

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DIMITRIS NAKOS, BALA KUMARESAN,
JOHN JOHN E. SO, NILOY BANERJEE,
LALITHA GANTI, RAMKUMAR VENKATARAMAN and
THIVAKARAM PRAKASH SIVAKUMAR

Appeal No. 2005-1210
Application No. 09/945,438

ON BRIEF

Before THOMAS, KRASS, and RUGGIERO, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1 through 9.

Independent claim 1 is reproduced below:

claim 5.

The focus of the examiner's anticipation analysis is upon figure 7 and its corresponding discussion in Immon. However, from our review of this reference in its entirety, we agree with appellants' observations in the paragraph bridging pages 7 and 8 in the principal brief on appeal as well as the first complete paragraph at page 8 as reproduced here:

There is absolutely nothing in Figure 7 that suggests that workstation 702 is **an integrated management module configured to manage at least two of the following layers in the database system: a database application layer, a database server layer, an operating system layer, and a hardware layer**. Immon does **not** teach or suggest that workstation 702 **manages** source 701 by **changing operational parameters** of source 701. Instead, Immon discloses that workstation 702 **loads** metadata from source 701. Loading is not managing. Loading from a source does not change operational parameters of the source.

Furthermore, there is absolutely nothing in Figure 7 that suggests that source 701 comprises at least two of **a database application layer, a database server layer, an operating system layer, and a hardware layer**. The sources that may be included in source 701 are data per se. These sources are **not** database applications, database servers, operating systems, or hardware. (emphasis in original)

Pages 8 and 9 of the brief continue by making reference to certain portions of Immon urging that those portions also fail to teach the changeability of operational parameters as set forth at

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the end of claim 1 on appeal. We essentially agree with this analysis as well.

Although even the abstract of Immon makes clear that his system manages metadata in a distributed or network computing environment among a plurality of servers on a single server, this reference fails to teach the substance of the claimed integrated management module having the ability to manage at least two of four identified layers of a database system. It is believed that the claim as well as the disclosed invention is consistent with the well known OSI software layering approaches in the art. There appears to be no indication to us that Immon even addresses his distributed system from the perspective of prior art software layers, but only from the perspective of processing and managing metadata, which is created as a natural byproduct of data processing as set forth in the initial paragraphs of column 1 of Immon. Overall, it is clear to us that the artisan would not have been placed in possession of the subject matter of independent claim 1 based upon Immon's teachings and showings.

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In view of the foregoing, the decision of the examiner rejecting various claims on appeal under 35 U.S.C. § 102 and 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
ERROL A. KRASS)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
JOSEPH F. RUGGIERO)	
Administrative Patent Judge)	

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