UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD J. STEVENS and DAVID A. WALL

Appeal 2007-2425
Application 10/411,450
Technology Center 2100

Decided: April 30, 2008

Before KENNETH W. HAIRSTON, ROBERT E. NAPPI and JOHN A. JEFFERY, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1 to 22. We have jurisdiction under 35 U.S.C. § 6(b).

We will reverse the rejections.

STATEMENT OF THE CASE

Appellants have invented a method for and a system for gathering data from one or more data sources by decomposing a query that includes at least two individual predicates into individual predicates prior to issuing an effective query against the data source or sources[1] (Figures 1 and 2; Specification pgs. 3, 5, 6, and 11).

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[1] The disclosed search engine operates in a similar manner to the U.S. Patent & Trademark Office's EAST search engine and Google's search engine.

Claim 1 is representative of the claims on appeal, and it reads as follows:

> 1. A method for gathering data from one or more data sources comprising:
>
> receiving, from a requesting entity, a query comprising at least two individual predicates involving one or more fields contained in the one or more data sources;
>
> decomposing the received query into the individual predicates; and for each data source,
>
> identifying one or more of the individual predicates involving fields contained in the data source,
>
> generating an effective query based on the identified individual predicates, and
>
> issuing the effective query against the data source.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Reiner	US 6,289,334 B1	Sep. 11, 2001
Hagmann	US 6,338,055 B1	Jan. 8, 2002
Cazemier	US 6,609,123 B1	Aug. 19, 2003 (filed Sep. 1, 2000)

The Examiner rejected claims 1 to 3, 6, and 7 under 35 U.S.C. § 103(a) based upon the teachings of Reiner and Cazemier.

The Examiner rejected claims 4, 5, and 8 to 22 under 35 U.S.C. § 103(a) based upon the teachings of Reiner, Cazemier, and Hagmann.

ISSUE

Appellants contend *inter alia* that Reiner duplicates an original query, and appends a predicate to each of the duplicated queries whereas the claimed invention receives a query that includes at least two individual predicates, and then decomposes the received query into individual predicates (App. Br. 10-12; Reply Br. 4). Thus, the issue before us is

whether the applied prior art teaches or would it have suggested to the skilled artisan receiving a query that includes at least two individual predicates, and then decomposing the received query into individual predicates?

FINDINGS OF FACT

As indicated *supra*, Appellants method includes the steps of receiving a query that includes at least two individual predicates, and decomposing the received query into individual predicates.

Reiner describes database query processing in a database management system that includes a step of query decomposition (Abstract; col. 7, l. 66 to col. 8, l. 40). A decomposer 74A intercepts an input query and decomposes the input query by duplicating it to produce subquery copies of the input query (Figure 3B; col. 9. ll. 8-12; col. 12, ll. 39-40; col. 74, ll. 8-12; col. 145, ll. 40-47). Thereafter, a predicate is appended to each of the subqueries (col. 9, ll. 12-43; col. 12, ll. 40-42; cols. 81 and 82, example 1).

Cazemier was cited by the Examiner for a teaching of "'**multiple data sources**' (Column 8, line 5)" (Ans. 5).

Hagmann was cited by the Examiner for a teaching of "'**null queries which are defined to be queries known to have a null result in the sense that no event could satisfy the** query' (Column 9, lines 57-59) and '**null queries can be removed from consideration**' (Column 9, lines 66-67)" (Ans. 9).

PRINCIPLES OF LAW

The Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re* Oetiker, 977 F.2d 1443, 1445 (Fed. Cir. 1992). If that burden is met, then the burden shifts to the Appellant to overcome the prima facie case with argument and/or evidence. *See Id*.

The Examiner's articulated reasoning in the rejection must possess a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

ANALYSIS

As indicated *supra* in the findings of fact, the query received by Reiner is duplicated to produce subqueries. After the duplication step, a predicate is then appended to each of the subqueries. Reiner is completely silent as to receiving a query with individual predicates as set forth in claims 1-8 on appeal, and then decomposing the received query into the individual predicates as set forth in claims 1-22 on appeal. Neither the multiple data source teachings of Cazemier nor the null query teachings of Hagmann cure the noted shortcomings in the teachings of Reiner.

CONCLUSION OF LAW

The Examiner has not established the obviousness of claims 1 to 22.

ORDER

The obviousness rejections of claims 1 to 22 are reversed.

REVERSED

gvw

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