

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board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. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT WILLIAM LYLE,
JAMES ZU-CHIA TENG and
JAY A. YOTHERS

Appeal No. 2002-2218
Application 09/322,698

ON BRIEF¹

Before THOMAS, HAIRSTON, and BARRY, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1-36. Representative claim 1 is reproduced below:

¹ This appeal was scheduled for oral hearing on May 22, 2003. Because the panel assigned to this appeal determined that all the rejections of the claims on appeal are reversed, appellants were informed of this determination by telephone by Administrator Craig Feinberg on Tuesday May 20, 2003. This action obviated appellants' attendance at the hearing and this decision confirms this telephone call.

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1. A method for processing objects in a database that is stored on at least one data storage device connected to a computer, the method comprising:

storing a read identifier for each reading transaction, wherein the read identifier reflects a time at which the reading transaction first accesses an object stored in the database; and

using the read identifiers to determine an age of an oldest active transaction.

The following references are relied on by the examiner:

Mohan	5,247,672	Sep. 21, 1993
McCall et al. (McCall)	5,396,623	Mar. 7, 1995
Goldring	5,613,113	Mar. 18, 1997

Claims 1-36 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Goldring in view of Mohan as to claims 1-8, 10-19, 21-30, 32-34 and 36, with the addition of McCall as to claims 9, 20, 31 and 35.

Rather than repeat the positions of the appellants and the examiner, reference is made to the briefs and the answer for the respective details thereof.

OPINION

We reverse.

At the outset, we reproduce the body of representative independent claim 1 on appeal:

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storing a read identifier for each reading transaction, wherein the read identifier reflects a time at which the reading transaction first accesses an object stored in the database; and using the read identifiers to determine an age of an oldest active transaction.

As a major theme of appellants' positions in the briefs and reply brief, we note appellants' position at the top of page 13 of the principal brief on appeal that there is "no teaching or suggestion of using read transaction identifiers to determine the age of an oldest active transaction (i.e., transactions that read the database, as opposed to those transactions that modify the database), as recited by claim 1." There is no basis in the disclosed invention merely that the read identifiers would determine the age of any oldest active transaction per se other than a read transaction using the read identifiers set forth earlier in claim 1. The invention is always disclosed in the context of determining the age of an oldest active reading transaction as noted at specification page 7, lines 26-27; page 9, lines 13-16; page 10, lines 9-12; the showing in Figure 6

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and its discussion at page 13, lines 7-9; and the Abstract at page 19, lines 2-7. The Summary of the Invention in the brief confirms this and is consistent with these portions. Note brief, page 5, line 12; page 6, lines 13-15 and page 7, lines 10-12.

Pages 2 and 3 of the reply brief contain appellants' most focused view of the examiner's position with respect to Goldring and their view of Goldring itself. At the top of page 2, appellants rightly assert "the first critical defect in the Examiner's rejection is the absolute lack of teaching in Goldring of determining the age of the oldest active transaction using the stored read identifiers, or that Goldring even discloses the use of stored read identifiers at all." At the top of page 3 of the reply brief, appellants assert "there is simply no teaching in Goldring, and the examiner has not pointed to any substantive evidence... that Goldring uses stored read transaction identifiers for any purpose whatsoever." This is discussed further at page 3 of the reply brief where Goldring is said to fail to teach or suggest the storing of read identifiers.

Our study of Goldring leads us to essentially the same conclusions as just noted from appellants' reply brief. Whereas

the discussion in the background at columns 1 and 2 of Goldring would perhaps lead the reader to conclude that read operations are within the general context of Goldring's teachings, it is very clear from the substantive discussion of the system beginning at columns 5 and 6 that Goldring is concerned only with updates, database changes or change operations, all of which appear to us and to the appellants to involve in some manner write operations rather than the claimed read operations. It appears to us that Goldring not only does not teach read identifiers to determine an age of an oldest active transaction as asserted by the examiner in the paragraph bridging pages 4 and 5 of the answer, but also that there appears to be no teaching of read identifiers set forth in the context of claim 1 on appeal. That the activity log 32 in Figure 2 may be read by a log read processor 40 does not necessarily indicate that read identifiers per se as required by representative claim 1 on appeal are taught or suggested in this reference.

We have similar observations with respect to Mohan. The discussion of transaction processing beginning at column 1, line 12, relates only to changes of data or updates of data

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which of necessity require write operations. The first paragraph of the Summary of the Invention at column 3 of Mohan clearly is in the context of log sequence numbers (LSNs) relating to identifiers associated with modifications to data in the same manner as just noted. Thus, the focus of Mohan's teachings does not appear to be upon any read transactions.

In fact, as noted by appellants at the top of page 12 of the principal brief on appeal, Mohan specifically teaches at column 6, lines 62 and 63 that "Read-only transactions do not do any logging." To the extent such read-only operations convey the absence of updates or changes or modifications to a database, this portion of Mohan may be considered to teach away from the use of read-identifiers and their storage, where the read identifiers reflect a time at which a reading transaction as claimed first accesses an object in a database and then later is used to determine an age of an oldest active reading transaction. Based upon the quoted teaching, there appears to be no log sequence number (LSN) generated in Mohan for read-only operations. Lastly, column 6, lines 60-62 essentially defines updates as an "update transaction writes a ... record just before performing its first update."

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In view of the foregoing, even if we were to conclude that the teachings and suggestions of Goldring and Mohan would have been properly combinable within 35 U.S.C. § 103, it is clear that the subject matter of representative independent claim 1 on appeal would not have been met. Apparatus claim 12 and article of manufacture claim 23 reflect in a corresponding manner the subject matter of representative claim 1 on appeal. Thus, the rejection of each of them is reversed as is their respective dependent claims rejected in the first stated rejection. Since McCall is not argued by the examiner to cure the noted defects with respect to Goldring and Mohan, the separately stated rejection of other dependent claims must be reversed as well.

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In view of the foregoing, the decision of the examiner rejecting claims 1-36 under 35 U.S.C. § 103 is reversed.

REVERSED

James D. Thomas)	
Administrative Patent Judge)	
)	
)	
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Kenneth W. Hairston)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
Lance Leonard Barry)	
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