

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL L. REED and JOHN D. FRAZIER

Appeal 2007-3510
Application 10/112,468
Technology Center 2100

Decided: January 23, 2008

Before JAMES D. THOMAS, HOWARD B. BLANKENSHIP, and
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1-57. We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

A. INVENTION

The invention at issue relates to accessing data in database system remotely (Spec. 1). In particular, a remote database access type (RDBAT), represented by a RDBAT object, provides access to remote data stored in a remote system by including information for accessing the remote data stored in the remote system (*id. 4*). The information for accessing the remote data includes, for example, connection information, user profile information, Structured Query Language (SQL) query string to fetch data, or information used to generate a remote update string (*id. 5*).

B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows.

1. A method of using a database system to access data stored in a remote system, comprising:

receiving at the database system a database access request from a client system, where the database access request references a remote database access type field in an entry in a table in the database system including remote access information;

retrieving the remote access information from the remote database access type field, where the remote access information indicates how to access the remote data; and

sending a remote access request to the remote system using the retrieved remote access information, where the remote access request indicates the remote data to be accessed in the remote system.

C. REJECTIONS

Claims 1, 18, 23, 24, and 41 are independent claims. Claims 2-17, 19-22, 25-40, and 42-57 depend from claim 1, 18, 23, 24, or 41. Claims 1-10, 13, 15, 16, 18-20, 22-33, 36, 38, 39, 41, 42, 44-50, and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,701,461 (“Dalal”) and U.S. Patent No. 6,694,304 (“Sethi”). Claims 11, 12, 14, 17, 21, 34, 35, 37, 40, 43, and 51-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dalal, Sethi, and U.S. Patent No. 5,680,618 (“Freund”).

PRINCIPLES OF LAW

“What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007). To be nonobvious, an improvement must be “more than the predictable use of prior art elements according to their established functions.” *Id.* at 1740. Appellant has the burden on appeal to the Board to demonstrate error in the Examiner’s position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (“On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.”) (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)). Therefore, we look to Appellant’s Brief to show error in the proffered *prima facie* case.

II. CLAIM GROUPING

“When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.” 37 C.F.R. § 41.37(c)(1)(vii) (2006).¹

Appellants in the Appeal Brief submit separate arguments for patentability for each independent claim on appeal, each being rejected over the combination of Dalal and Sethi. Appellants do not separately argue the dependent claims rejected over the combination of Dalal, Sethi, and Freund. Thus, with respect to the first ground of rejection, we find that Appellants argue claims 1-10, 13, 15, 16, 24-33, 36, 38, and 39 as a first group (App. Br. 6-7), claims 18-20 and 22 as a second group (*id.* 7-9), claim 23 as a third group (*id.* 9), and claims 41, 42, 44-50, and 57 as a fourth group (*id.* 9-11). We select claim 1 as the sole claim on which to decide the appeal of the first group, claim 18 as the sole claim on which to decide the appeal of the second group, and claim 41 as the sole claim on which to decide the appeal

¹ We cite to the version of the Code of Federal Regulations in effect at the time of the Appeal Brief. The current version includes the same rules.

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of the fourth group. We evaluate claim 23 separately. The dependent claims rejected over Dalal, Sethi, and Freund will stand or fall with the respective base claims.

III. CLAIMS 1-17 AND 24-40

As set forth above, we select claim 1 as the sole claim on which to decide the appeal of the first group. “Rather than reiterate the positions of parties *in toto*, we focus on the issue therebetween.” *Ex Parte Filatov*, No. 2006-1160, 2007 WL 1317144, at *2 (BPAI 2007).

Appellants argue that “Applicant does not understand . . . which portions of Dalal teach a database table storing a remote database access type field (of claim 1) that includes remote access information indicating how to access remote data . . .” (App. Br. 6). In response, the Examiner states that “Dalal discloses a remote database with a remote engine that ‘accesses a remote table to obtain . . . a description of the remote table’s structure . . . by making the appropriate function calls to the ODBC driver 62 . . . (See column 7, line 67; column 8, lines 1-7)” (Ans. 18).

