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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/981,286	11/04/2004	Pamela Ann Bermender	AUS920040722US1	6587

48916 7590 09/05/2012

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ART UNIT	PAPER NUMBER
2156	

MAIL DATE	DELIVERY MODE
09/05/2012	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PAMELA ANN BERMENDER, HUNG DINH,
TENG HU, and SHARON DOLLE SCHEFFLER

Appeal 2010-004340[1]
Application 10/981,286
Technology Center 2100

Before JOSEPH L. DIXON, LANCE LEONARD BARRY, and JEAN R. HOMERE, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

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[1] The real party in interest is International Business Machines Corp. (App. Br. 3.)

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-20. (App. Br. 5.) We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellants' Invention

Appellants invented a method and system for transforming and loading data from a data source defined by metadata of a first format type into data for a data target defined by metadata of a second format type based on a business rule template definition and a business rule set. (Specification ¶¶ [0019], [0020], Fig. 1.)

Illustrative Claim

Independent claim 1 further illustrates the invention as follows:

> 1. A method for dynamic transform and load of data from a data source defined by metadata into a data store defined by metadata, comprising:
>
> creating a business rule set based on:
>
> a business rule template definition,
>
> a first format type of data and metadata defining at least a portion of data of a data source, and
>
> a second format type of data and metadata defining a data store that is stored separately from the data source;

transforming data and corresponding metadata of the first format type from the data source into data and corresponding metadata of the second format type based on the business rule set;

loading the transformed data and corresponding metadata of the second format type into the data store based on the business rule set; and

repeating the transforming and loading until all desired transforming and loading of data and metadata from the data source to the data store has been accomplished.

Prior Art Relied Upon

The Examiner relies on the following prior art as evidence of unpatentability:

Ellis	US 6,195,662 B1	Feb. 27, 2001

Rejection on Appeal

The Examiner rejects claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by Ellis.

ANALYSIS

We consider Appellants' arguments *seriatim* as they are presented in the principal Brief, pages 15-16.

Dispositive Issue: Have Appellants shown that the Examiner erred in finding that Ellis describes *transforming metadata of a first format type into metadata of a second format type based on a set of business rules set forth in a business rule template definition*, as recited representative claim 1?

Appellants argue that Ellis is only directed to a single type of metadata, which is used for exporting the source data into the target data, whereas the claim calls for two types of metadata for the source data and a the target data. (App. Br. 15.) Appellants also argue that the Examiner has failed to address such distinctions between Ellis and the claimed invention. (*Id.*) Additionally, Appellants argue that Ellis's disclosure of a set of business rules of programming does not describe the claimed "business rule template definition." (*Id.*)

In response, the Examiner finds that because Ellis discloses an ODBC-enabled database as the Import Data Source that supports a first type of data/metadata format, which is entirely different from the delimited flat files (data/metadata) supported by Export Data Target, Ellis describes the disputed limitations. (Ans. 12-14.) Further, the Examiner finds that Ellis's disclosure of a format control language upon which the rule sets are based describes the business rule template definition as loosely defined in Appellants' Specification. (*Id.* at 15-16.)

On the record before us, we agree with the Examiner's finding of anticipation. We note at the outset that Appellants have not addressed the specific findings made by the Examiner in the Answer. As set forth above, while the Examiner relies upon Ellis's disclosure of transforming data/metadata between two different types of databases to describe the disputed recitation of the two types of data/metadata formats recited in representative claim 1, Appellants merely argue that Ellis's disclosure of a single metadata, and not the evidence for the two types of metadata

proffered by the Examiner. Similarly, while the Examiner relies upon Ellis's disclosure of a format control language that defines types of business rules to describe the recitation of a business rule template definition, Appellants merely argue that programming rules do not describe the cited limitation. Because these arguments do not squarely address the Examiner's findings, we find them unresponsive. We are satisfied that Appellants have been given full and fair notice of the teachings of the Ellis reference, as further clarified by the Examiner in the "Response to Argument" section of the Answer (*See* Ans. 12-15). Appellants are therefore responsible for all that is disclosed by the collective teachings of the Ellis reference. *See In re Zenitz*, 333 F.2d 924, 926 (CCPA 1964). "They are part of the literature of the art, relevant for all they contain." *In re Heck*, 699 F.2d 1331, 1333 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009 (CCPA 1968)). Further, we have previously held that "[i]f an appellant fails to present arguments on a particular issue … the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection." *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (citations omitted). Consequently, because Appellants' non-responsive arguments are ineffective in demonstrating error in the Examiner's prima facie case to establish the patentability of the claims on appeal, we find Appellants have failed to rebut the Examiner's rejection of the claims 1-20 with any persuasive analysis. *See Ex parte Belinne*, No. 2009-004693, slip op. at 7-8 (BPAI Aug. 10, 2009) (informative.) For at least the aforementioned reasons, we find Appellants have not sustained the requisite burden on

appeal of providing arguments or evidence persuasive of error in the Examiner's rejection of representative claim 1, and claims 8, and 15 grouped therewith.

Regarding claims 2-7, 9-14, and 16-20, Appellants reiterate the language of the respective claims and rely upon the same arguments presented for representative claim 1above. (App. Br. 15-16.) *See Ex parte Belinne*. Claims 2-7, 9-14, and 16-20 fall for the reasons set forth in our discussion of claims 1, 8, and 11 above. *See* 37 C.F.R. § 41.37(c)(1)(vii).

DECISION

We affirm the Examiner's rejections of claims 1-20 as set forth above.

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

AFFIRMED

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