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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JEFFREY R. PUTMAN

Appeal 2010-001668
Application 11/345,256
Technology Center 2100

Before JOSEPH L. DIXON, JAMES R. HUGHES, and
ANDREW J. DILLON, *Administrative Patent Judges.*

DILLON, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1-4, 6-11, 13-17, and 19-26. Claims 5, 12, 18 and 27 have been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellant's invention is directed to a method for migrating data from a legacy system. *See* Spec. 52, Abstract of the Disclosure.

Claim 1 is illustrative, with key disputed limitations emphasized:

1. A method for translating data to be migrated from an older legacy database to a newer recipient database, said method comprising the steps of:

providing an older legacy database utilizing a first operating system having metadata describing one or more legacy data fields in said older legacy database;

providing a newer recipient database utilizing a second operating system and having metadata describing one or more recipient data fields in said newer recipient database, wherein said second operating system is different than said first operating system and wherein said metadata of said older legacy database is different than said metadata of said newer recipient database;

creating a legacy value table in said older legacy database that corresponds to a recipient value table in said newer recipient database;

updating a translation table in said older legacy database that defines one or more recipient data elements in said newer recipient database based upon said metadata of said older legacy database; and

translating legacy data elements in said older legacy database to correspond to said one or more recipient data elements in said newer recipient database by utilizing said translation table updated, wherein said newer recipient database comprises a customer relationship management database, and wherein said legacy data elements translated in said older legacy database are used to migrate said legacy data elements translated from said older legacy database to said newer recipient database.

The Examiner relies on the following as evidence of unpatentability:
Vaschillo US 2005/0050068 A1 Mar. 3, 2005

THE REJECTION

The Examiner rejected claims 1-4, 6-11, 13-17, and 19-26 under 35 U.S.C. §102(e) as anticipated by Vaschillo. Ans. 3-17.¹

ISSUE

Based upon our review of the record, the arguments proffered by Appellant and the findings of the Examiner, we find the following issue to be dispositive of the claims on appeal: Under § 102, has the Examiner erred in rejecting claims 1-4, 6-11, 13-17, and 19-26 by finding that Vaschillo anticipates a method for “translating legacy data elements” from “an older legacy database utilizing a first operating system” to “a newer recipient database utilizing a second operating system” as set forth in independent claims 1, 10, 17, and 23?

ANALYSIS

Appellant argues, with respect to independent claims 1, 10, 17, and 23, that Vaschillo fails to disclose translating data from an older legacy database which utilizes a first operating system to a newer recipient database which utilizes a second operating system. App. Br. 13-14, Reply Br. 2-4.

¹ Throughout this opinion, we refer to the Appeal Brief filed February 2, 2009; the Examiner’s Answer mailed May 28, 2009; and, the Reply Brief filed July 28, 2009.

Further, Appellant argues that Vaschillo fails to disclose “translating legacy data elements” as required by independent claims 1, 10, 17, and 23. App. Br. 14.

The Examiner asserts that Vaschillo discloses translation from a database utilizing a first operating system to a recipient database which utilizes a second operating system (Ans. 3-4); however, like Appellant, we are unable to find such a teaching within Vaschillo.

Additionally, we find that while Vaschillo teaches a mapping architecture for mapping between two data sources, and, in a broad sense such a “mapping” might be considered a “translation,” Appellant’s Specification clearly defines “translation” as changing the contents to corresponding values in a recipient database. Spec. 1.

Consequently, we find the Examiner’s reliance on the “mapping” in Vaschillo to show the claimed “translation” is beyond the broadest reasonable interpretation of that term, as utilized by Appellant.

To anticipate under § 102, the prior art reference “must not only disclose all elements within the four corners of the document, but must also disclose those elements arranged as in the claim.” *Net MoneyIn, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008) (citation and internal quotation marks omitted). “Thus, it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes multiple, distinct teachings that the artisan might somehow combine to achieve the claimed invention.” *Id.* at 1371. (Underline added).

Having found no description within Vaschillo to diverse operating systems, or to translation which changes the contents to a corresponding value, we find that the Examiner erred in finding independent claims 1, 10, 17, and 23 were anticipated by Vaschillo.²

Having demonstrated error in one facet of the Examiner's rejection we need not, and do not, address Appellant's other arguments.

We also find error in the Examiner's rejection of claims 2-4, 6-9, 11, 13-16, 19-22, and 24-26, which depend, either directly or indirectly from the independent claims.

CONCLUSION

The Examiner erred in rejecting claims 1-4, 6-11, 13-17, and 19-26 under § 102.

ORDER

The Examiner's decision rejecting claims is reversed.

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).

REVERSED

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² In our opinion we do not address whether or not claims 1-4, 6-11, 13-17, and 19-26 are unpatentable over Vaschillo under 35 U.S.C. §103.