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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/155,853	05/24/2002	Duc Lam	17917-39	1202

28221 7590 01/29/2013
PATENT DOCKET ADMINISTRATOR
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ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
01/29/2013	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DUC LAM and XUAN (SUNNY) McRAE

Appeal 2011-013717
Application 10/155,853
Technology Center 3600

Before, MURRIEL E. CRAWFORD, HUBERT C. LORIN and JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1, 2 and 5-12. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We AFFIRM.

THE INVENTION

Appellants claim a method and system for invoice routing and approval in electronic payment system. (Spec. 1).

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

> 1. A computer-implemented method for effecting a transaction between a buyer and a seller comprising:
> receiving electronic data regarding management relationships between respective employees of the buyer via a computer;
> receiving from the seller an electronic invoice related to the transaction via the computer;
> providing, via the computer, an interface through which the buyer can take actions with respect to the transaction, wherein the actions include the buyer's authorization of invoices and applying signatures to checks;
> sending, via the computer, a notification regarding the electronic invoice to an electronic mail account of an employee of the buyer who is responsible for at least an aspect of the transaction, wherein the notification comprises a hyperlink to the interface; and at a time when

the employee of the buyer does not take a particular action within a particular period, determining a manager of the buyer based on the electronic data and automatically sending the invoice to the manager of the buyer.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Kolling	US 5,920, 857	Jul. 6, 1999
Hallihan	US 2001/0047316 A1	Nov. 29, 2001

In addition to the evidence relied upon by the Examiner, we rely on the following additional patent.

Van Dusen	US 6,175,823	Jan. 16, 2001

The following rejection is before us for review.

The Examiner rejected claims 1, 2 and 5-12, as unpatentable under 35 U.S.C. §103(a) over Hallihan in view of Kolling.

FINDINGS OF FACT

1. We adopt the Examiner's findings as set forth on pages 5-8.

2. Appellant's Specification does not specifically define the term hyperlink.
3. The Specification only functionally describes a hyperlink as allowing the contact person to see a list of invoices to be confirmed. (Specification 15:13-14).

4. Kolling discloses links used in an electronic bill pay system (Col. 20, lines 37-59).

5. Kolling discloses a bill pay network in which email notices enclosing bills are sent to users. (Col. 11 ll. 13-15).

ANALYSIS

Appellants argue that the links disclosed in "Kolling et al. are not hyperlinks at all, but rather are defined as "a physical link for paper flow, a data communications channel from one point to another, or other means for transferring material." (Appeal Br. 12).

Appellants' argument is not persuasive as to error in the rejection because Appellants' Specification does not explicitly define the term hyperlink[1]. (FF 2). The Specification only describes a hyperlink functionally as allowing the contact person to see a list of invoices to be

[1] Appellants seek by argument only the definition of the term hyperlink to mean "links in a computer document on which a user may click to move to another document." (Appeal Br. 14).

confirmed. (FF 3). We thus find that such a link is disclosed as part of Kolling's electronic bill pay system (FF 4) having a *data communications channel from one point to another* wherein email notices include bills (FF 5) allowing the contact person to see a list of invoices to be confirmed. During prosecution the PTO gives claims their "broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000).

Notwithstanding the above analysis, it is nevertheless our understanding that the use of a hyperlink (as Appellants seek to define) comprised as part of an email notification to access an interface, e.g., the data tied to the hyperlink, was sufficiently well known at the time of Appellants' filing as depicted, for example, by Van Dusen, so as to constitute an obvious feature of the claims to deliver an interface link to a user. As such, we find no error in the Examiner's assertion that it would have been obvious to use such a feature in the context of the automated payment systems disclosed by Hallihan and Kolling.

Since our rationale differs from that of the Examiner's and includes an additional reference, we denominate this decision as a new ground pursuant to our authority under 37 C.F.R. § 41.50(b).

CONCLUSIONS OF LAW

We conclude the Examiner did not err in rejecting claims 1, 2 and 5-12 under 35 U.S.C. §103(a) over Hallihan in view of Kolling.

DECISION

For the above reasons, the Examiner's rejection of claims 1, 2 and 5-12 is AFFIRMED, and we designate our affirmance as containing a new ground of rejection.

This decision contains new grounds of rejection pursuant to 37 C.F.R. § 41.50(b). 37 C.F.R. § 41.50(b) provides "[a] new ground of rejection pursuant to this paragraph shall not be considered final for judicial review."

37 CFR § 41.50(b) also provides that the appellant, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of the appeal as to the rejected claims:

(1) Reopen prosecution. Submit an appropriate amendment of the claims so rejected or new evidence relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the proceeding will be remanded to the examiner . . . .

(2) Request rehearing. Request that the proceeding be reheard under § 41.52 by the Board upon the same record . . . .

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

AFFIRMED.

MP