

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YUTAKA SEKINE

Appeal No. 1997-3581
Application No. 08/010,291

HEARD: March 7, 2001

Before FLEMING, RUGGIERO, and BARRY, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-5. An amendment after final rejection filed November 27, 1996 amended claim 1, canceled claims 4 and 5, and added claim 6. This amendment was approved for entry by the Examiner as indicated in the Advisory Action of December 19, 1996. Accordingly, the rejection of claims 1-3 and 6 is before us on appeal.

The claimed invention relates to a relational data base system and method for creating execution procedures for realizing a query to a defined view table in advance of the actual input of the query by a user. Appellant asserts at page 10 of the specification that, by predicting the structure of a query to a view table and creating a corresponding optimum execution procedure prior to actual user query input, the overall response for a query to a data base is reduced.

Claim 1 is illustrative of the invention and reads as follows:

1. A relational data base system having a function of view resolution for analyzing a query sentence in an execution procedure for a query from a user, using a content defined in a view table for the query designating the view table, converting a retrieval of the view table to that of an actual table, and creating the execution procedure, the system comprising:

early bind definition means for creating and updating by an evaluation execution time a plurality of execution procedures when the view table is defined and before a query is inputted, to realize the query subsequently inputted to the view table in accordance with a query structure to the view table;

a definition information dictionary operatively connected to the early bind definition means to store information;

execution procedure management means provided in the definition information dictionary for storing said plurality

Appeal No. 1997-3581
Application No. 08/010,291

of execution procedures to realize the query subsequently inputted to the view table;

execution procedure composition means operatively connected to the definition information dictionary for retrieving, based on object query conditions, a corresponding one of the plurality of execution procedures stored in the definition information dictionary when the query to the view table is inputted, for extracting the one execution procedure adapted to the query, and for composing the extracted execution procedure with the query; and

execution means operatively connected to the execution procedure composition means for executing the composed execution procedure.

The Examiner relies on the following prior art:

Heffernan et al. (Heffernan)	5,379,419	Jan. 03, 1995 (filed Dec. 07, 1990)
------------------------------	-----------	--

Rather than reiterate the arguments of Appellant and the Examiner, reference is made to the Briefs¹ and Answer for the respective details.

OPINION

¹ The Appeal Brief (revised) was filed April 17, 1997. In response to the Examiner's Answer dated July 15, 1997, a Reply Brief was filed September 15, 1997 which was acknowledged and entered by the Examiner without further comment as indicated in the communication of August 10, 2000.

Appeal No. 1997-3581
Application No. 08/010,291

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner, the arguments in support of the rejection and the evidence of obviousness relied upon by

the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellant's 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.

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would not have suggested to one of ordinary skill in the art the invention set forth in claims 1-3 and 6. Accordingly, we reverse.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. See In re Fine, 837 F.2d 1071, 1073, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual

Appeal No. 1997-3581
Application No. 08/010,291

determinations set forth in Graham v. John Deere Co., 383 U.S.
1,
17-18, 148 USPQ 459, 467 (1966), and to provide a reason why
one
having ordinary skill in the pertinent art would have been led
to
modify the prior art or to combine prior art references to
arrive

at the claimed invention. Such reason must stem from some
teaching, suggestion or implication in the prior art as a
whole
or knowledge generally available to one having ordinary skill
in
the art. Uniroyal Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044,
1051, 5 USPQ2d 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S.
825
(1988); Ashland Oil, Inc. v. Delta Resins & Refractories,
Inc.,

Appeal No. 1997-3581
Application No. 08/010,291

776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.

Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a prima facie case of obviousness. Note In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

With respect to the Examiner's obviousness rejection of independent claims 1 and 6 based on Heffernan, Appellant's primary contention (Brief, pages 9-11) is that, contrary to the language of the appealed claims, Heffernan discloses the creation of execution procedures after a user inputs a query. We note that the relevant portion of each of independent claims 1 and 6

sets forth "creating and updating by an evaluation execution time a plurality of execution procedures when the view table

Appeal No. 1997-3581
Application No. 08/010,291

is defined and before a query is inputted (emphasis added)...."

After careful review of the Heffernan reference, we are in agreement with Appellant's position as stated in the Briefs. Our interpretation of the disclosure of Heffernan coincides with that of Appellant, i.e. while queries are examined and an "Access Plan" is developed for optimizing the data retrieval, any such development takes place only after a user inputs a query.

We take note of the fact that the Examiner, in addressing the relevant portion of claims 1 and 6 cited supra, offers an interpretation of the claim language that differs from the plain meaning of the words in the claim. In the Examiner's analysis (Answer, page 6), the claim language "creating ... execution procedures... before a query is inputted..." is interpreted as "creating... execution procedures without incurring I/O overhead related to data stored in actual physical storage."

We can find no basis on the record for the Examiner interpreting the claim language in this manner. When not defined

Appeal No. 1997-3581
Application No. 08/010,291

in the specification, the words of a claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art. In re Sneed, 710 F.2d 1544, 1547, 218 USPQ 385, 388 (Fed. Cir. 1983). It is apparent to us that the only reasonable interpretation of the language of the claims before us requires a creation of execution procedures before a user inputs a query, a concept not taught or suggested in Heffernan. It is also apparent from the Examiner's line of reasoning in the Answer that, since the Examiner has mistakenly interpreted the disclosure of Heffernan as disclosing the claimed execution procedure creation feature, the issue of the obviousness of this feature has not been addressed. In our view, the Examiner's implication that Heffernan's execution creation procedure is somehow equivalent to that required by Appellant's claims since both consider cost reduction factors can only be supported by an unreasonable interpretation of the language of the appealed claims.

Since all of the claim limitations are not taught or suggested by the applied prior art, it is our opinion that the

Appeal No. 1997-3581
Application No. 08/010,291

Examiner has not established a prima facie case of obviousness with respect to the claims on appeal. Accordingly, we do not sustain the Examiner's 35 U.S.C. § 103 rejection of independent claims 1 and 6, nor of claims 2 and 3 dependent thereon. Therefore, the Examiner's decision rejecting claims 1-3 and 6 is reversed.

REVERSED

MICHAEL R. FLEMING)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
LANCE LEONARD BARRY)	
Administrative Patent Judge)	

lp

Appeal No. 1997-3581
Application No. 08/010,291

700 ELEVENTH ST., N.W.
SUITE 500
WASHINGTON, DC 20001

Leticia

Appeal No. 1997-3581
Application No. 08/010,291

APJ RUGGIERO

APJ FLEMING

APJ BARRY

DECISION: REVERSED
Send Reference(s): Yes No
or Translation (s)
Panel Change: Yes No
Index Sheet-2901 Rejection(s):

Prepared: August 31, 2001

Draft Final

3 MEM. CONF. Y N

OB/HD GAU

PALM / ACTS 2 / BOOK
DISK (FOIA) / REPORT