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15/366,666	12/01/2016	Manoneet Kohli	21652-00690	9651
75564	7590	09/02/2020	EXAMINER	
DANIEL M. FITZGERALD (21652)			RETTA, YEHDEGA	
ARMSTRONG TEASDALE LLP				
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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* MANONEET KOHLI

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Appeal 2020-002170  
Application 15/366,666<sup>1</sup>  
Technology Center 3600

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Before MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and  
CYNTHIA L. MURPHY, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL  
STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1–29. We have jurisdiction under 35 U.S.C. § 6(b).  
We REVERSE.

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<sup>1</sup> Appellant identifies Mastercard International Incorporated as the real party in interest. Appeal Br. 1.

Claim 1 reproduced below, is representative of the subject matter on appeal.

1. A metadata capture (MC) computing device in communication with a first merchant computing device associated with a first merchant and a second merchant computing device associated with a second merchant, the MC computing device including a processor in communication with a memory, said processor programmed to:

receive a registration request from the first merchant;

transmit, in response to the registration request, computer-executable code to the first merchant computing device for installation on the first merchant computing device, wherein the computer-executable code is configured to cause the first merchant computing device to collect metadata representative of an abandoned product within a virtual shopping cart associated with a candidate consumer and the first merchant;

receive, from the first merchant computing device, a message caused to be transmitted by the computer-executable code, the message including the metadata;

receive a device identifier of a user computing device associated with the candidate consumer;

generate a cart profile associated with the candidate consumer, the cart profile configured to include data for abandoned transactions associated with the candidate consumer, the cart profile including the metadata and the device identifier;

compare the cart profile to a merchant criteria of the second merchant; and

transmit a cart profile data packet including the metadata, the device identifier, and a recommendation to the second merchant when the cart profile meets the merchant criteria to enable the second merchant to provide an incentive message associated with the abandoned product to the candidate consumer in response to the cart profile data packet.

## THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

<b>Name</b>	<b>Reference</b>	<b>Date</b>
Gong	US 8,626,575 B1	Jan. 7, 2014
Mitrovic	US 2013/0110624 A1	May 2, 2013
Narasimhan	US 2017/0193591 A1	July 6, 2017
Goulart	US 9,940,660 B2	Apr. 10, 2018

The following rejections are before us for review.

Claims 1–3, 5, 6, 8–11, 12–14, 16, 17, 19–22, 23–25, 27, and 28 are rejected under 35 U.S.C. § 103 as being unpatentable over Mitrovic further in view of Narasimhan.

Claims 4, 15, and 26 are rejected under 35 U.S.C. § 103 as being unpatentable over Mitrovic in view of Narasimhan and further in view of Gong.

Claims 7, 18, and 29 are rejected under 35 U.S.C. § 103 as being unpatentable over Mitrovic in view of Narasimhan and further in view of Goulart.

## ANALYSIS

### 35 U.S.C. § 103 REJECTIONS

Each of independent claims 1, 12, and 23, recites in one form or another,

transmit, in response to the registration request, computer-executable code to the first merchant computing device for installation on the first merchant computing device, wherein the computer-executable code is configured to cause the first merchant computing device to collect metadata representative of

an abandoned product within a virtual shopping cart associated with a candidate consumer and the first merchant;

receive, from the first merchant computing device, a message caused to be transmitted by the computer-executable code, the message including the metadata;

receive a device identifier of a user computing device associated with the candidate consumer;

compare the cart profile to a merchant criteria of the second merchant; and

transmit a cart profile data packet including the metadata, the device identifier, and a recommendation to the second merchant when the cart profile meets the merchant criteria . . . .

The Examiner found that these limitations are disclosed by Mitrovic at paragraphs 18–21, and 36–40. (Final Act. 2–3). The Examiner does not explain and our review of Mitrovic shows no networking structure which meets or makes obvious the architecture set forth in the independent claims.

To summarize, the architecture required by the claims is as follows: a media capture computing device MC 110 receives a registration request from the first merchant device 102 and then transmits a computer executable code to the first merchant device 102 which causes the first merchant device to collect data of abandoned products of a customer of the first merchant. The MC computing device 110 receives from the first merchant device 102 a message including metadata, and a device identifier of a user computer device 108 associated with the candidate customer 3. The MC computing device 110 then generates a cart profile for the customer associated with the abandoned transactions, the metadata, and the device identifier of the user 4. The MC computing device then compares the cart profile to criteria of a second merchant device 106 and transmits the cart profile, metadata and the device identifier and a recommendation to the second merchant device 106

when the cart profile meets the merchant criteria to provide an incentive message associated with the abandoned product.

Contrary to using a device similar to the claimed media capture computing device MC 110 for parsing data between first and second merchant computing devices, and a user computing device, Mitrovic instead discloses a browser based data extraction scheme:

The intended purchase list can be generated based on accessing information such as Internet browsing history, wish lists, virtual shopping carts (or abandoned virtual shopping carts), auction bid history, auction watch lists, or virtual wallet activities (e.g., storing a coupon or purchasing an associated item). Any user related data that can be accessed over a network, such as the Internet, may be gathered and used by the user profile module 510 to maintain an intended purchase list.

Mitrovic ¶ 38.

As noted above, the claims require device limitations and specific coordinated messaging between the claimed metadata capture (MC) computing device, first and second merchant computing devices, and user computing device. It is not apparent from the Examiner's findings, nor from the disclosure in Mitrovic how these claimed devices map to the devices in the Mitrovic system. This system structure is a core limitation of the claims. It causes the system to operate in the manner claimed. Accordingly, absent such findings in the record, we will not sustain the rejection of independent claims 1, 12, and 23.

Since claims 2–11, 13–22, and 24–29 depend from claims 1, 12, and 23, respectively, and since we cannot sustain the rejection of claims 1, 12,

and 23, the rejections of claims 2–11, 13–22, and 24–29 likewise cannot be sustained.

We note that the additional reference to Gong (cited against claims 4, 15, and 26), and Goulart (cited against claims 7, 18, and 29) do not remedy the shortfalls discuss above concerning Mitrovic as used to reject independent claims 1, 12, and 23 under 35 U.S.C. § 103.

#### CONCLUSION

We conclude the Examiner erred in rejecting claims 1–29 under 35 U.S.C. § 103.

#### DECISION

The decision of the Examiner to reject claims 1–29 is reversed.

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1–3, 5, 6, 8–11, 12–14, 16, 17, 19–22, 23–25, 27, 28	103	Mitrovic, Narasimhan,		1–3, 5, 6, 8–11, 12–14, 16, 17, 19–22, 23–25, 27, 28
4, 15, 26	103	Mitrovic, Narasimhan, Gong		4, 15, 26
7, 18, 29	103	Mitrovic, Narasimhan, Goulart		7, 18, 29
<b>Overall Outcome</b>				1–29

REVERSED