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TARGET BRANDS, INC. 1000 NICOLLET MALL, TPS-3165 MINNEAPOLIS, MN 55403			STOLTENBERG, DAVID J	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SARAH ROXANNE PETERSON, AMBER M. REIMER,
ANANTH RANGANATH, PATRICK JON VESPERMAN,
EVAN JACOB HOVORKA, ANDREW JOHNSON,
RAJA RAMACHANDRAN, and JOHN HOWARD REINSCHMIDT

Appeal 2019-005910
Application 14/626,253
Technology Center 3600

Before STEFAN STAICOVICI, LISA M. GUIJT, and
MICHAEL L. WOODS, *Administrative Patent Judges*.

STAICOVICI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's decision in the Final Office Action (dated Nov. 1, 2018, hereinafter "Final

¹ We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Target Brands, Inc. is identified as the real party in interest in Appellant's Appeal Brief (filed Mar. 29, 2019, hereinafter "Appeal Br."). Appeal Br. 3.

Act.”) rejecting claims 1–4, 6–10, 12–18, and 20.² We have jurisdiction over this appeal under 35 U.S.C. § 6(b).

SUMMARY OF DECISION

We REVERSE.

INVENTION

Appellant’s invention is directed to a computer-implemented method and a computer-readable medium that permit a user to receive, select, and redeem vendor offers. Spec. paras. 4–6.

Claims 1, 8, and 15 are independent. Claim 1 is illustrative of the claimed invention and reads as follows:

1. A computer-implemented method comprising:
 - receiving at an online retail website a plurality of promotional codes for a plurality of respective offers as part of a request for a dynamic landing page user interface where the request is provided in response to selection of a single control provided on a page displaying the plurality of respective offers as previously selected offers;
 - for each promotional code in the plurality of promotional codes, using the promotional code to identify a product associated with the promotional code; and transmitting the dynamic landing page user interface to display for each promotional code in the plurality of promotional codes:
 - an identifier for the product associated with the promotional code, a discount associated with the promotional code’s offer, and

² Claims 5, 11, and 19 are canceled. Appeal Br. 16, 17, 19, Appendix A.

a shopping cart control for adding the product associated with the promotional code to an electronic shopping cart.

REJECTIONS³

- I. The Examiner rejects claims 1, 7–10, 12, 13, 15, and 18 under 35 U.S.C. § 103 as being unpatentable over Faith⁴ and Boehle.⁵
- II. The Examiner rejects claims 2, 6, 14, 16, and 17 under 35 U.S.C. § 103 as being unpatentable over Faith, Boehle, and Boal.⁶
- III. The Examiner rejects claims 3 and 4 under 35 U.S.C. § 103 as being unpatentable over Faith, Boehle, and Main.⁷
- IV. The Examiner rejects claim 20 under 35 U.S.C. § 103 as being unpatentable over Faith, Boehle, and Kassan.⁸

ANALYSIS

Rejection I

Claims 1 and 7

Independent claim 1 requires, *inter alia*, the “selection of a single control” located on a page displaying a *plurality* of previously selected

³ The Examiner has withdrawn the rejection under 35 U.S.C. § 101 of claims 1–4, 6–10, 12–18, and 20. Examiner’s Answer 4 (dated May 22, 2019, hereinafter “Ans.”).

⁴ Faith et al., US 2013/0332283 A1, published Dec. 12, 2013.

⁵ Boehle, US 2012/0084122 A1, published Apr. 5, 2012.

⁶ Boal, US 2014/0180793 A1, published June 26, 2014.

⁷ Main et al., US 2013/0024261 A1, published Jan. 24, 2013.

⁸ Kassan, US 2005/0144093 A1, published June 30, 2005.

offers in order to receive at an online retail website a *plurality* of promotional codes for the offers. Appeal Br. 15, Appendix A.

The Examiner finds that Faith discloses “a listing of multiple offers including a *single control* [412B] to access a page listing preselected offers . . . [and] a user profile,” wherein “each offer in the listing is presented as a product related promotional code or offer, including a selection button to invoke a redemption process which navigates to a merchant webpage [434].” Final Act. 24–25 (citing Faith, paras. 79–84, Figs. 4A–4C). Thus, according to the Examiner,

Faith discloses the selection or invocation of a single control such as a profile button [412B], which results in a display of a listing of pre-selected offers to a user, and each offer includes a method such as a “use coupon” control to access a merchant webpage such as a shopping cart, in order redeem an offer by purchasing the associated product, as is claimed by the instant invention.

