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14/810,687	07/28/2015	Itay Bianco	V317	7579
72623	7590	01/23/2020	EXAMINER	
MOSER TABOADA / VONAGE HOLDINGS CORP. 1030 BROAD STREET SUITE 203 SHREWSBURY, NJ 07702			WYLLIE, CHRISTOPHER T	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ITAY BIANCO, BRIAN PANTE, and YUVAL GOLAN

Appeal 2019-001406
Application 14/810,687
Technology Center 2400

Before JASON V. MORGAN, ADAM J. PYONIN, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the
Examiner's rejection. We have jurisdiction 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(a). Appellant identifies the real party in interest as Vonage
Business Inc. Appeal Br. 3.

STATEMENT OF THE CASE

Introduction

The Application is directed to “processing interactive voice response (IVR) input in a call setup message for immediate redirection.” Spec. ¶ 1. Claims 1–15 are pending. Claims 1 and 9 are independent. Appeal Br. 12–14. Claim 1 is reproduced below for reference (emphasis added):

1. A computer-implemented method for processing interactive voice response (IVR) input in a call setup request, comprising:
 - receiving at an IVR system a call setup message including information associated with one or more data fields;
 - parsing the information included in the call setup message;
 - and
 - directing a call based solely on the information included in the call setup message.*

References and Rejections

Claims 1–7 and 9–14 are rejected under 35 U.S.C. § 102(a)(1) as anticipated by Poi (US 2008/0260137 A1; Oct. 23, 2008). Final Act. 2.

Claims 8 and 15 are rejected under 35 U.S.C. § 103 as obvious in view of Poi and Schwagmann (US 2007/0097886 A1; May 3, 2007). Final Act. 5.

ANALYSIS

Appellant argues the Examiner’s anticipation rejection is in error, because “[t]he call setup message[,] as described in Appellant[’s] independent claim 1, is in stark contrast to the chain of messages that enables Poi to achieve its call processing to an available agent.” Appeal Br. 8. Appellant further contends that, unlike the method of claim 1, “Poi is

not able to route the call based solely on the information received in the call setup message” because “Poi teaches using the phone number in the call setup message to further query a database, and the information retrieved from the database is used to route the call.” Reply Br. 4 (emphasis omitted).

We are persuaded the Examiner’s rejection is in error. We agree with Appellant that claim 1’s “call is directed to an appropriate agent based on the information received in the call setup message.” Appeal Br. 6. Claim 1 recites the call is directed “based solely on the information included in the call setup message.” The “solely” claim limitation requires the call setup message to include all the information used to direct the call, as no other information may be used. *See* Appeal Br. 7.

Poi, as cited by the Examiner, discloses the call is directed based on information obtained beyond the setup message: information from the IVR system or information contained in a transfer request message in addition to the setup message. *See* Poi ¶ 28 (“SIP proxy 130 may determine that the call is to be forwarded to voice portal 140 based on the current call processing load of voice portal”); Poi ¶ 30 (“[V]oice portal 140 generates a transfer request message identifying that the call should be forwarded to voice portal 150.”); Ans. 4. In contrast with claim 1, the cited portions of Poi do not direct the call based *solely* on the information in the call setup message as Poi uses additional information (e.g., the call processing load or the transfer message information). Therefore, we are persuaded the Examiner’s anticipation rejection based on Poi is in error. *See* Appeal Br. 9.

We do not sustain the Examiner’s anticipation rejection of independent claim 1, independent claim 9 which recites limitations commensurate in scope, or claims 2–7 and 10–14 which depend therefrom.

Appeal 2019-001406
Application 14/810,687

The Examiner has not shown Schwagmann teaches the solely limitation, therefore we do not sustain the Examiner's rejections of dependent claims 8 and 14 for the same reasons provided herein. *See* Final Act. 5.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)	Affirmed	Reversed
1-7, 9-14	102(a)(1)	Poi		1-7, 9-14
8, 15	103	Poi, Schwagmann		8, 15
Overall Outcome				1-15

REVERSED