

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. 38

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** SATOSHI KIKUCHI, HIROMICHI ITO,  
KEIICHI NAKANE, HISASHI HASHIMOTO,  
and EISAKU NISHIYAMA

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Appeal No. 2000-0240  
Application No. 08/285,534

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Heard: February 7, 2002

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Before JERRY SMITH, DIXON and SAADAT, **Administrative Patent Judges**.  
DIXON, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the examiner's final rejection of claims 39-80, which are all of the claims pending in this application.

We REVERSE.

## **BACKGROUND**

Appellants' invention relates to a distributed database management system which combines multiple physical databases together to make a logical database. An understanding of the invention can be derived from a reading of exemplary claim 39, which is reproduced below.

39. A distributed database management system comprising:
- a communication network;
  - at least a terminal device including application program execution means connected to said communication network;
  - a plurality of information processors connected to said communication network;
  - a plurality of physical databases installed in at least one of said information processors;
  - at least a logical database grouping a plurality of said physical databases, said logical database being defined by logical database information stored in at least one of said terminal device and said plurality of information processors;
  - at least a table stored in at least one of said physical databases; and
  - table location searching means installed in at least one of said terminal device and said plurality of information processors, for searching a table stored in at least one of said physical databases, when said table is requested from said application program execution means, by searching a group of physical databases defined in said logical database information.

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The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Medamana et al.	5,181,238	Jan. 19, 1993
Weinreb	5,426,747	Jun. 20, 1995
		(Filed Mar. 22, 1991)

Claims 39-41, 45-47, 51-55, 65-67, 70-77, 79 and 80 stand rejected under 35 U.S.C. § 102 as being clearly anticipated by Weinreb. Claims 42-44, 48-50, 56-64, 68, 69, and 78 stand rejected under 35 U.S.C. § 103 as being unpatentable over Weinreb in view of Medamana.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 28, mailed Oct. 12, 1999) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 27, filed Apr. 26, 1999) and reply brief (Paper No. 29, filed Dec. 13, 1999) for appellants' arguments thereagainst.

### **OPINION**

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

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Appellants argue at great length that examiner has not pointed out where in the references specific teachings are found and that appellants “have not been able to find where Weinreb discloses the features” of the claims. (See brief at page 18 et seq.) While we agree with appellants that the examiner’s explanation of Weinreb with respect to the claim language is brief, it is our opinion that the examiner’s position was clear. From our review of Weinreb and the examiner’s rejection and arguments, the examiner was equating the generic databases of the claims with the tables/databases used in address manipulation or mapping. The examiner maintains that the table location searching means reads on the use of the persistent relocation map and virtual address relocation map of Weinreb to locate data in one of the plurality of physical databases in response to an application program’s request for data using a virtual address as the logical identifier of the data. (See final rejection at page 2.) We agree with the examiner. Again, throughout the reply brief, Appellants argue that the examiner has not specifically pointed out where each and every facet of the claimed invention is found in the references and that the Board and appellants are left to speculate as to the application of the prior art. (See reply brief at page 5 et seq.) We disagree with appellants broad sweeping assertion. Appellants appear to argue without

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reference to the final rejection. For example, appellants reiterate at page 9 of the brief that portion of the final rejection specifically discussing the searching means and then proceed to argue at page 18 of the brief that the examiner has not addressed the searching means. We find such arguments by appellants to be confusing and unpersuasive.

We find that appellants' format for presentation of arguments in the briefs to be unnecessarily lengthy and of little use in determining whether a *prima facie* case of anticipation or obviousness has been established and/or rebutted. With this said, we relied substantially upon the presentation at the oral hearing to make our determination. When queried at the Oral Hearing with respect to the above discussion from the final rejection concerning the persistent relocation map and searching/mapping of virtual addresses to physical addresses to locate desired information, appellants' representative acknowledged that the memory address translation and mapping would have multiple table/databases, but distinguished the use of "at least a logical database grouping a plurality of said physical databases, said logical database being defined by logical database information stored in at least one of said terminal device and said plurality of information processors" as recited in the language of independent claim 39.