Id. at 25; *see also* Ans. 5.

Appellant argues that although Faith discloses saving and displaying favorite offers, nonetheless, “when the favorite offers are displayed, there is no way in Faith to select a single control to request a page that facilitates purchasing items associated with all of the favorited offers.” Appeal Br. 9 (citing Faith, para. 68). Rather, according to Appellant, “the user must individually select each favorited offer in the list of favorites (steps 75 and 108) in order to receive a website page for that particular favorited offer.” *Id.* Therefore, Appellant asserts that “[t]here is no way to select a single control to obtain a website page for purchasing items for multiple different offers.” *Id.*

The Examiner responds that claim 1 is broader than Appellant's construction of the claim language. *See* Ans. 5. Accordingly, "the Examiner interprets [c]laim 1 to claim the invocation of a single control to access a listing or page of previously selected offers, and then concluding purchases via a shopping cart by the invocation of a shopping cart control with respect to each offer." *Id.* Thus, the Examiner asserts that claim 1 "is not claiming the invocation of a single control to access an electronic shopping cart for purchasing multiple offers." *Id.*

Faith discloses "Profile" button 412B as "enabl[ing] a user to access a user profile," which stores user information (attributes), such as a picture of the user, user identifier, *list of favorite offers*, list of favorite merchants, user password, user location, user gender, and account information. *See* Faith, paras. 45, 80. Faith further discloses accessing and retrieving a user's favorite offers from the user profile which is accessed via button 412B. *Id.*, paras. 26, 40, 45, 68. As such, Faith employs "Profile" button 412B to display a page containing a plurality of offers, whereas claim 1 requires that the "single control [be] provided on a page displaying the plurality of respective offers." In other words, in Faith, the "single control" is selected and then a plurality of previously selected offers are displayed on a requested page. However, claim 1 requires that the "single control" be placed (provided) on the page displaying the plurality of respective offers. *See* Reply Br. 2–3.⁹ Such an interpretation is consistent with Appellant's Specification, which describes button 604 as being placed (provided) on a page displaying "the selected offers that are eligible for online redemption."

⁹ Appellant's Reply Brief, filed July 22, 2019.

Spec. para. 33, Fig. 6. Accordingly, Faith does not disclose “a single control provided on a page displaying the plurality of respective offers,” as recited in claim 1.

As the Examiner does not employ the disclosure of Boehle to remedy the deficiency of Faith discussed above, we do not sustain the rejection under 35 U.S.C. § 103 of claims 1 and 7 as unpatentable over Faith and Boehle.

Claims 8–10, 12, 13, 15, and 18

Each of independent claims 8 and 15 requires a similar limitation as the limitation discussed *supra* in the rejection of independent claim 1. In particular, independent claim 8 recites, “displaying a set of multiple selected offers *and* a single control to redeem selected offers” and independent claim 15 recites, “displaying a plurality of offers selected by the user *along* with a single control.” Appeal Br. 17–18, Appendix A.

As discussed above, in Faith, the “single control” is selected and then a plurality of previously selected offers are displayed on a requested page, whereas claims 8 and 15 require that the “single control” be displayed with or along with multiple (set of) selected offers.

Accordingly, for the same reasons discussed above, we likewise do not sustain the rejection of claims 8–10, 12, 13, 15, and 18 as unpatentable over the combined teachings of Faith and Boehle.

Rejections II–IV

The Examiner does not employ the disclosure of Boal, Main, or Kassan to remedy the deficiency of the combination of Faith and Boehle

discussed *supra*. See Final Act. 15–21. Therefore, for the same reasons discussed above, we do not sustain the rejections under 35 U.S.C. § 103 of claims 2, 6, 14, 16, and 17 as unpatentable over Faith, Boehle, and Boal; of claims 3 and 4 as unpatentable over Faith, Boehle, and Main; and of claim 20 unpatentable over Faith, Boehle, and Kassan.

CONCLUSION

Claim(s) Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1, 7–10, 12, 13, 15, 18	103	Faith, Boehle		1, 7–10, 12, 13, 15, 18
2, 6, 14, 16, 17	103	Faith, Boehle, Boal		2, 6, 14, 16, 17
3, 4	103	Faith, Boehle, Main		3, 4
20	103	Faith, Boehle, Kassan		20
Overall Outcome				1–4, 6–10, 12– 18, 20

REVERSED