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Shutts & Bowen LLP Steven M. Greenberg, Esq. 525 Okeechobee Blvd # 1100 West Palm Beach, FL 33401			REAGAN, JAMES A	
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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MATTHEW MARUM and WES MORAN

Appeal 2019-000889
Application 14/562,659
Technology Center 3600

Before DAVID M. KOHUT, NORMAN H. BEAMER,
and GARTH D. BAER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–18. We have jurisdiction over the pending rejected claims under 35 U.S.C. § 6(b).

We REVERSE.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as SugarCRM, Inc. (Appeal Br. 2.)

THE INVENTION

Appellant's disclosed and claimed invention is directed to a customer relationship management ("CRM") method for retail environments that includes sensing entry of a mobile device into a physical space and identifying a customer record for a customer in a CRM system associated with the detected mobile device. (Abstract.)

Independent claim 1, reproduced below, is illustrative of the subject matter on appeal:

1. A customer relationship management (CRM) method for retail environments, the method comprising:
 - sensing entry of a mobile device into a physical space;
 - identifying a customer record for a customer in a CRM system associated with the detected mobile device;
 - detecting a proximity of the mobile device to a product stored in the physical space;
 - creating an opportunity record in the CRM system in connection with the customer for the product; and,
 - responsive to sensing egress of the mobile device from the physical space, marking the opportunity record as closed-won if the product has been purchased by the customer and deleting the opportunity record in the CRM system.

REJECTION

The Examiner rejected claims 1–18 under 35 U.S.C. § 103 as being unpatentable over Li et al. (US 2015/0112838 A1, pub. Apr. 23, 2015) (hereinafter "Li"), Purves et al. (US 2015/0073907 A1, pub. Mar. 12, 2015) (hereinafter "Purves"), and Heath (US 2013/0073388 A1, pub. Mar. 21, 2013). (Final Act. 7.)

ISSUE ON APPEAL

Appellant’s arguments in the Briefs present the following issue:²

Whether the Examiner erred in finding the combination of Li, Purves, and Heath teaches or suggests the independent claim 1 limitation:

responsive to sensing egress of the mobile device from the physical space, marking the opportunity record as closed-won if the product has been purchased by the customer,

and the commensurate limitation recited in independent claim 10. (Appeal Br. 4–12, Reply Br. 2–8.)

ANALYSIS

In finding that the combination of Li, Purves, and Heath teaches or suggests the independent claim 1 limitation at issue, the Examiner relies on Purves’s disclosure of (1) a block diagram of in-store check-in and dataflow diagrams of augmented retail shopping, (2) a merchant system including a check-in detector, (3) a customer service representative (“CSR”) application that may convey offers, coupons, recommendations, and price comparisons to a customer, and assist in checkout notification, and (4) a mobile application that may identify when the user is in a store and detect when the user is in close proximity to a store. (Final Act. 7–8, Ans. 5; Purves Figs. 1C-1, 2A–B, ¶¶ 67, 125, 310.)

Appellant argues:

The transaction confirmation message and purchase receipt [in Purves] relates to the customer record as defined by Examiner,

² Rather than reiterate the arguments of Appellant and the positions of the Examiner, we refer to the Appeal Brief (filed May 29, 2018, hereinafter “Appeal Br.”); the Reply Brief (filed Nov. 13, 2018, hereinafter “Reply Br.”); the Final Office Action (mailed Aug. 10, 2017, hereinafter “Final Act.”); and the Examiner’s Answer (mailed Sept. 12, 2018, hereinafter “Ans.”) for the respective details.

not the opportunity record. In this regard, no action is performed to the purchase history of Li and the transaction confirmation of Purves in response to the egress of a mobile device from a physical space. **Unlike Appellants' claimed invention, the customer's receipt is sent in response to a purchase, not the egress of their mobile device from the store.**

(Reply Br. 5.)

We agree. The Examiner finds that Purves discloses “the user may exit the store 161 with proof of purchase” (Ans. 5, citing Purves ¶ 125), and further discloses

a position icon may be displayed next to a store (e.g., Walgreens) when the user is in close proximity to the store and the mobile payment application may refresh its location periodically in case the user moved away from the store (e.g., Walgreens).

(Ans. 5, citing Purves ¶ 310.)

However, the Examiner's findings do not explain how Purves, or the combination of references, teaches or suggests “responsive to sensing egress of the mobile device from the physical space, marking the opportunity record as closed-won if the product has been purchased by the customer,” because the cited portion of Purves teaches a periodic location refreshment to determine if “the user moved away from the store” (Purvis ¶ 310), but does not tie that determination to any subsequent action related to the user having first been in the store. The Examiner has not cited the additional references as teaching this limitation and we will not engage in any inquiry as to whether the additional references cure the noted deficiencies. Thus the Examiner has not shown how “[e]ach of the elements claimed are all shown by the prior art of record” (Ans. 5).

Accordingly, we are constrained by the record to reverse the Examiner's rejection of independent claim 1, and independent claim 10 commensurate in scope, as well as dependent claims 2-9 and 11-18.

CONCLUSION

For the reasons stated above, we reverse the obviousness rejection of claims 1-18.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1-18	103	Li, Purves, Heath		1-18

REVERSED