We find that the weight of the evidence supports the Examiner’s position. Dalal discloses a user entering a query via a user interface (col. 8, ll. 39-40) to a remote engine that communicates with remote data sources (col. 7, ll. 63-64). The remote engine obtains a description of a remote table’s structure and retrieves data from the remote table (col. 8, ll. 1-4) by “making the appropriate function calls to the ODBC driver” (col. 8, ll. 6-7).

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The user interface “supports an ODBC connect string builder” to create an ODBC connect string that includes, for example, “DSN=MyServer; DATABASE=SalesData; UID=joe; PWD=java” (col. 8, ll. 50-52). Based on the record, we agree with the Examiner that Dalal discloses a remote database access type field containing remote access information (e.g., data source name, database name, user identification, or password information) that indicates how to access the remote data (i.e., data in a remote data source) as recited in claim 1.

Appellants further argue that a table in a database “as disclosed by Dalal (see col. 6, lines 13-23), is not at all the same as . . . a remote database access type field containing remote access information indicating how to access data stored in a remote system.” (App. Br. 6). Dalal discloses that a table in a database contains records and indexes that provide “a means for direct . . . retrieval of the records.” (Col. 6, ll. 18-19). As set forth above, a table corresponding to the remote data source is used by the remote engine of Dalal to retrieve data from the remote table by making appropriate function calls to the ODBC driver (col. 8, ll. 1-7). We find that the database containing records of Dalal stores “information” that encompasses information indicating “how to access the remote data” as claim 1 recites.

Appellants, while asserting that the database table of Dalal is “not the same as” the claimed “remote database access type field,” (App. Br. 6) fail to indicate features that establish a difference between the “table in a database” of Dalal and the claimed “remote database access type field.” Therefore, we are unconvinced by Appellants’ argument.

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It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 1. Therefore, we affirm the rejection of claim 1, and of claims 2-10, 13, 15, 16, 24-33, 36, 38, and 39, which fall therewith. Claims 11, 12, 14, 17, 34, 35, 37, and 40, not separately argued by Appellants, also fall with claim 1.

IV. CLAIMS 18-22

As set forth above, we select claim 18 as the sole claim on which to decide the appeal of the second group.

Appellants argue that Dalal and Sethi fail to disclose “‘storing [] remote access information in [a] remote database access type field,’ wherein the remote access information includes a query string indicating remote data, as required by Applicant’s claim 18.” (App. Br. 7). In response, the Examiner states that Dalal discloses a “remote database” that uses a “‘remote database access type field’ (Strings) [that] indicate how to access the remote database (See column 8, lines 1-8, lines 51-55).” (Ans. 21).

As set forth above, we find that Dalal discloses a database storing a table containing fields that include “appropriate function calls to the ODBC driver **62** associated with the remote database” (col. 8, ll. 1-7). A query includes an “ODBC connect string” that identifies information that indicates “remote access information” (e.g., “data source name,” “database name,” “user identification,” or “password”) (col. 8, ll. 50-54). We agree with the Examiner that such information encompasses information that indicates “how to access the remote database” as recited in claim 18 because such

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information in Dalal is used to access data in the remote database (i.e., “retrieval of records,” col. 6. ll 18-19).

Appellants further argue that Dalal fails to disclose “creating a new entry in a table in the database system, where the new entry includes a remote database access type field” because “it never creates such a field in the first place.” (App. Br. 8). In response, the Examiner states that Dalal discloses “strings that identify . . . [information] . . . (that) indicate(s) how to access the remote database (See column 8, lines 1-8, lines 51-55).” (Ans. 22).

As set forth above, a table corresponding to the remote data source is used by the remote engine to retrieve data from the remote table by making appropriate function calls to the ODBC driver (Dalal, col. 8, ll. 1-7). We further find the data in the table (of the database) disclosed in Dalal contains records and indexes providing “a means for direct . . . retrieval of the records” (col. 6, ll. 18-19), which encompasses information in a “new entry in a table” that includes “a remote database access type field” as recited in claim 18.

