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THE LAW OFFICE OF JONATHAN M. WALDMAN LLC
P.O. BOX 4124
MEADOWBROOK, PA 19046

EXAMINER

WASSUM, LUKE S

ART UNIT	PAPER NUMBER
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3992

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS
KING & SPALDING LLP
P.O. BOX 889
BELMONT, CA 94002-0889

Date: **MAILED**

SEP 28 2011

CENTRAL REEXAMINATION UNIT

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95000639
PATENT NO. : 7222078
TECHNOLOGY CENTER : 3999
ART UNIT : 3993

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination
	95/000,639	7222078
	Examiner	Art Unit
	LUKE S. WASSUM	3992

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on 12 August, 2011

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892
2. Information Disclosure Citation, PTO/SB/08
3. PTO-1449

PART II. SUMMARY OF ACTION:

- 1a. Claims See Continuation Sheet are subject to reexamination.
- 1b. Claims 8, 9, 17, 19-21, 23, 26-29, 33-37, 39-45, 49 and 54-68 are not subject to reexamination.
2. Claims _____ have been canceled.
3. Claims 7, 12-15, 18 and 70 are confirmed. [Unamended patent claims]
4. Claims _____ are patentable. [Amended or new claims]
5. Claims 1-6, 10, 11, 16, 22, 24, 25, 30-32, 38, 46-48, 50-53, 69 and 71-74. are rejected.
6. Claims _____ are objected to.
7. The drawings filed on _____ are acceptable are not acceptable.
8. The drawing correction request filed on _____ is: approved. disapproved.
9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
 been received. not been received. been filed in Application/Control No 95000639.
10. Other _____

Transmittal of Communication to Third Party Requester Inter Partes Reexamination	Control No.	Patent Under Reexamination
	95/000,639	7222078
	Examiner	Art Unit
	LUKE S. WASSUM	3992

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If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

DETAILED ACTION

Inter Partes Reexamination

This Office action addresses claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53 and 69-74 of U.S. Patent Number 7,222,078, subject to reexamination in accordance with the accompanying Order Granting Inter Partes Reexamination.

The examiner notes that independent claim 1 has dependent claims that are not subject to reexamination.

The Patent Owner is reminded that in order to avoid unnecessary narrowing of the current scope of those dependent claims not subject to reexamination, any amendments to independent claim 1 should be made by:

- Canceling independent claim 1;
- Adding an amended version of independent claim 1 as a new claim; and
- Amending those dependent claims subject to reexamination to depend from the new claim.

See MPEP § 2260.01.

Prior Art

The following prior art raises a Substantial New Question of Patentability, as discussed in the Order Granting Inter Partes Reexamination:

U.S. Patent 5,077,582 to Kravette et al. ("**Kravette**")

U.S. Patent 4,992,940 to Dworkin et al. ("**Dworkin**")

U.S. Patent 5,956,505 to Manduley ("**Manduley**")

Relevant Statutes

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Proposed Rejections

The Third Party Requester has proposed the following rejections of claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53 and 69-74 of the '078 patent:

1. The request proposes that claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53 and 69-74 are anticipated under 35 U.S.C. § 102(e) by **Kravette**.
2. The request proposes that claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53 and 69-74 are anticipated under 35 U.S.C. § 102(b) by **Dworkin**.
3. The request proposes that claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53 and 69-74 are anticipated under 35 U.S.C. § 102(e) by **Manduley**.

The proposed rejections 1, 2 and 3 are **adopted**, as modified, for the reasons set forth below.

Claim Rejections - 35 USC § 102

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Claims 1-3, 5, 6, 16, 22, 25, 30-32, 38, 46-48, 50-53, 69, 71, 72 and 74 are anticipated under 35 U.S.C. § 102(e) by **Kravette**.

The Third Party Requester has provided a detailed analysis and mapping of the features of **Kravette** to the claim elements of the '078 patent (see Request, pages 76-120, as well as Exhibit CC-B). The Requester's analysis and rationale for rejection of claims 1-3, 5, 6, 16, 22, 25, 30-32, 38, 46-48, 50-53, 69, 71, 72 and 74 is adopted by the examiner and is incorporated by reference, with the following modifications.

The Requester's proposed rejections of claims 4, 7, 10, 15, 18, 24, 70 and 73 are **not adopted**.

Regarding claims 1 and 69 (and their respective dependent claims), the Requester maps the plurality of copiers (see col. 11, lines 1-4 and drawing Figure 3 et seq.) to the claimed 'units of a commodity' (see Request, pages 76 [claim 1] and 108 [claim 69], as well as Exhibit CC-B, pages 1 [claim 1] and 25 [claim 69]). The examiner modifies this element by instead citing the monitoring system 60, which encompasses said plurality of copiers and a photocopier monitoring system, as corresponding to the claimed 'units of a commodity'. The examiner also cites the embodiment disclosed at col. 15, lines 18-21, whereby the entire monitoring system is manufactured internal to the photocopier, as corresponding to the claimed 'units of a commodity'.

Further regarding claims 1 and 69 (and their respective dependent claims), the Requester maps the transmission of billing data to the billing computer (see col. 3, lines 30-33) to the claimed 'results of the two-way local interaction carried from the units of the commodity to a central location' (see Request, pages 85 [claim 1] and 114-116 [claim 69]), as well as Exhibit CC-B, pages 9-10 [claim 1] and 31-33 [claim 69]). The examiner clarifies the rejection by noting that billing information does not necessarily qualify as 'results of the two-way local interaction including elicited information about user perception of the commodity', since billing information is automatically accumulated at each copier, and is not input by the user. Only the information received from the service person via the portable hand held input/output device, including diagnostic data and maintenance information, such as data related to recent service and data as to when certain copier parts were replaced (see col. 9, lines 14-20 and 52-59) would qualify as the claimed 'results of the two-way local interaction including elicited information about user perception of the commodity'.

Regarding claims 2 and 3, the examiner notes that the 'user behavior' which triggers the two-way interaction would not include the pressing of the 'print' button, as cited by the Requester (see Request, pages 86-89 and Exhibit CC-B, pages 11-13) but would be limited to the service person's actions taken in connection with the portable

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hand held input/output device [the user interface], such as physically connecting the device, turning the device on, and submitting commands to input/retrieve data to/from the RAM of the copier (see col. 9, lines 14-20 and 41-59 et seq.).

Regarding claim 4, the claim requires the system of claim 1 in which the user interface comprises part of a functional user interface of the unit of the commodity that can be used to control features of the commodity. The Requester has mapped Interface 104, illustrated in drawing Figures 4 and 6, to the claimed 'functional user interface of the unit of the commodity that can be used to control features of the commodity' (see Request, pages 89-90; see also Exhibit CC-B, pages 13-14).

Interface 104 is a hardware interface which intercepts signals from the copier, and formats the signal as necessary to make them compatible with monitoring CPU and RAM 102 (see col. 12, lines 21-61). Since the user cannot interact with Interface 104, this cannot be considered a *user* interface, and so cannot be mapped to the claimed 'functional user interface'.

Furthermore, the 'user interface' has been mapped to **Kravette's** portable hand-held input/output device 34, which clearly is not part of Interface 104.

The Requester's proposed rejection of claim 4 in view of **Kravette** is not adopted.

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Regarding claim 5, the Requester maps the service person's communication with the central station (see col. 9, lines 49-52) to the claimed 'communication element [which] also carries information from a passive probe that monitor's the user's use of the commodity' (see Request, page 90; see also Exhibit CC-B, page 14). The examiner clarifies the rejection with the following remarks.

Previously, with regard to claim 1, modem 14 was mapped to the claimed 'communication element'. At col. 6, lines 40-48, **Kravette** discloses count detector 18 (the claimed 'passive probe that monitors the user's use of the commodity'), and the transmission of resulting count data to the billing center at predetermined intervals via model 14. This disclosure anticipates the features of claim 5.

Regarding claim 7, the claim requires that the results of the interactions are forwarded from the central location to a remote server for analysis. Previously, with regard to claim 1, **Kravette's** central station was mapper to the claimed 'central location'.

The Requester maps this claim to the transmission of information entered into the system by the service person to the central station (see Request, pages 92-93; see also Exhibit CC-B, pages 15-16). However, the claim requires the results of the interaction to be forwarded *from* the central location (**Kravette's** central station) to a remote server.

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There is no disclosure in **Kravette** analogous to the claimed 'remote server', nor a forwarding of accumulated interaction information to said remote server for analysis.

The Requester's proposed rejection of claim 7 in view of **Kravette** is **not adopted**.

Regarding claim 10, the claim requires that the two-way interaction provides instructions on how to use the commodity. Previously, with respect to claim 1, the two-way interaction was mapped to the service person's interaction with the copier through the use of the portable hand held input/output device.

The Requester maps the claim to the service person's receipt of 'further instructions' from the central station (see Request, page 93; see also Exhibit CC-B, page 16). However, a service person presumably would not need to contact the central station for instructions on how to service the copier, as argued by the Requester. Even if, *arguendo*, the disclosed 'further instructions' were interpreted as instructions on how to service the copier, this is still different from instructions on how to *use* the copier.

The Requester's proposed rejection of claim 10 in view of **Kravette** is **not adopted**.

Regarding claim 15, the claim requires the two-way interaction to be mediated by a publicly or privately accessible on-line computerized information service.

The Requester maps this claim to the transmission of diagnostic information, preventative maintenance information and end of service contract information to the billing computer (see Request, page 94; see also Exhibit CC-B, pages 16-17). However, **Kravette** discloses only a telephone connection between the modems of the copier and the billing computer at the central station (see drawing Figures 1, 2, 3 and 4 et seq.). There is no disclosure of the two-way interaction being 'mediated' in any way, and no disclosure of anything analogous to an on-line computerized information service.

The Requester's proposed rejection of claim 15 in view of **Kravette** is **not adopted**.

Regarding claim 18, the claim requires the user interface to present information in hypertext.

The Requester maps this claim to **Kravette's** disclosure of displaying messages to the service provider on the LED or LCD display of the portable hand held input/output device 34 (see Request, pages 95-96; see also Exhibit CC-B, pages 17-18). However, there is no disclosure in **Kravette** which mentions displaying information in any specific style, and no disclosure of the use of hypertext.

The Requester's proposed rejection of claim 18 in view of **Kravette** is **not adopted**.

Regarding claim 22, the claim requires the elicited information to be about the user's needs with respect to use of the commodity.

The Requester maps this feature to the entry of identification manually into the billing software program (see Request, pages 96-97; see also Exhibit CC-B, page 18). However, this action takes place at the central station, and cannot be performed by the service person (the claimed 'user') through a user interface that is part of the copier (the claimed 'unit of the commodity').

Kravette, however, does disclose the service person's ability to input maintenance information, including data such as when copier parts were replaced and what parts are needed (see col. 9, lines 14-20 and 49-55).

The input of data regarding parts needed by the copier anticipates the claimed 'elicited information about the user's needs with respect to use of the commodity'.

Regarding claim 24, the claim requires the interactions to comprise a transaction for sale of a product or a service contract for the commodity.

The Requester maps the claim to the disclosure of billing data and end of service contract data being transmitted from the photocopier monitoring system to the central station (see Request, page 97; see also Exhibit CC-B, pages 18-19). However, this data is

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transmitted automatically by the photocopier monitoring system; billing and end of service contract data is not interaction information which is elicited from the service person (the claimed 'user'), as required by the claim.

The Requester's proposed rejection of claim 24 in view of **Kravette** is not adopted.

Regarding claim 25, the claim requires that the interactions comprise a request for servicing of the commodity by the user.

The Requester maps the claim to **Kravette's** disclosure of the transmission of internally generated signals to report maintenance requirements such as toner and paper refill (see Request, page 98; see also Exhibit CC-B, page 19). However, to the extent that these may be automatically-generated signals from the copier, and not generated from interactions with the service person (the 'user'), this disclosure fails to anticipate the claim.

Kravette, however, does disclose the service person's ability to input maintenance information, including data such as when copier parts were replaced and what parts are needed (see col. 9, lines 14-20 and 49-55).

The input of data regarding parts needed by the copier anticipates the claimed 'interactions comprise a request for servicing of the commodity by the user'.

Regarding claim 32, this claim requires the component [for managing the interactions of the users in different locations] to provide access to the collection of interaction results to the vendors of the commodity.

The Requester maps this claim to the receipt of photocopier diagnostic, preventative maintenance and end of service contract information (see Request, pages 100-101; see also Exhibit CC-B, page 20). However, to the extent that these may be automatically-generated signals from the copier, and not generated from interactions with the service person (the 'user'), this disclosure fails to anticipate the claim.

Kravette, however, does disclose the service person's ability to input maintenance information, including data such as when copier parts were replaced and what parts are needed (see col. 9, lines 14-20 and 49-55), and the transmission of this information to the central station (the vendors of the commodity).

The compilation of interaction data from service persons (users) at various locations in the billing or other computers at the central station (the vendors of the commodity) anticipates the claimed 'component [for managing the interactions of the users in different locations] to provide access to the collection of interaction results to the vendors of the commodity'.

Regarding claim 47, the claim requires that the interaction information relate to a perception of a problem relating to the use of the product.

The Requestor maps this claim to the disclosure that the internal diagnostic circuits are monitored for signals indicating a malfunction to the copier has occurred, as well as the manual entry of updated data in the billing software program (see Request, pages 103-104; see also Exhibit CC-B, pages 22-23). However, to the extent that the monitored signals may be automatically-generated signals from the copier, and not generated from interactions with the service person (the 'user'), this disclosure fails to anticipate the claim. Furthermore, the updating of data on the billing system occurs at the central station; the data is not a result of interaction with the service person (the user), and so cannot anticipate the claim.

Kravette, however, does disclose the service person's ability to input maintenance information, including data such as when copier parts were replaced and what parts are needed (see col. 9, lines 14-20 and 49-55), and the transmission of this information to the central station.

The ability of service persons (users) to input maintenance information, such as required parts for the copier, anticipates the claimed 'interaction information relate[d] to a perception of a problem relating to the use of the product'.

Regarding claim 50, the examiner notes that using the unit of the commodity as a demonstration unit does not place any further limits on the claimed invention; any copier (unit of a commodity) disclosed could be used as a demonstration unit with no changes to functionality or use.

Regarding claim 53, the claim requires the component further managing a collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.

The Requestor maps this limitation to the storage of count data, triggered by the pressing of the start button (see Request, pages 107-108; see also Exhibit CC-B, pages 24-25). However, the pressing of a start button is not information regarding a user's perception of the commodity, as required.

Kravette, however, does disclose the service person's ability to input maintenance information, including data such as when copier parts were replaced and what parts are needed, and the time of arrival and completion of the job (see col. 9, lines 14-20 and 49-55), and the transmission of this information to the central station.

The ability of service persons (users) to input maintenance information, such as the time of arrival, the work completed, the parts replaced and needed, and the time of completion of the job, anticipates the claimed 'component further managing a collection

of the results of the interactions along with information about a trigger event that initiated each respective interaction', the trigger event being the copier problem itself and the information about the repair conducted constituting the information regarding the trigger event.

Regarding claim 70, this claim requires that the users of the commodities are enabled to access the received information [at the remote database].

The Requester maps this claim to the ability of the service person to retrieve diagnostic and maintenance information (see Request, page 116; see also Exhibit CC-B, page 33).

However, the claimed 'received information' is the information from the user regarding the user's perception of the unit of the commodity, received at the remote server and stored in a remote database. There is no disclosure in **Kravette** which is analogous to providing the users to the information received and stored at the remote database.

Kravette's citation that the service person's ability to retrieve diagnostic and maintenance information as being 'particularly useful where communication with the central station is disrupted' further emphasizes the fact that this must be a retrieval of

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data from the local system, and is not a retrieval of the received information from the remote database.

The Requester's proposed rejection of claim 70 in view of **Kravette** is **not adopted**.

Regarding claims 71 and 72, the Requester maps the received information to signals generated by the copier to report maintenance requirements such as toner and paper refill (see Request, pages 117-118; see also Exhibit CC-B, page 34). However, to the extent that the monitored signals may be automatically-generated signals from the copier, and not generated from interactions with the service person (the 'user'), this disclosure fails to anticipate the claims.

Kravette, however, does disclose the service person's ability to input maintenance information, including data such as when copier parts were replaced and what parts are needed, and the time of arrival and completion of the job (see col. 9, lines 14-20 and 49-55), and the transmission of this information to the central station.

The transmission of this data to the service center anticipates the claimed enabling of third party vendors to access the received information.

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Regarding claim 73, this claim requires the further step of making a design change using the received information, or marketing the commodity using the received information.

The Requester maps the automatic transmission of a preventative maintenance signal to the service center (see Request, pages 118-119; see also Exhibit CC-B, pages 34-35). However, there is no disclosure in **Kravette** which is analogous to the claimed use of received information for product redesign or marketing.

The Requester's proposed rejection of claim 73 in view of **Kravette** is **not adopted**.

Regarding claim 74, the examiner notes that the disclosed input of maintenance information such as parts replaced and needed (see col. 9, lines 14-20 and 49-55) anticipates the claimed 'elicited perception information about steps that a vendor of the commodity could take to improve user satisfaction, and support provided for users of the commodity'.

Claims 1-6, 10, 11, 16, 22, 25, 30-32, 38, 46-48, 50-52, 69, 71, 72 and 74 are anticipated under 35 U.S.C. § 102(b) by **Dworkin**.

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The Third Party Requester has provided a detailed analysis and mapping of the features of **Dworkin** to the claim elements of the '078 patent (see Request, pages 121-163, as well as Exhibit CC-C). The Requester's analysis and rationale for rejection of claims 1-6, 10, 11, 16, 22, 25, 30-32, 38, 46-48, 50-52, 69, 71, 72 and 74 is adopted by the examiner and is incorporated by reference, with the following modifications.

The Requester's proposed rejections of claims 7, 12-15, 18, 24, 53, 70 and 73 are not adopted.

Regarding claims 1 and 69 (and their respective dependent claims), the Requestor maps the disclosed database 3, as well as information stored about each user to the claimed 'memory within each of the units of the commodity capable of storing results of the two-way local interaction, the results including elicited information about user perception of the commodity' (see Request, page 125; see also Exhibit CC-C, page 5).

However, **Dworkin** teaches that database 3 contains information about products and/or services, and the vendors who sell them, and that the database is the equivalent of thousands of catalogs of individual suppliers (see col. 3, lines 63-68). Catalog information is not analogous to the claimed 'results of the two-way local interaction, the results including elicited information about user perception of the commodity'.

Furthermore, **Dworkin's** 'information stored about each user' is disclosed as including only information to allow the user to bypass the step of entering a name and address each time an order is placed (see col. 8, lines 20-24). Once again, this type of information is not analogous to the claimed 'results of the two-way local interaction, the results including elicited information about user perception of the commodity'.

Dworkin does disclose, however, the results of the two-way local interaction, the results including elicited information about user perception of the commodity, at col. 10, lines 9-14, whereby the user can communicate with the management of the system to note complaints about the system or to offer suggestions for improvements to the system. The information can be conveyed by electronic mail. In this case, the memory capable of storing the information about user perception of the commodity would be the memory storing the message as the user types it, or alternately be the ubiquitous 'sent mail' mailbox present in contemporary electronic mail applications.

Further regarding claims 1 and 69, the Requestor maps database 3 to the claimed 'component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location' (see Request, pages 126-128; see also Exhibit CC-C, pages 7-8).

However, as discussed above, **Dworkin** teaches that database 3 contains information about products and/or services, and the vendors who sell them, and that the database is the equivalent of thousands of catalogs of individual suppliers (see col. 3, lines 63-68). Catalog information is not analogous to the claimed 'results of the two-way local interaction, the results including elicited information about user perception of the commodity'.

Dworkin does disclose, however, the results of the two-way local interaction, the results including elicited information about user perception of the commodity, at col. 10, lines 9-14, whereby the user can communicate with the management of the system to note complaints about the system or to offer suggestions for improvements to the system. The information can be conveyed by electronic mail. In this case, the electronic mail 'in box' at the management location would anticipate the claimed 'component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location'.

Regarding claims 2 and 3, the Requestor maps the user's selection of any menu item as being the trigger for two-way interactions with the user (see Request, pages 128-131; see also Exhibit CC-C, pages 8-10). The examiner points out that only the user's selection of menu item 8 Communicate With Management will trigger the claimed two-

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way interactions with the user [eliciting information about the user's perception of the commodity].

Regarding claim 7, the claim requires that the results of the interactions are forwarded from the central location to a remote server for analysis. The Requester maps this claim to the disclosed placing of orders with suppliers (see Request, page 134; see also Exhibit CC-C, pages 11-12). However, the claim requires the results of the interaction to be forwarded *from* the central location to a remote server.

While the placement of orders may result in the transmission of information from the central server to remote servers, the information is order information, and not information regarding the user's perception of the unit of the commodity, as required. Furthermore, while **Dworkin** does disclose the ability for the user to submit complaints or suggestions regarding a vendor, which would logically be forwarded to the appropriate vendor's remote server, the claimed information about a user's perception of the unit of the commodity [the ordering system itself] would not be forwarded to a vendor's remote server.

There is no disclosure in **Dworkin** analogous to the forwarding of accumulated interaction information to a remote server for analysis.

The Requester's proposed rejection of claim 7 in view of **Dworkin** is **not adopted**.

Regarding claim 10, this claim requires that the two-way interaction provides instructions on how to use the commodity.

The Requestor maps this claim to the user's use of the Main Menu as providing instructions for use (see Request, page 135; see also Exhibit CC-C, page 12). However, the claimed two-way interaction corresponds only to the user's selection of item 8 of the menu Communicate With Management.

Dworkin does, however, disclose that the communication with management can allow the user to receive help in using the system (see col. 2, lines 42-46).

The disclosure of the use of electronic mail to receive help in using the system anticipates the claimed two-way interaction which provides instructions on how to use the commodity.

Regarding claim 12 (and claims 13 and 14 dependent thereon), the claim requires that two-way interaction comprises posing questions to a user on a television screen concerning use of the commodity, and receiving answers from the user expressed through a keypad or a handheld remote.

The Requestor maps this claim to the display of templates of technical criteria pertaining to selected products (see Request, pages 136-137; see also Exhibit CC-C, pages 13-14). However, this type of exchange does not qualify as 'concerning use of the commodity', as required.

The Requester's proposed rejection of claims 12-14 in view of **Dworkin** is **not adopted**.

Regarding claim 15, the claim requires the two-way interaction to be mediated by a publicly or privately accessible on-line computerized information service.

The Requester maps this claim to the purchasing of goods and services by the user (see Request, pages 139-140; see also Exhibit CC-C, pages 14-15). However, **Dworkin** discloses that the claimed two-way interaction can be embodied by an electronic mailbox (see col. 10, lines 9-17). There is no disclosure of the two-way interaction being 'mediated' in any way, and no disclosure of anything analogous to an on-line computerized information service.

The Requester's proposed rejection of claim 15 in view of **Dworkin** is **not adopted**.

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Regarding claim 18, the claim requires the user interface to present information in hypertext.

The Requester maps this claim to **Dworkin's** disclosure of displaying templates and detailed specifications for a chosen product or service (see Request, page 141; see also Exhibit CC-C, page 16). However, there is no disclosure in **Dworkin** which mentions displaying information in any specific style, and no disclosure of the use of hypertext.

The Requester's proposed rejection of claim 18 in view of **Dworkin** is **not adopted**.

Regarding claim 24, the claim requires the interactions to comprise a transaction for sale of a product or a service contract for the commodity.

The Requester maps the claim to the disclosure of the user's orders for goods or services (see Request, page 143; see also Exhibit CC-C, page 17). However, this disclosure does not refer to the user's interactions regarding the user's perception of the commodity [embodied in **Dworkin** as an electronic mail message], as required by the claim.

The Requester's proposed rejection of claim 24 in view of **Dworkin** is **not adopted**.

Regarding claim 25, the claim requires that the interactions comprise a request for servicing of the commodity by the user.

The Requester maps the claim to **Dworkin's** disclosure of the user's purchase of products or services sold by a variety of vendors or suppliers (see Request, page 144; see also Exhibit CC-C, pages 17-18). However, the user's purchase of goods or services is not accomplished through a user's interactions eliciting the user's perception of the unit of the commodity, and thus this disclosure fails to anticipate the claim.

Dworkin, however, does disclose the user's ability to communicate with management, for instance by offering suggestions to improve the system (see col. 2, lines 42-48; see also col. 10, lines 9-17).

The submission of suggestions for improvement of the system anticipates the claimed 'interactions comprise a request for servicing of the commodity by the user'.

Regarding claim 32, this claim requires the component [for managing the interactions of the users in different locations] to provide access to the collection of interaction results to the vendors of the commodity.

The Requester maps this claim to the forwarding of the user's order to the vendors which will supply the purchased product or service (see Request, pages 146-

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147; see also Exhibit CC-C, page 19). However, information regarding the user's order does not constitute the claimed information elicited from the user regarding the user's perception of the unit of the commodity, and thus this disclosure fails to anticipate the claim.

Dworkin, however, does disclose the submission of the user's elicited information regarding the user's perception of the commodity, through the use of an electronic mail message transmitted to the system manager [the vendor of the commodity] (see col. 10, lines 9-17).

The compilation of interaction data from users at various locations in the electronic mailbox of management (the vendors of the commodity) anticipates the claimed 'component [for managing the interactions of the users in different locations] to provide access to the collection of interaction results to the vendors of the commodity'.

Regarding claim 50, the examiner notes that using the unit of the commodity as a demonstration unit does not place any further limits on the claimed invention; any system (unit of a commodity) disclosed could be used as a demonstration unit with no changes to functionality or use.

Regarding claim 53, the claim requires the component further managing a collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.

The Requestor maps this limitation to the user's selection of menu items in searching for desired products or services (see Request, pages 153-154; see also Exhibit CC-C, pages 22-23). However, the user's selection of menu items for performing a search is not information about a trigger event that initiated an interaction regarding a user's perception of the commodity, as required.

Dworkin does disclose the user's ability to submit complaints or suggestions regarding the system (see col. 10, lines 9-17), and the transmission of this information to the electronic mailbox of management.

However, there is no disclosure in **Dworkin** which is analogous to the claimed management of information about a trigger event that initiated each respective interaction.

The Requester's proposed rejection of claim 53 in view of **Dworkin** is **not adopted**.

Regarding claim 70, this claim requires that the users of the commodities are enabled to access the received information [at the remote database].

The Requester maps this claim to the selection of menu items by the users, and the ability to enter specification information for a search and receiving the search results (see Request, pages 160-161; see also Exhibit CC-C, page 29).

However, the claimed 'received information' is the information from the user regarding the user's perception of the unit of the commodity, received at the remote server and stored in a remote database. There is no disclosure in **Dworkin** which is analogous to providing the users access to the information received and stored at the remote database.

The Requester's proposed rejection of claim 70 in view of **Dworkin** is **not adopted**.

Regarding claims 71 and 72, the Requester maps the received information to the user's orders for products or services (see Request, pages 161-162; see also Exhibit CC-C, page 30). However, the user's information in ordering products or services does not constitute the claimed information elicited from the user regarding the user's perception of the unit of the commodity, and so this disclosure fails to anticipate the claims.

Dworkin, however, does disclose the submission of the user's elicited information regarding the user's perception of the commodity, through the use of an

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electronic mail message transmitted to the system manager [the vendor of the commodity] (see col. 10, lines 9-17).

The transmission of this data to the electronic mailbox of management [the third party vendor of the commodity] anticipates the claimed enabling of third party vendors to access the received information.

Regarding claim 73, this claim requires the further step of making a design change using the received information, or marketing the commodity using the received information.

The Requester maps the claim to the submission of a user's suggestions for improvement of the system (see Request, pages 162-163; see also Exhibit CC-C, pages 30-31). However, there is no disclosure in **Dworkin** which is analogous to the claimed use of received information for product redesign or marketing.

The Requester's proposed rejection of claim 73 in view of **Dworkin** is not adopted.

Claims 1-6, 10, 16, 22, 24, 25, 30-32, 38, 46-48, 50-53, 69 and 71-74 are anticipated under 35 U.S.C. § 102(e) by **Manduley**.

The Third Party Requester has provided a detailed analysis and mapping of the features of **Manduley** to the claim elements of the '078 patent (see Request, pages 76-120, as well as Exhibit CC-E). The Requester's analysis and rationale for rejection of claims 1-6, 10, 16, 22, 24, 25, 30-32, 38, 46-48, 50-53, 69 and 71-74 is adopted by the examiner and is incorporated by reference, with the following modifications.

The Requester's proposed rejections of claims 7, 15, 18 and 70 are **not adopted**.

Regarding claims 1 and 69 (and their respective dependent claims), the Requester maps the data center receiving request codes from users or devices (see col. 7, lines 40-45) to the claimed 'component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location' [claim 1] and the claimed 'collecting and storing the received information at the remote database' [claim 69] (see Request, pages 207-212; see also Exhibit CC-E, pages 1-7 and 21-24).

The examiner additionally points out **Manduley's** disclosure of the maintenance of customer files which store information regarding a customer and which features are activated on the customer's device (see col. 7, line 61 through col. 8, line 35).

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Regarding claim 7, the claim requires that the results of the interactions are forwarded from the central location to a remote server for analysis. The Requester maps this claim to the disclosed data center (see Request, page 218; see also Exhibit CC-E, page 10). However, the claim requires the results of the interaction to be forwarded *from* the central location to a remote server.

There is no disclosure in **Manduley** analogous to the forwarding of accumulated interaction information to a remote server for analysis.

The Requester's proposed rejection of claim 7 in view of **Manduley** is **not adopted**.

Regarding claim 15, the claim requires the two-way interaction to be mediated by a publicly or privately accessible on-line computerized information service.

The Requester maps this claim to the AddressRight and STAR 200 parcel manifest systems (see Request, pages 219-220; see also Exhibit CC-E, page 11). However, the disclosed systems, while perhaps qualifying as information services, seem to operate completely independent of the two-way interaction eliciting information regarding the user's perception of the unit of the commodity.

The Requester's proposed rejection of claim 15 in view of **Manduley** is **not adopted**.

Regarding claim 18, the claim requires the user interface to present information in hypertext.

The Requester maps this claim to **Manduley's** disclosure of displaying menu items (see Request, page 222; see also Exhibit CC-E, page 12). However, there is no disclosure in **Manduley** which mentions displaying information in any specific style, and no disclosure of the use of hypertext.

The Requester's proposed rejection of claim 18 in view of **Manduley** is **not adopted**.

Regarding claim 46, the claim requires that the two-way local interaction enables the user to request help or support.

The examiner notes that similar to claim 25 (the two-way local interaction comprises a request for servicing of the commodity), the disclosed request by the user for activation of an application or feature (see col. 5, lines 7-8 et seq.) would also qualify as a request for help or support.

Regarding claim 47, this claim requires that the information [about the user's perception of the commodity] relates to perception of a problem relating to use of the commodity.

The examiner notes that the disclosed request by the user for activation of an application or feature (see col. 5, lines 7-8 et seq.) would also qualify as information about the user's perception of the commodity related to perception of a problem relating to use of the commodity; the problem being that desired functionality (the application or feature) has not been enabled.

Regarding claim 48, this claim requires that the two-way local interaction [about the user's perception of the commodity] includes suggestions of the user to solve the problem.

The examiner notes that the disclosed request by the user for activation of an application or feature (see col. 5, lines 7-8 et seq.) would also qualify as suggestions of the user to solve the problem, through the selection of a specific application or feature whose activation would solve the perceived problem relating to the use of the commodity.

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Regarding claim 50, the examiner notes that using the unit of the commodity as a demonstration unit does not place any further limits on the claimed invention; any data processing device (unit of a commodity) disclosed could be used as a demonstration unit with no changes to functionality or use.

Regarding claim 53, this claim requires that the component [for collecting results of interactions at a central location] also manages collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.

The examiner notes that the disclosed customer file, storing information about which applications and features have been activated for a given customer (see col. 7, line 61 through col. 8, line 35) would qualify as the claimed component which manages collection of the results of the interactions along with information about a trigger event that initiated each respective interaction, the trigger event being the customer's request for activation of a specific application or feature.

Regarding claim 70, this claim requires that the users of the commodities are enabled to access the received information [at the remote database].

The Requester maps this claim to the display to the user of the integrated request code, and the display of information advising the user as to how to request activation of an application or feature (see Request, page 239; see also Exhibit CC-E, pages 24-25).

However, the claimed 'received information' is the information from the user regarding the user's perception of the unit of the commodity, received at the remote server and stored in a remote database (the customer's file, col. 7, line 61 through col. 8, line 35). There is no disclosure in **Manduley** which is analogous to providing the users access to the information received and stored at the remote database.

The Requester's proposed rejection of claim 70 in view of **Manduley** is **not adopted**.

Regarding claim 73, this claim requires the further step of making a design change using the received information, or marketing the commodity using the received information.

The Requester maps the claim to the disclosed submission of request codes by the user to the data center (see Request, pages 241-242; see also Exhibit CC-E, page 26). The examiner notes additionally the disclosure that based upon information received regarding users' perception of the unit of the commodity (the requests for activation of applications or features), the system determines if there are any alternative or

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compatible functions that have not been activated, but are available, and if so, displays a suggestion to the user that there are one or more unactivated functions available on the device, a listing of said unactivated functions, and a description of the advantages of those unactivated functions (see col. 10, line 37 through col. 11, line 5; see also drawing Figure 5).

The display of suggestions of potentially desirable but not yet activated features to the user (the claimed marketing of the commodity) based upon the received information (the users' requests to activate specific applications or features) anticipates the claimed 'making a design change using the received information, or marketing the commodity using the received information'.

Claim Rejections - 35 USC § 103

Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dworkin**.

Regarding claim 73, **Dworkin** teaches a system wherein the user can provide suggestions for improvements of the system to the management (see col. 10, lines 9-17).

While **Dworkin** does not explicitly teach the suggestions being used by management to implement a design change, using submitted user suggestions for the

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purposes of implementing design changes to the system would be the only reason to accept such suggestions from the users.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Claim 7

Regarding claim 7, the claim requires that the results of the interactions are forwarded from the central location to a remote server for analysis.

The Requester maps this claim to **Kravette's** transmission of information entered into the system by the service person to the central station (see Request, pages 92-93; see also Exhibit CC-B, pages 15-16). Previously, with regard to claim 1, **Kravette's** central station was mapped to the claimed 'central location'. However, the claim requires the results of the interaction to be forwarded *from* the central location (**Kravette's** central station) to a remote server. There is no disclosure in **Kravette** analogous to the claimed 'remote server', nor a forwarding of accumulated interaction information to said remote server for analysis.

The Requester also maps claim 7 to **Dworkin's** disclosed placing of orders with suppliers (see Request, page 134; see also Exhibit CC-C, pages 11-12). However, the claim requires the results of the interaction to be forwarded *from* the central location to a remote server.

While the placement of orders may result in the transmission of information from the central server to remote servers, the information is order information, and not information regarding the user's perception of the unit *of the commodity*, as required. Furthermore, while **Dworkin** does disclose the ability for the user to submit complaints or suggestions regarding a vendor, which would logically be forwarded to the appropriate vendor's remote server, the claimed information about a user's perception of the unit of the commodity [the ordering system itself] would not be forwarded to a vendor's remote server.

There is no disclosure in **Dworkin** analogous to the forwarding of accumulated interaction information to a remote server for analysis.

The Requester also maps claim 7 to **Manduley's** disclosed data center (see Request, page 218; see also Exhibit CC-E, page 10). However, the claim requires the results of the interaction to be forwarded *from* the central location to a remote server.

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There is no disclosure in **Manduley** analogous to the forwarding of accumulated interaction information to a remote server for analysis.

Claims 12-14

Regarding claim 12 (and claims 13 and 14 dependent thereon), the claim requires that two-way interaction comprises posing questions to a user on a television screen concerning use of the commodity, and receiving answers from the user expressed through a keypad or a handheld remote.

The Requestor maps this claim to **Dworkin's** display of templates of technical criteria pertaining to selected products (see Request, pages 136-137; see also Exhibit CC-C, pages 13-14). However, this type of exchange does not qualify as 'questions...concerning use of the commodity', as required.

Claim 15

Regarding claim 15, the claim requires the two-way interaction to be mediated by a publicly or privately accessible on-line computerized information service.

The Requester maps this claim to **Kravette's** transmission of diagnostic information, preventative maintenance information and end of service contract information to the billing computer (see Request, page 94; see also Exhibit CC-B, pages

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16-17). However, **Kravette** discloses only a telephone connection between the modems of the copier and the billing computer at the central station (see drawing Figures 1, 2, 3 and 4 et seq.).

There is no disclosure of the two-way interaction being 'mediated' in any way, and no disclosure of anything analogous to an on-line computerized information service.

The Requester also maps claim 15 to **Dworkin's** purchasing of goods and services by the user (see Request, pages 139-140; see also Exhibit CC-C, pages 14-15). However, **Dworkin** discloses only that the claimed two-way interaction can be embodied by an electronic mailbox (see col. 10, lines 9-17).

The Requester also maps claim 15 to **Manduley's** AddressRight and STAR 200 parcel manifest systems (see Request, pages 219-220; see also Exhibit CC-E, page 11). However, the disclosed systems, while perhaps qualifying as information services, seem to operate completely independent of the two-way interaction eliciting information regarding the user's perception of the unit of the commodity.

There is no disclosure of the two-way interaction being 'mediated' in any way.

Claim 18

Regarding claim 18, the claim requires the user interface to present information in hypertext.

The Requester maps this claim to **Kravette's** disclosure of displaying messages to the service provider on the LED or LCD display of the portable hand held input/output device 34 (see Request, pages 95-96; see also Exhibit CC-B, pages 17-18). However, there is no disclosure in **Kravette** which mentions displaying information in any specific style, and no disclosure of the use of hypertext.

The Requester also maps claim 18 to **Dworkin's** disclosure of displaying templates and detailed specifications for a chosen product or service (see Request, page 141; see also Exhibit CC-C, page 16). However, there is no disclosure in **Dworkin** which mentions displaying information in any specific style, and no disclosure of the use of hypertext.

The Requester also maps claim 18 to **Manduley's** disclosure of displaying menu items (see Request, page 222; see also Exhibit CC-E, page 12). However, there is no disclosure in **Manduley** which mentions displaying information in any specific style, and no disclosure of the use of hypertext.

Claim 70

Regarding claim 70, this claim requires that the users of the commodities are enabled to access the received information [at the remote database].

The Requester maps this claim to **Kravette's** disclosure of the ability of the service person to retrieve diagnostic and maintenance information (see Request, page 116; see also Exhibit CC-B, page 33).

However, the claimed 'received information' is the information from the user regarding the user's perception of the unit of the commodity, received at the remote server and stored in a remote database. There is no disclosure in **Kravette** which is analogous to providing the users to the information received and stored at the remote database.

Kravette's citation that the service person's ability to retrieve diagnostic and maintenance information as being 'particularly useful where communication with the central station is disrupted' further emphasizes the fact that this must be a retrieval of data from the local system, and is not a retrieval of the received information from the remote database.

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The Requester also maps claim 70 to **Dworkin's** selection of menu items by the users, and the ability to enter specification information for a search and receiving the search results (see Request, pages 160-161; see also Exhibit CC-C, page 29).

However, the claimed 'received information' is the information from the user regarding the user's perception of the unit of the commodity, received at the remote server and stored in a remote database. There is no disclosure in **Dworkin** which is analogous to providing the users access to the information received and stored at the remote database.

The Requester also maps claim 70 to the display to the user of the integrated request code, and the display of information advising the user as to how to request activation of an application or feature (see Request, page 239; see also Exhibit CC-E, pages 24-25).

However, the claimed 'received information' is the information from the user regarding the user's perception of the unit of the commodity, received at the remote server and stored in a remote database (the customer's file, col. 7, line 61 through col. 8, line 35). There is no disclosure in **Manduley** which is analogous to providing the users access to the information received and stored at the remote database.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Conclusion

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 7,222,078 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2686 and 2686.04.

The Patent Owner is reminded that any proposed amendment to the specification and/or claims in the reexamination proceeding must comply with the provisions of 37 C.F.R. § 1.530(d)-(j), must be formally presented pursuant to 37 C.F.R. § 1.52(a) and (b), and must include any fees required by 37 C.F.R. § 1.20(c). See MPEP §

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2250(IV) for examples to assist in the preparation of proper amendments in reexamination proceedings.

In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be an Action Closing Prosecution (ACP), will be governed by 37 CFR 1.116(b) and (d), which will be strictly enforced.

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All correspondence relating to this *inter partes* reexamination proceeding should be directed:

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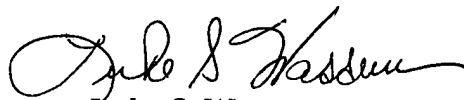
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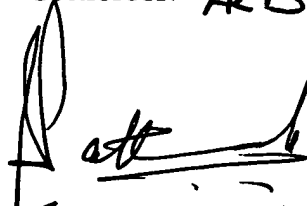
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Any inquiry concerning this communication should be directed to the Central
Reexamination Unit at telephone number 571-272-7705.



Luke S. Wassum
Primary Examiner
Art Unit 3992

Conferees: **AKB**



SUDHANSHU C. PATNIAK
SPE, 3992

lsw
26 September 2011