be achieved by reading the following claim.

1. A method for managing data files retrieved from a database system and stored in a temporary directory for use by a requesting application, the method comprising:

generating data file names corresponding to data files stored in the temporary directory;

storing the data file names in a data structure;

generating time stamps corresponding to the data file names and storing the time stamps in the data structure;

reviewing the time stamps to determine if a predetermined time delay has passed; and

generating commands to remove data files from the temporary directory upon passage of the time delay.

Claims 1-3, 5-10, and 13-21 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,999,943 ("Nori"). Claims 4, 11, 12, and 22 stand rejected under 35 U.S.C. § 103(a) as obvious over Nori and U.S. Patent Application Publ'n No. 2001/0011276 ("Durst").

OPINION

Our opinion addresses the rejections in the following order:

- anticipation rejection of claims 1-3, 5-10, and 13-21
- obviousness rejection of claims 4, 11, 12, and 22.

A. ANTICIPATION REJECTION OF CLAIMS 1-3, 5-10, AND 13-21

Rather than reiterate the positions of the examiner or the appellant *in toto*, we focus on the point of contention therebetween. The examiner asserts, "[b]y checking the waiting list to determined whether the predetermined wait time of the client has not elapsed, the server performs the claimed limitation of reviewing the time stamps to determine if a predetermined time delay has passed (see col. 13, lines 25-50)."

(Examiner's Answer at 8.) He finds, "[w]hen a client reads LOB data, changes that have been made to the LOB data must be removed from the LOB data before the LOB data

is supplied to the client if the changes were made after the snapshot time being used by the client. The change of LOB data stores in the memory in a specific location (temporary) (see col. 7, lines 25-34, Fig. 1)." (*Id.* at 8-9.) The appellant argues, "[t]here is simply no relationship between the time period a user waits in the waiting list before being removed from that waiting list and the providing of consistent views by taking a snapshot and then stripping away later-made changes." (Appeal Br. at 10.)

In addressing the point of contention, the Board conducts a two-step analysis. First, we construe the claims at issue to determine their scope. Second, we determine whether the construed claims are anticipated.

1. Claim Construction

"Analysis begins with a key legal question — *what is the invention claimed?*" *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987). In answering the question, "[t]he Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art." *In re Lowry*, 32 F.3d 1579, 1582, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994) (citing *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983)).

Here, claim 1 recites in pertinent part the following limitations: "generating data file names corresponding to data files stored in the temporary directory; . . . generating time stamps corresponding to the data file names and storing the time stamps in the data structure; reviewing the time stamps to determine if a predetermined time delay has passed; and generating commands to remove data files from the temporary directory upon passage of the time delay." Claims 8 and 15 recite similar limitations. Considering these limitations, claims 1, 8, and 15 require reviewing time stamps corresponding to the names of data files stored in a temporary directory to determine if a predetermined time delay has passed and, if so, generating commands to remove data files from the temporary directory.

2. Anticipation Determination

"Having construed the claim limitations at issue, we now compare the claims to the prior art to determine if the prior art anticipates those claims." *In re Cruciferous Sprout Litig.*, 301 F.3d 1343, 1349, 64 USPQ2d 1202, 1206 (Fed. Cir. 2002). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (citing *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 USPQ 1264, 1270 (Fed. Cir. 1984); *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220

USPQ 193, 198 (Fed. Cir. 1983); *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771, 218 USPQ 781, 789 (Fed. Cir. 1983)). Case law on must be arranged as claimed "[A]bsence from the reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986).

Here, Nori discloses "techniques for handling large objects (LOBs) within a client server database system." Col. 1, ll. 14-15. When a client requests a LOB, a "database server does not send an entire LOB to a client. . . . Instead, the server constructs and sends to the client a special data structure, . . . a LOB locator, that acts as a 'handle' through which access to the LOB is performed." Col. 4, ll. 34-39.

"The client then may issue one or more requests to operate on randomly selected portions of the LOB. With each of the requests, the client passes back to the server the locator for the LOB." *Id.* at ll. 59-62. "The rowid value within a locator is used to verify that the row to which a LOB belongs is locked before the LOB is updated." Col. 13, ll. 8-9. The first passage of the reference relied on by the examiner discloses that "[b]efore proceeding with the update, the server reads the table-id and rowid values from the locator. The server then determines whether the specified row of the specified table is locked." *Id.* at ll. 28-31. When another client holds a lock on the

row, "the server places the client on a waiting list to obtain the lock." *Id.* at ll. 45-46. "If the client is waiting for the lock for more than a predetermined period of time, the server may remove the client from the waiting list and send an error message back to the client." *Id.* at ll. 47-50. For our part, we are unpersuaded that Nori's determining whether a client has waited to obtain a lock for more than a predetermined period of time teaches the claimed reviewing of time stamps corresponding to the names of data files stored in a temporary directory to determine if a predetermined time delay has passed.

The second passage of the reference relied on by the examiner discloses that "[t]o ensure that a particular client sees a consistent view of the database, the server sends to the client data from a particular 'snapshot' of the database. A snapshot is like a timestamp. A snapshot of the database reflects all changes committed to the database as of a particular point in time, and no changes committed after that point in time." Col. 7, ll. 25-30. "When a client reads LOB data, changes that have been made to the LOB data must be removed from the LOB data before the LOB data is supplied to the client if the changes were made after the snapshot time being used by the client." *Id.* at ll. 30-34. For our part, we are unpersuaded that Nori's removing of changes made to LOB data after the snapshot time being used by a client, teaches the claimed reviewing time stamps corresponding to the names of data files stored in a temporary

directory to determine if a predetermined time delay has passed or, if so, generating commands to remove data files from the temporary directory.

The absence of reviewing time stamps corresponding to the names of data files stored in a temporary directory to determine if a predetermined time delay has passed and, if so, generating commands to remove data files from the temporary directory negates anticipation. Therefore, we reverse the anticipation rejection of claim 1; of claims 2, 3, and 5-7, which depends therefrom; of claim 8; of claims 9, 10, 13, and 14, which depend therefrom; of claim 15; and of claims 16-21, which depend therefrom.

B. OBVIOUSNESS REJECTION OF CLAIMS 4, 11, 12, AND 22

"In rejecting claims under 35 U.S.C. Section 103, the examiner bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) (citing *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)). "A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 USPQ 143, 147 (CCPA 1976)).

Here, the examiner does not allege, let alone show, that the addition of Durst cures the aforementioned deficiency of Nori. Absent a teaching or suggestion of reviewing time stamps corresponding to the names of data files stored in a temporary directory to determine if a predetermined time delay has passed and, if so, generating commands to remove data files from the temporary directory, we are unpersuaded of a *prima facie* case of obviousness. Therefore, we reverse the obviousness rejection of claims 4, 11, 12, and 22.

CONCLUSION

In summary, the rejection of claims 1-3, 5-10, and 13-21 under § 102(b) is reversed. the rejection of claims 4, 11, 12, and 22 under § 103(a) is also reversed.

REVERSED

ERROL A. KRASS
Administrative Patent Judge

LANCE LEONARD BARRY
Administrative Patent Judge

MAHSHID D. SAADAT
Administrative Patent Judge

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Appeal No. 2004-2267
Application No. 09/651,184

Page 12

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