We agree with appellants that the address mapping of Weinreb would not, in our opinion, have a grouping of a plurality of physical databases into a logical database. The examiner assertion at page 2 of the final rejection states:

i. In response to Applicant's repeated assertions in the Appeal Brief that "logical addressing has nothing whatsoever to do with grouping a plurality of physical databases to form a logical database defined by logical database information," Examiner notes that Weinreb et al. clearly provide for "virtual memory mapping ... in an object-oriented database system having permanent storage for storing data in at least one database, ... and a processing unit which runs application programs which request data using virtual addresses (see the abstract). As further defined by Weinreb et al., such virtual addresses are translated into a physical address of the plurality of databases, by using tables that correlate each virtual addresses to a respective database, and segments, offsets and lengths of data objects within that database (see Figs. 5-8 and 15-19). Weinreb et al. further clearly assert such use of virtual addressing as a manner to "name objects using the format of the computer hardware. More particularly, it is an object to provide virtual addresses as pointers to objects in the database" (see col. 2, lines 5-11).

ii. Applicant's assertion in the Appeal Brief that "In Weinreb, address mapping depends on pointers, while the present invention as recited in claim 39 does not depend on pointers" (page 15 of the Appeal Brief) is not persuasive, since the claims do not distinguish from the use of pointers. The instant claim language, "table location searching means ... for searching for a table stored in at least one of said physical databases based on said logical database information, ..." (claim 39) "reads-on" the use of the persistent relocation map and virtual address relocation map of Weinreb et al. to locate data in one of the plurality of physical databases, in response to an application program's request for data, using a virtual address as the logical identifier of the data.

While we agree with the examiner that the language of independent claim 39 is broad enough to read on the mapping of addresses, we find error in the examiner's application of the prior art to the language of claim 39. Specifically, the examiner's statement that the use of the virtual address relocation map "to locate data in one of the plurality of physical databases, in response to an application program's request for data, using a virtual address as the logical identifier of the data" would appear have the correct words of the claim language, but in the wrong order/arrangement. While there are plural tables/databases used in mapping, from our review of Weinreb, it is our understanding that they are not grouped into a logical database defined by logical database information stored in at least on of said terminal devices as required by the language of independent claim 39.

Appellants argue that Weinreb does not teach "at least a logical database grouping a plurality of said physical databases, said logical database being defined by logical database information stored in at least one of said terminal device and said plurality of information processors." (See brief at page 18.) We agree with appellants as discussed above.

Similarly, appellants argue that all the independent claims 51, 76, 77, 79, and 80 recite limitations pertaining to the grouping of physical databases into logical

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databases, as discussed above. We agree with appellants that Weinreb does not teach or fairly suggest this limitation. Therefore, we will not sustain the rejection of independent claims 39, 51, 76, 77, 79, and 80 and their dependent claims.

With respect to independent claims 48 and 78 and dependent claims 42-44, 49, 50, 56-64, 68, and 69, appellants argue that neither Weinreb nor Medamana teaches or fairly suggests the grouping of a plurality of physical databases and account information into a logical database for approving access to the physical databases. (See brief at page 50 et seq.) We agree with appellants. The examiner acknowledges the lack of account information in the teaching of Weinreb and relies on the teachings of Medamana to teach the use of account information to access a database. We have reviewed those portions of Medamana cited by the examiner, but do not find that Medamana teaches or fairly suggests the grouping of physical databases into a logical database and determination of access thereto. Therefore, we will not sustain the examiner's rejection of independent claims 48 and 78 and dependent claims 42-44, 49, 50, 56-64, 68, and 69.

## **CONCLUSION**

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To summarize, the decision of the examiner to reject claims 39-80 under 35 U.S.C.  
§ 103 is reversed.

**REVERSED**

JERRY SMITH	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
JOSEPH L. DIXON	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
MAHSHID D. SAADAT	)	
Administrative Patent Judge	)	

jld/vsh

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