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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/237,060	09/24/2008	Gak Wee Low	70481.50	9085
32605	7590	02/12/2013	EXAMINER	
Haynes and Boone, LLP IP Section 2323 Victory Avenue SUITE 700 Dallas, TX 75219			FIELDS, BENJAMIN S	
			ART UNIT	PAPER NUMBER
			3684	
			MAIL DATE	DELIVERY MODE
			02/12/2013	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GAK WEE LOW and SALIL MODY

Appeal 2011-006703
Application 12/237,060
Technology Center 3600

Before ANTON W. FETTING, MEREDITH C. PETRAVICK, and
NINA L. MEDLOCK, *Administrative Patent Judges*.

MEDLOCK, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1, 2, 4-11, 13-26, and 28-35. We have jurisdiction under 35 U.S.C. § 6(b).

STATEMENT OF THE DECISION

We AFFIRM.¹

BACKGROUND

Appellants' invention relates to "online, Internet-based financial transaction programs and commercial systems and more particularly to conducting online financial transactions with an Internet browser independent software application" (Spec., para. [001]).

Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A method comprising:
 - verifying login credentials to authenticate a user;
 - storing identification information corresponding to the user;
 - presenting the user with a plurality of buttons on a customizable Graphic User Interface (GUI) based program, wherein the buttons represent specific actions to perform and are associated with different user information;
 - receiving from the user a selected button from the plurality of buttons that is dragged-and-dropped into a page of a merchant website with one or more empty fields;
 - populating at least one of the empty fields with user information associated with the selected button; and
 - conducting, by an integration engine on a server, transactions based on the received data from one or more of the plurality of buttons selected by the user on the GUI based program.

¹ Our decision will make reference to the Appellants' Appeal Brief ("Br.," filed November 5, 2010) and the Examiner's Answer ("Ans.," mailed December 3, 2010).

THE REJECTION

The following rejection is before us for review:

Claims 1-2, 4-11, 13-26, and 28-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schutzer (US 6,873,974 B1, iss. Mar. 29, 2005).

ANALYSIS

Independent claims 1, 11, 20, and 25

Appellants argue claims 1, 11, 20, and 25 as a group (Br. 6-8). We select claim 1 as representative. The remaining claims stand or fall with claim 1. 37 C.F.R. § 41.37(c)(1)(vii).

We are not persuaded of error on the part of the Examiner by Appellants' argument that Schutzer does not disclose or suggest "presenting the user with a plurality of buttons on a customizable Graphic User Interface (GUI) based program, wherein the buttons represent specific actions to perform and are associated with different user information," as recited in claim 1 (Br. 6-7).

Schutzer discloses a system and method whereby two electronic wallets (i.e., a consumer wallet and a merchant wallet) communicate and exchange information, and describes that in one embodiment, an internet consumer registers with a web merchant's electronic wallet and provides information (e.g., credit card number, mailing address) to the merchant wallet. This information is stored in a database on the merchant server. When the user visits the merchant site again, and orders goods or services, the merchant provides the merchant wallet showing the consumer information previously provided by the consumer. The consumer wallet

examines this information to determine if it conforms to the current information in the consumer wallet. If the information does not conform, the consumer wallet communicates the current consumer information to the merchant wallet (*See, e.g.,* Schutzer, Abstract and col. 2, ll. 25-46).

Appellants assert that “Schutzer teaches automatically filling in a merchant form with a merchant wallet and comparing and updating a merchant wallet with a user wallet.” And Appellants maintain that, therefore, “there is no need [in Schutzer] for user buttons to select for performing specific actions where the buttons are associated with different user information” (Br. 7).

Appellants acknowledge that Schutzer refers at column 1, line 62 to a mouse button and that Schutzer discloses a checkout button at column 7, line 30, cited by the Examiner (Ans. 14). But Appellants argue that these buttons are for selecting an item for purchase or for initiating a checkout process, and are “not the same buttons as ones that ‘represent specific actions to perform and are associated with different user information,’” as recited in claim 1 (Br. 7).

Appellants’ argument is not persuasive because it is not commensurate with the scope of the claim. By their argument, Appellants seek to limit the claimed “specific actions” represented by the buttons to actions to populate the merchant wallet. However, claim 1 only recites that “the buttons represent specific actions to perform and are associated with different user information.”

During prosecution, claims are to be given their broadest reasonable interpretation consistent with the specification. *See In re Amer. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). In our view, the phrase

“the buttons represent specific actions to perform and are associated with different user information,” as reasonably broadly construed, covers the “Ready to Check Out button” disclosed in Schutzer, which is displayed on one of the web pages of the merchant website (Schutzer, col. 7, ll. 24-30). The “Ready to Check Out button” represents a specific action to perform, i.e., to finalize payment for the purchase transaction (*see* Schutzer, col. 7, ll. 28-35), and is associated with different user information, i.e., responsive to selection of the “Ready to Check Out button,” the form fields of the merchant wallet are populated with the consumer’s personal information, e.g., name, mailing address, e-mail address, etc., in order to complete the purchase transaction (*see* Schutzer, col. 7, ll. 40-52 and col. 7, l. 65 – col. 8, l. 30).

We also are not persuaded of error on the part of the Examiner by Appellants’ further argument that Schutzer does not teach or suggest “receiving from the user a selected button . . . that is dragged-and-dropped into a page of a merchant website with one or more empty fields,” as recited in claim 1 (Br. 7-8). The Examiner concluded that because Schutzer shows a web-based system, it would have been obvious to one of ordinary skill in the art to configure the “Ready to Check Out button” to include drag and drop functionality:

Buttons [i.e., the Ready to Check Out button] are shown with Schutzer at least at Column 7, Lines 7-36; as Schutzer shows a system which is used via websites, etc. a drag and drop limitation would obviously be in course.

(Ans. 14).

Appellants argue that Schutzer does not disclose or suggest this limitation for the same reasons as outlined above, namely that the merchant fields in Schutzer are automatically populated from a merchant wallet and, therefore, “there is no reason for a user to selectively drag and drop a button to populate a field” (Br. 7).

That argument is not persuasive because it does not specifically address the Examiner’s obviousness finding and articulated reasoning. Appellants argue that Schutzer does not disclose dragging and dropping a button from a graphical user interface (GUI) onto a merchant website (Br. 7-8), but Appellants provide no technical analysis or explanation in the Appeal Brief why it would have been non-obvious to make Schutzer’s “Ready to Check Out button” a GUI drag and drop button, as the Examiner proposes.²

In view of the foregoing, we will affirm the Examiner’s rejection of claim 1 under 35 U.S.C. § 103(a). We also will affirm the Examiner’s rejection of claims 11, 20, and 25, which stand or fall with claim 1.

Dependent claims 2, 4-10, 13-19, 21-24, 26, and 28-35

Each of claims 2, 4-10, 13-19, 21-24, 26, and 28-35 depends from one of independent claims 1, 11, 20, and 25. Appellants did not present any arguments for the separate patentability of these dependent claims. Therefore, we also will sustain the Examiner’s rejection of claims 2, 4-10, 13-19, 21-24, 26, and 28-35 under 35 U.S.C. § 103(a).

² Appellants did not file a Reply Brief.

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DECISION

The Examiner's rejection of claims 1, 2, 4-11, 13-26, and 28-35 under 35 U.S.C. § 103(a) is affirmed.

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

Klh