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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID WONG

Appeal 2011-011157
Application 10/632,701
Technology Center 3600

Before MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU
R. MOHANTY, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellant seeks our review under 35 U.S.C. § 134 (2002) of the final rejection of claims 1-37 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF THE DECISION

We REVERSE.

THE INVENTION

The Appellant's claimed invention is directed to data processing of commercial transactions (Spec. [0001]). Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A computer-implemented method comprising:
 - receiving user input to generate an opportunity representing a desired commercial transaction, the user input including opportunity data associated with the desired commercial transaction;
 - receiving user input to associate a particular compliance rule with the opportunity, the user input specifying a particular response attribute of a plurality of response attributes to be evaluated according to the particular compliance rule, the user input further specifying the particular compliance rule of a plurality of pre-defined compliance rules;
 - generating the opportunity using a computer-implemented bidding tool, wherein the opportunity includes the opportunity data, and wherein generating the opportunity comprises associating the particular compliance rule with the opportunity;
 - electronically communicating the opportunity to a potential supplier;
 - electronically receiving a response from the potential supplier, the response including response attribute data for the particular response attribute; and

using a computer-implemented rules engine, evaluating the response attribute data for the particular response attribute using the particular compliance rule.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

| | | |
|---------|-----------------|---------------|
| Spencer | US 6,356,909 | Mar. 12, 2002 |
| Albazz | US 2002/0046081 | Apr. 18, 2002 |
| Lee | US 2002/0165814 | Nov. 7, 2002 |
| Tenorio | US 2003/0208424 | Nov. 6, 2003 |

The following rejections are before us for review:

1. Claims 1-6, 8-9, 12-21, 23-24, 27-32 and 34-35 stand rejected under 35 U.S.C. § 103(a) over Spencer and Albazz.
2. Claims 7, 22 and 33 stand rejected under 35 U.S.C. § 103 (a) under Spencer, Albazz and Lee.
3. Claims 10-11, 25-26 and 36-37 stand rejected under 35 U.S.C. § 103 (a) under Spencer, Albazz and Tenorio.

FINDINGS OF FACT

We find that the following enumerated findings of fact are supported at least by a preponderance of the evidence¹. Additional facts may appear in the Analysis section below:

¹ See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

FF1. The word “attribute” (noun) may be defined in an appropriate definition as “a characteristic or quality of a person or thing.” *Webster’s New World Dictionary*, Third College Edition, Simon & Schuster, 1988.

FF2. Spencer at Fig. 15, col. 4:49-52, col. 8:22-38, col. 9:13-15, and col. 12:28-39 does not disclose “specifying a particular response attribute of a plurality of response attributes to be evaluated.”

ANALYSIS

The Appellant argues that the rejection of claim 1 is improper because the prior art fails to disclose the claim limitation for “specifying a particular response attribute of a plurality of response attributes to be evaluated” (Br. 11-13, Reply Br. 4-5). In contrast, the Examiner has determined that Spencer discloses this at Fig. 15, col. 4:49-52, col. 8:22-38, col. 9:13-15, col. 12:28-39 (Ans. 4, 9-10).

We agree with the Appellant. Claim 1 requires “specifying a particular response attribute of a plurality of response attributes to be evaluated.” An appropriate definition of the word “attribute” is “*a characteristic or quality of a person or thing*” (FF1). The Specification provides support for this claim limitation at [0058], [0061], Fig. 9A and Fig. 9B. The Specification shows “Response Attributes” in Fig. 9A and 9B. The Examiner has cited to Spencer showing this at the portions listed above but Spencer at these portions does not disclose the cited claim limitation (FF2). These cited portions largely cite to responses to questions which would be *response data* but not the claimed “specifying a *particular response attribute* of a plurality of response attributes to be evaluated” which would be directed to a particular characteristic in light of the Specification. While

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Spencer at col. 12:28-39 does describe that RFP questions can be organized into sections such as qualifying questions, administration, or finance, these are groups of questions and not the claimed “specifying a *particular response attribute* of a plurality of response attributes to be evaluated” which is directed to a particular *characteristic* as described in the Specification rather than to a block grouping of questions as shown by Spencer in the blocks of questions such as qualifying questions, administration, or finance. For these reasons the rejection of claim 1 and its dependent claims is not sustained.

CONCLUSIONS OF LAW

We conclude that Appellant has shown that the Examiner erred in rejecting the claims listed in the Rejection section above.

DECISION

The Examiner’s rejection of claims 1-37 is reversed.

REVERSED

JRG