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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* BYUNG-KWON KONG and SOON-MI CHO

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Appeal 2015-003967  
Application 13/370,209<sup>1</sup>  
Technology Center 2100

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Before CARLA M. KRIVAK, KEVIN C. TROCK, and SHARON FENICK  
*Administrative Patent Judges.*

FENICK, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's non-final rejection of claims 1, 2, 4–12, and 14–25. Claims 3 and 13 have been canceled (Claims App'x.) We have jurisdiction under 35 U.S.C. § 6(b)(1).

We affirm.

*Invention*

Appellants' invention relates to the management of mobile transaction coupons. A mobile transaction coupon is retrieved, information relating to it is analyzed, and the mobile transaction coupon is then stored in an area

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<sup>1</sup> Appellants identify Samsung Electronics Co., Ltd. as the real party in interest. (Appeal Br. 4.)

corresponding to the analyzed information. (Abstract; Spec. ¶¶ 2, 17, 53–61.)

*Representative Claim*

Claim 1, reproduced below, is representative:

1. An apparatus configured to manage a mobile transaction coupon in a mobile terminal, the apparatus comprising:
  - a communication unit configured to receive a mobile transaction coupon including at least one of text information and code information from another terminal;
  - an information analyzer configured to, in response to reception of the mobile transaction coupon:
    - obtain information about the received mobile transaction coupon by analyzing the at least one of text information and code information included in the received mobile transaction coupon,
    - identify a type of the received mobile transaction coupon based on the obtained information, and
    - store the received mobile transaction coupon to a group corresponding to the identified type; and
  - a memory unit configured to store a plurality of groups corresponding to each type.

*Rejections*

The Examiner rejects claims 1, 2, 5, 9, 11, 12, 15, 19, and 24 under 35 U.S.C. § 102(b) as anticipated by Kirby et al. (US 2002/0151294 A1; Oct. 17, 2002). (Non-Final Action 3–6.)

The Examiner rejects claims 4 and 14 under 35 U.S.C. § 103(a) as unpatentable over Kirby and Matsuo (US 2009/0256731 A1; Oct. 15, 2009). (Non-Final Action 7–8.)

The Examiner rejects claims 6, 7, 16, and 17 under 35 U.S.C. § 103(a) as unpatentable over Kirby and Arao (US 2010/0008478 A1; Jan. 14, 2010). (Non-Final Action 8–11.)

The Examiner rejects claims 8 and 18 under 35 U.S.C. § 103(a) as unpatentable over Kirby and Register (US 2005/0234771 A1; Oct. 20, 2005). (Non-Final Action 11–13.)

The Examiner rejects claims 22 and 25 under 35 U.S.C. § 103(a) as unpatentable over Kirby and Gobburu et al. (US 2002/0060246 A1; May 23, 2002). (Non-Final Action 13–14.)

The Examiner rejects claims 21 and 23 under 35 U.S.C. § 103(a) as unpatentable over Kirby and Mankoff (US 2002/0116271 A1; Aug. 22, 2002). (Non-Final Action 14–15.)

The Examiner rejects claims 10<sup>2</sup> and 20 under 35 U.S.C. § 103(a) as unpatentable over Kirby and Buiten et al. (US 2009/0070186 A1; Mar. 12, 2009). (Non-Final Action 15–17.)

### *Issues*

(A) Did the Examiner err in finding Kirby discloses an information analyzer configured to perform certain steps in response to reception of a mobile transaction coupon, as recited in claim 1?

(B) Did the Examiner err in finding Kirby discloses “[a]n apparatus configured to manage a mobile transaction coupon in a mobile terminal,” as recited in claim 1?

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<sup>2</sup> Although the header of this rejection includes a reference to claim 7, it is clear from the body of the rejection that claim 10 is being addressed.

## ANALYSIS

### *(A) Information Analyzer*

The Examiner finds that Kirby discloses all the elements of claim 1, including an information analyzer configured to perform various steps in response to the reception of a mobile transaction coupon. (Non-Final Action 3–4.)

Kirby discloses coupons which have associated coupon characteristics. (Kirby ¶ 42.) The coupons are distributed within a group communications system, in which a delivery module selects and delivers coupons that are stored in a coupon module to one or more network members. (*Id.* ¶¶ 5, 7, 42.) These characteristics are mapped by the Examiner to the claimed information about a received mobile transaction coupon. (Non-Final Action 3–4; Answer 2–3.) The Examiner finds that information associated with a coupon is analyzed, and the coupon is stored based on an identified type. (Non-Final Action 3.)

Appellants do not dispute that Kirby discloses the claimed steps, however, they contend that Kirby discloses performing the steps “in deciding the members or communication devices to which the delivery manager should deliver the coupon.” (Appeal Br. 14 (emphasis omitted).) Thus, Appellants argue, the steps are not performed “in response to reception of the mobile transaction coupon,” because “Kirby merely discloses identifying coupon characteristics prior to sending coupons.” (*Id.* (emphasis omitted).) In relation to a separate argument, Appellants reiterate this difference: “Kirby fails to mention anything about *the communication devices to which coupons are delivered* [performing the steps of the information analyzer].” (Reply Br. 5 (emphasis added).)

Appellants' arguments assume that Kirby's disclosure of a delivery manager performing the steps of analyzing a coupon, identifying a type for the coupon, and storing the coupon based on the type could not correspond to the elements claimed as they are not performed in response to the reception of a mobile transaction coupon *at the end user*. However, although the claim preamble describes the steps being performed in "[a]n apparatus configured to manage a mobile transaction coupon in a mobile terminal" there is no limitation in the claim that this management occur in an end user's mobile terminal, as opposed the management occurring elsewhere in an apparatus which receives, analyzes, and stores coupons, as in Kirby. Thus there is no error in the Examiner finding that Kirby discloses the steps performed before reception at the end user, where coupons are stored and analyzed before delivery.

*(B) "apparatus configured to manage a mobile transaction coupon in a mobile terminal"*

Appellants argue that "Claim 1 recites an apparatus in a mobile terminal that includes an information analyzer" and that Kirby is "completely silent as to any apparatus in a *mobile terminal* that includes an information analyzer" as per the claim limitations. (Appeal Br. 16 (emphasis omitted).)

We do not agree with Appellants that claim 1 recites an apparatus in a mobile terminal – rather claim 1 recites an "apparatus configured to manage a mobile transaction coupon in a mobile terminal." (Claim 1.) There is no requirement in the claim that the information analyzer be contained in the disclosed mobile terminal. Therefore, we find the Appellants' argument is not commensurate with the scope of the claim.

Thus, we are not convinced the Examiner erred in rejecting claim 1, or independent claim 11 and dependent claims 2, 4–10, 12, and 14–24, argued on the same bases, and we sustain the Examiner’s rejection of these claims under 35 U.S.C. § 102(a) (claims 1, 2, 5, 9, 11, 12, 15, 19, and 24) as anticipated by Kirby and under 35 U.S.C. § 103(a) (claims 4, 6–8, 10, 14, 16–18, 20–23, and 25) as obvious over Kirby various combinations with the other cited prior art.

#### DECISION

We affirm the Examiner’s rejection of claims 1, 2, 5, 9, 11, 12, 15, 19, and 24 under 35 U.S.C. § 102(a) as anticipated.

We affirm the Examiner’s rejection of claims 4, 6–8, 10, 14, 16–18, 20–23, and 25 under 35 U.S.C. § 103(a) as unpatentable.

Pursuant to 37 C.F.R. § 1.136(a)(1)(iv), no time period for taking any subsequent action in connection with this appeal may be extended.

AFFIRMED