



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/070,253	03/23/2011	Jian Xu	2043.829US1	1649

132862 7590 11/21/2016
Schwegman Lundberg & Woessner, P.A. / PayPal
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

BAYAT, BRADLEY B

ART UNIT	PAPER NUMBER
----------	--------------

PTAB

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

11/21/2016

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

slw@blackhillsip.com
uspto@slwip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JIAN XU, QIAN SUN, JINYU LOU, YI ZHOU,
XIAOBO WU, CHAOOU HUANG, DANIEL TSUN KAO, and
SONYA RONGSHENG LIANG

Appeal 2014-004622
Application 13/070,253
Technology Center 3600

Before BIBHU R. MOHANTY, NINA L. MEDLOCK, and
AMEE A. SHAH, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 of the final rejection of claims 1, 3–8, 10–15, and 17–22, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We AFFIRM.

THE INVENTION

The Appellants' claimed invention is directed to systems and methods for building store product finders over a network. (Spec., para. 1). Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A method of building a store product finder, comprising:
 - receiving a selection of a store product category associated with a store product finder;
 - finding a plurality of products that match the store category, each product matching to at least one product subcategory of the store product category, each product subcategory having a product coverage;
 - using one or more processors coupled to a memory, automatically determining a dominant product subcategory that has a highest product coverage among a plurality of product subcategories, the product coverage of a subcategory being a ratio of a sum of supplied products within the product subcategory to a sum of supplied products within the store product category;
 - presenting a list of product search filters predefined for the dominant product subcategory; and
 - installing into the store product finder at least one product search filter selected from the list of product search filters.

THE REJECTION

The following rejections are before us for review:
Claims 1, 3–8, 10–15, and 17–22 are rejected under 35 U.S.C. § 103(a) as unpatentable over Racco (US 2011/0161182 A1; pub. June 30, 2011), Usrey (US 6,366,890 B1; iss. Apr. 2, 2002), and Ashkenazi (US 2007/0156678 A1; pub. July 5, 2007).

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section below are supported at least by a preponderance of the evidence.¹

ANALYSIS

The Appellants argue that the rejection of claim 1 is improper because the cited prior art fails to disclose the claim limitation for:

the product coverage of a subcategory being a ratio of a sum of supplied products within the product subcategory to a sum of supplied products within the store product category
(Appeal Br. 8 (emphasis omitted)).

In contrast, the Examiner has determined that the cited claim limitation is found in Usrey at column 3, lines 27–37, column 3, lines 44–53, columns 11–14, and Figures 16, 23, 39, 40; and Ashkenazi at paragraphs 51–63 and Figure 5 (Final Act. 3, 4; Ans. 3–5).

We agree with the Examiner. Here the argued claim limitation for “the product coverage of a subcategory being a ratio of a sum of supplied products within the product subcategory to a sum of supplied products within the store product category” has been disclosed by Usrey. Usrey at column 3, lines 44–53 discloses the cited claim limitation as disclosing that the “Percent Product Coverage” is determined by “the items carried by a chain in a product segment divided by the total number of items in the market for that product segment” which meets the requirement of the argued claim limitation. The Appellants have also argued Usrey is drawn to “chain

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).

of stores” (App. Br. 8). However, Usrey at column 3, lines 14–16 states that the chain data can be for “*a store* or chain of stores.” Regardless, using the data for individual stores would have been obvious in the combination to track stores individually.

For these reasons, the rejection of claim 1 and its dependent claims is sustained. The Appellants have not argued the remaining claims separately and the rejection of these claims is sustained for the same reasons given above.

CONCLUSIONS OF LAW

We conclude that Appellants have not shown that the Examiner erred in rejecting the claims as listed in the Rejection section above.

DECISION

The Examiner’s rejection of claims 1, 3–8, 10–15, and 17–22 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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED