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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MICHAEL McLAUGHLIN and BRIAN COLODNY

Appeal 2020-002952
Application 15/181,187
Technology Center 2100

Before PHILIP J. HOFFMANN, BRUCE T. WIEDER, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision rejecting claims 1 and 2. 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. Appellant identifies the real party in interest as Chargerback, Inc. Appeal Br. 1.

ILLUSTRATIVE CLAIM

1. A computer-implemented method for reporting lost items, comprising:

receiving, via one or more computing devices, a user selection of a lost item reporting link presented on a webpage, the webpage with the lost item reporting link being presented on a display associated with another computing device and being associated with an entity;

initiating, via the one or more computing devices, presentment on the display, in response to the user selection of the lost item reporting link, a graphical user interface to solicit lost item recovery information;

determining whether a transaction identifier is received at the one or more computing devices;

receiving, via the one or more computing devices, the lost item recovery information via the graphical user interface, the lost item recovery information concerning a lost item and including at least (i) a designation of the entity, (ii) description of lost item, (iii) customer contact information, and (iv) shipping information for the lost item if it is determined that the transaction identifier is not received; or

receiving, via the one or more computing devices, the lost item recovery information via the graphical user interface, the lost item recovery information concerning a lost item and including at least (i) a designation of the entity, and (ii) description of lost item if it is determined that the transaction identifier is received;

preparing a lost and found report based on the lost item recovery information;

initiating electronic transmission of the lost and found report to the entity based on contact information for the entity; and

initiating electronic transmission of a notification concerning the lost item to the customer based on the customer contact information.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Frankel et al. ("Frankel" herein)	US 6,449,611 B1	Sept. 10, 2002
Anglum	US 2003/0065595 A1	Apr. 3, 2003
Takahashi et al. ("Takahashi" herein)	US 2004/0002998 A1	Jan. 1, 2004

REJECTION

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as unpatentable over Takahashi, Frankel, and Anglum.

RELATED CASES

At the time the Appeal Brief was filed in the present case, Notices of Appeal had been filed in at least the related U.S. Applications 13/224,244 (Appeal 2020-000386), 13/224,247 (Appeal 2019-000468), and 13/631,456 (Appeal 2019-002313). The Appellant fails to cite any of these related Appeals, as required by 37 C.F.R. § 41.37(c)(1)(ii). *See* Appeal Br. 1.

We remind the Appellant and counsel to review prior and pending proceedings before the Board, as well as any other qualifying matters, so as to ensure that all related cases are identified. Representations to the Office are subject to requirements of, e.g., 37 C.F.R. §§ 1.56, 11.18, and 11.303.

FINDINGS OF FACT

The findings of fact relied upon, which are supported by a preponderance of the evidence, appear in the following Analysis.

ANALYSIS

The Appellant argues that claim 1 stands rejected in error, because the cited prior art does not teach or suggest the recited “initiating electronic transmission of the lost and found report to the entity based on contact information for the entity.” Appeal Br. 9–10.

Evaluating the Appellant’s position turns on the construction of the recited “entity” and, in particular, any distinction between the “entity” and the recited “customer.” In this regard, claim 1 recites “transmission of the lost and found report” to each of the “entity” and the “customer”:

initiating electronic transmission of the lost and found report to the *entity* based on contact information for the entity;
and

initiating electronic transmission of a notification concerning the lost item to the *customer* based on the customer contact information.

(Emphasis added). These limitations, at least, indicate that the “entity” and the “customer” are not identical, because such a construction would appear to render one of the above limitations superfluous. We interpret claim language “with an eye toward giving effect to all terms in the claim.” *Bicon, Inc. v. Straumann Co.*, 441 F.3d 945, 950 (Fed. Cir. 2006). Claim interpretations wherein “physical structures and characteristics specifically described in a claim are merely superfluous would render the scope of the patent ambiguous, leaving examiners and the public to guess about which claim language the drafter deems necessary to [the] claimed invention and which language is merely superfluous, nonlimiting elaboration.” *Id.*

The Specification reinforces the understanding of distinctions between the claimed “entity” and the claimed “customer.” The Specification uses the term “customer” to refer to a system user that has lost an item, which might

later be found. Spec. ¶ 3 (“[W]hen on vacation, a user may forget an item(s) in a hotel room. In another example, a customer may forget an item in a rental car, sporting event, or any other establishment or event.”) In contrast, the Specification uses the term “entity” to refer to an establishment having one or more physical locations, where lost items could be located. *Id.* ¶¶ 5 (“The centralized lost and found system will allow users to recover their lost items in a cost effective and efficient manner from at least one establishment or location of the large entity.”), 24 (“The large entities 110a, 110b may be, for example, a large hotel chain having a plurality of physical hotels.”), Fig. 1.

In both the Final Office Action (pages 5, 9) and the Answer (page 20) the Examiner maintains that paragraphs 61 and 63 of Takahashi teach the limitation at issue. Takahashi discloses that “the found-item information management server 100 determines whether the found-item information and the lost-item information match each other or not, and then sends a decision to the terminal 203.” Takahashi ¶ 61. *See also id.* ¶ 63 (“If the found-item information registered by the finder and the lost-item information registered by the owner are compared and determined as matching each other . . . , then a matching notification is sent from the found-item information management server 100 to the terminal 203.”)

The cited portions of Takahashi refer to a transmission to “terminal 203,” which is “in an owner’s home 23” (Takahashi ¶ 57). The Appellant argues that none of the “owner,” the “owner’s home,” and the “terminal 203” of Takahashi would properly correspond to the claimed “entity.” Appeal Br. 9–10.

We agree with the Appellant. Takahashi discloses: “The owner who has lost an item” may perform “actions on the terminal 203,” in order to initiate the process of reporting a lost item. Takahashi ¶ 57. Thus, Takahashi’s “terminal 203” (in the “owner’s home 23”) might correspond to the “customer” of claim 1. Indeed, the Examiner maps claim 1’s “customer” to Takahashi, in precisely this manner. Final 9 (citing Takahashi ¶¶ 63, 141). Yet, if so mapped, Takahashi’s “terminal 203” (in the “owner’s home 23”) would not also correspond to the claimed “entity.”

This analysis applies equally to independent claim 2, which includes a substantially similar limitation. *See* Appeal Br. 14–16.

Therefore, we do not sustain the rejection of independent claims 1 and 2 under 35 U.S.C. § 103(a).

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 2	103(a)	Takahashi, Frankel, Anglum		1, 2

REVERSED