

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte PHILLIP L. SMILEY

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Appeal No. 1998-0427  
Application No. 08/283,466

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ON BRIEF

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Before HAIRSTON, KRASS, and BARRETT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-8, all of the pending claims.

The invention is directed to a method and system for managing access to a plurality of data objects.

Representative independent claim 1 is reproduced as follows:

1. System for managing access to a plurality of data objects, comprising:

first means for storing information describing said plurality of data objects and for storing information describing attributes of said plurality of data objects and for storing information describing relationships therebetween as a separate relationship object;

second means for accepting and processing user queries on said information stored in said first means and for generating first results data in response to said user queries;

third means responsive to said second means for generating second results data using said first results data, said second results data including information contained in said plurality of data objects.

The examiner relies on the following references:

Crus et al. (Crus)	5,133,068	Jul. 21, 1992
Heffernan et al. (Heffernan)	5,379,419	Jan. 03, 1995

Claims 1-3 and 5-8 stand rejected under 35 U.S.C. 102(e) as anticipated by Heffernan.

Claim 4 stands rejected under 35 U.S.C. 103 as unpatentable over Heffernan in view of Crus.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

#### OPINION

At the outset, we note the broad nature of the claimed subject matter. In particular, with regard to claim 1, information “describing” a plurality of data objects may not necessarily be different from

information describing the “attributes” of the data objects. Describing “attributes” might be something as simple as data type. With regard to information describing relationships between the data objects and attributes as a “separate relationship object,” this could be simply a pointer for pointing to a piece of data.

At page 8 of the principal brief, appellant contends that “by this separate relationship object one can change dynamically the relationships without changing the data.” While this may be, we find no corresponding claim language relative to dynamically changing relationships without changing data. Thus, appellant’s comments in this regard are not persuasive.

At page 2 of the reply brief, appellant attempts to distinguish the claims over Heffernan by defining an “object” as something more than merely data. Rather, appellant contends, “object” requires “binding the code and data together.” Appellant further contends that an “object” is “data together with code (or function) that acts upon it. Encapsulation is also part of an object. The data in the object is only ever accessed through the function in the object.” It is our view that appellant has taken too restrictive a view as to the meaning of “object,” which, in a broader sense, may be a

passive entity that contains or receives data; for example, bytes, blocks, clocks, fields, files, directories, displays, keyboards, network nodes, pages, printers, processors, programs, records, segments, words.<sup>1</sup>

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<sup>1</sup> IBM Dictionary of Computing; compiled and edited by George McDaniel; McGraw-Hill, Inc., Aug. 1993; page 471. A copy of the cover page and the page reciting the definition is attached hereto.

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This is definition (2), out of thirteen, listed in the IBM dictionary. Appellant appears to prefer definition (10):

In object-oriented design or programming, an abstraction consisting of data and the operations associated with that data.

Clearly, the broader definition (2) would not be an unreasonable interpretation of the instant claimed “object.”

Having said all that, and even in view of the very broad nature of the instant claims, particularly claim 1, we, nevertheless, will not sustain the rejection of claims 1-3 and 5-8 under 35 U.S.C. 102(e) because, in our view, the examiner has simply not established a prima facie case of anticipation.

In one form or another, each of the claims requires at least a separate relationship object so that a certain relationship between data objects and attributes is indicated. The examiner relies on Heffernan as an anticipatory reference, specifically relying on the single dictionary disclosed by Heffernan as the claimed means for storing information describing the relationships between a plurality of data objects, whereby the relationships are stored as a separate relationship object.

However, from our review of the reference, it appears that Heffernan is concerned with accessing data stored in “non-relational data files.” Thus, by definition, Heffernan’s non-relational data files would not appear capable of comprising any type of “separate relationship object,” as required by the instant

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claims. While the examiner contends that the dictionary (set forth in Heffernan's claims 9 through 11) of Heffernan is "equivalent to the appellant's first means" [answer-page 5], it is unclear to us how the examiner arrives at this conclusion of equivalence. In a rejection based on anticipation, it should be a simple matter for the examiner to particularly point out exactly which elements of a prior art reference correspond to instant claimed elements. However, the examiner has not specifically identified what it is in the dictionary of Heffernan which anticipates the claimed "first means" and we fail to see the equivalence.

We find ourselves in agreement with appellant that there appears to be nothing in the Heffernan disclosure that teaches a separate object that describes the relationships between data objects and attributes of data objects.

Based on the evidence provided by the examiner in applying Heffernan, we will not sustain the rejection of claims 1-3 and 5-8 under 35 U.S.C. 102(e).

Turning now to the rejection of claim 4 under 35 U.S.C. 103, the examiner applied Crus for the teaching of a fourth, fifth and sixth means within the "first means" of claim 1, as recited in claim 4. However, while we recognize that Crus is directed to a relational data base management system with a pointer for pointing to other objects, a record descriptor and a separate object in the data base system which can be modified, and may be very relevant to the instant claimed subject matter, the examiner has not satisfactorily explained how or why Crus is to be combined with Heffernan or how the combination

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discloses a separate object that describes the relationships between data objects and attributes of data objects. The examiner merely points to various elements in Crus' drawings as corresponding to various claimed elements (Fig. 7, item 92 for the "fourth means," Fig. 6, items 36, 42, 60, 64, 74 for the "fifth means," and Fig. 7, item 91 for the "sixth and seventh means") without any explanation as to why these elements correspond to the claimed elements. As for combining the references, the examiner reasons that the system of Crus "would allow Heffernan's to have direct control over the storage of data objects and attributes," offering no explanation as to why direct control might have been desired or deemed necessary and offering no explanation as to the manner in which such a combination would, or could, even be made.

Accordingly, the examiner has not established a prima facie case of obviousness with regard to claim 4. We do not mean to imply that such a case could not have been made in view of the applied references, only that the examiner has not done so.

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The examiner's decision rejecting claims 1-3 and 5-8 under 35 U.S.C. 102(e) and claim 4 under 35 U.S.C. 103 is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	BOARD OF PATENT
	)	APPEALS AND
ERROL A. KRASS	)	INTERFERENCES
Administrative Patent Judge	)	
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LEE E. BARRETT	)	
Administrative Patent Judge	)	

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