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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JAYASIMHA BHEEMASENA RAO NARASIMHA MURTHY and PIETRO MAZZOLENI

Appeal 2019-002459
Application 14/933,196
Technology Center 3600

Before MICHAEL C. ASTORINO, NINA L. MEDLOCK, and PHILIP J. HOFFMANN, *Administrative Patent Judges*.

MEDLOCK, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant[1] appeals under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 and 4–7. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

CLAIMED INVENTION

The claimed invention "relates to product preferences and trends," and "more particularly to a system and method of collecting and analyzing product preferences and trends at a physical gathering of individuals at an event and/or belonging to a community" (Spec. ¶ 1).

Claim 1, reproduced below with bracketed notations added, is the sole independent claim and representative of the subject matter on appeal:

> 1. An event check-in system, comprising:
> a computing system including a processor and memory, the computing system including:
> [(a)] a system for setting up and managing an event;
> [(b)] a system for registering a user physically present at the event, the system for registering obtaining an identity of the user and profile information for the user;
> [(c)] a system for automatically registering items associated with the user, the system for automatically registering items including:

[1] We use the term "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Our decision references Appellant's Appeal Brief ("Appeal Br.," filed January 3, 2019) and Reply Brief ("Reply Br.," filed January 30, 2019), and the Examiner's Answer ("Ans.," mailed January 30, 2019) and Final Office Action ("Final Act.," mailed July 19, 2018). Appellant identifies International Business Machines Corporation as the real party in interest. Appeal Br. 1.

> a tag attached to each item associated with the user, the tag containing information regarding the item; and
>
> a tag reader for automatically reading the tag attached to each item to associate each item with the user;
>
> [(d)] a system for storing event-user-item (EUI) information in an EUI database, the EUI information including the identity of the user, the profile information for the user, and the information regarding the items associated with the user;
>
> [(e)] an analysis system for analyzing the EUI information to provide item preferences and trend analysis; and
>
> [(f)] an ecommerce storefront for offering items to the user identified as relevant to the event by the analysis system based on the EUI information stored in the EUI database.

REJECTIONS[2]

Claims 1 and 5–7 are rejected under 35 U.S.C. § 103 as unpatentable over Graff et al. (US 2014/0358632 A1, published Dec. 4, 2014) ("Graff") and Nguyen et al. (US 2005/0209914 A1, published Sept. 22, 2005) ("Nguyen").

Claim 4 is rejected under 35 U.S.C. § 103 as unpatentable over Graff, Nguyen, and Kundu et al. (US 2006/0243798 A1, published Nov. 2, 2006) ("Kundu").

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[2] The Examiner has withdrawn the rejection of claims 1 and 4–7 under 35 U.S.C. § 101. *See* Ans. 3–4 ("The claim as a whole integrates organizing human activities into a practical application. Thus, the claim is eligible because it is not directed to the recited judicial exception. Accordingly [the] 35 U.S.C. [§] 101 rejections are withdrawn in light of [the] 2019 Revised Patent Subject Matter Eligibility Guidance ('2019 PEG').").

ANALYSIS

Independent Claim 1 and Dependent Claims 5–7

We are persuaded by Appellant's argument that the Examiner erred in rejecting independent claim 1 under 35 U.S.C. § 103 at least because neither Graff nor Nguyen, individually or in combination, discloses or suggests "a system for automatically registering items associated with the user" including "a tag attached to each item associated with the user, the tag containing information regarding the item" and "a tag reader for automatically reading the tag attached to each item to associate each item with the user," i.e., limitation (c), as recited in claim 1 (Appeal Br. 4; *see also* Reply Br. 2–3).

The Examiner cites paragraph 130 of Graff as disclosing the argued limitation (Final Act. 3–4, 13–14). However, we agree with Appellant that, rather than using tags to register items associated with a user, i.e., an event attendee, Graff discloses that tags, e.g., barcodes, RFID tags or some other identification device, are affixed by a vendor to inventory maintained at his or her vendor booth, and that the inventory can be periodically updated throughout the event so that event attendees can monitor the vendor's inventory, based on the identification device, i.e., the tag, and know what items are available and what items are out of stock (Graff ¶ 130).

In view of the foregoing, we do not sustain the Examiner's rejection of independent claim 1 under 35 U.S.C. § 103. For the same reasons, we also do not sustain the Examiner's rejection of dependent claims 5–7. *Cf. In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) ("dependent claims are nonobvious if the independent claims from which they depend are nonobvious").

Dependent Claim 4

The rejection of claim 4 does not cure the deficiency in the Examiner's rejection of independent claim 1. Therefore, we do not sustain the Examiner's rejection of claim 4 under 35 U.S.C. § 103.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 5–7	103	Graff, Nguyen		1, 5–7
4	103	Graff, Nguyen, Kundu		4
Overall Outcome				1, 4–7

REVERSED