Appellants further argue that Dalal and Sethi fail to disclose “storing remote access information in a remote database access type field in a new entry in a table in a database.” (App. Br. 8). As set forth above, we find that Dalal discloses records stored in a database that contain information encompassing the “remote access information” recited in claim 18.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 18. Therefore, we affirm the rejection of

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claim 18, and of claims 19, 20, and 22, which fall therewith. Claim 21, not separately argued by Appellants, also falls with claim 18.

V. CLAIM 23

Appellants argue that Dalal and Sethi fails to disclose ““sending an insert request to the database system, where the insert request includes obtained remote access information indicating remote data,’ as required by Applicant” (App. Br. 9). As set forth above, we find that Dalal discloses a database containing stored information that encompasses the “remote access information” as recited in claim 23. The remote access information stored in the database of Dalal is stored, and thereby “inserted,” into the database. In addition, the Examiner finds that Sethi discloses “sending an insert request to the database system . . . (See abstract; column 2, lines 45-54, lines 65-67; column 3, lines 1-9).” (Ans. 11).

We find that it would have been obvious to one of ordinary skill in the art, given the disclosure of Dalal of remote access information stored or “inserted” into a database and having a need for storing or inserting such data into the database to utilize predictable methods to achieve an expected result. There are a finite number of ways in which one of ordinary skill in the art may store or insert data into a database. In one predictable method, one of ordinary skill in the art would have, for example, received “a request for table entries” as disclosed by Sethi (col. 2, ll. 45-54, ll. 65-67; col. 3, ll. 1-9) to achieve an expected result of storing or inserting data into a database. As disclosed by Sethi, sending a request to store or insert data into a

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database would have been known to one of ordinary skill in the art and would have produced expectedly predictable results – for example, the successful storage or insertion of data in a database. Such anticipated success of using known methods to achieve expected results would have been obvious to one of ordinary skill in the art. “When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742 (2007).

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 23. Therefore, we affirm the rejection of claim 23.

VI. CLAIMS 41-57

As set forth above, we select claim 41 as the sole claim on which to decide the appeal of the fourth group.

Appellants argue that Dalal and Sethi fail to disclose “‘at least one data storage facility stor[ing] a remote database access type object representing a remote database access type filed storing remote access information indicating how to access [] remote data,’ as required by Applicant’s claim 41.” (App. Br. 9). In response, the Examiner states that Dalal discloses “a remote engine accessing a ‘remote table’ by making

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appropriate calls to the ODBC driver associated with the remote database . . .” (Ans. 25) and further equates the “remote access field type strings” as identifying components of the “ODBC connect string” (*id.*)

We agree with the Examiner. Dalal discloses information stored in a database (col. 7, l. 67 – col. 8, l. 2) for “direct . . . retrieval of the records (in a remote database)” (col. 6, ll. 18-19). As aforementioned, we find that the information of Dalal encompasses information stored as a “remote database access type object” that provides “information indicating how to access remote data” as recited in claim 41.

Appellants further argue that Dalal fails to disclose “a ‘database management component configured to access the remote data using the remote access information stored in the remote database access type object corresponding to the remote data,’ as required by Applicant’s claim 41.” (App. Br. 10). The Examiner states that Dalal discloses an “ODBC connect string” containing information identifying “data source name (DSN), database name, user identification (UID) and password (PWD)” (Ans. 26) and further equates the information in the ODBC connect string with the “remote database access type object corresponding to the remote data” recited in claim 41.

We agree with the Examiner. As aforementioned, Dalal discloses an ODBC connect string used to obtain data from a remote database, the ODBC connect string containing information on how to retrieve the data from the remote database (e.g., data source name, database name, user identification, or password) (col. 8, ll. 39-54). Because Dalal discloses accessing remote

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data using stored information (e.g., information contained in the ODBC connect string), we agree with the Examiner that the disclosure of Dalal encompasses accessing “remote data using the remote access information stored in the remote database access type object corresponding to the remote data” as recited in claim 41.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 41. Therefore, we affirm the rejection of claim 41, and of claims 42, 44-50, and 57, which fall therewith. Claims 43 and 51-56, not separately argued by Appellants, also fall with claim 41.

VII. ORDER

In summary, the rejection of claims 1-57 under § 103(a) is affirmed.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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