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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,538	11/02/2001	Daniel Nissanoff	2637/1F581-US2	4656

7590 04/06/2005  
Darby & Darby  
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New York, NY 10022-7513

EXAMINER

MCCLELLAN, JAMES S

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/06/2005

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

# Office Action Summary

Application No.

09/869,538

Applicant(s)

NISSANOFF ET AL.

Examiner

James S McClellan

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

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 23 December 2004.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) \_\_\_\_\_ is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/27/01.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Request for Reconsideration*

1. Applicant's submittal of a request for reconsideration on 12/23/04 was entered, wherein: claims 1-30 are pending.

### *Claim Rejections - 35 USC § 103*

2. 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:

(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.

3. Claims 1-3 and 5-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,263,317 (hereinafter "Sharp") in view of U.S. Patent No. 5,970,475 (hereinafter "Barnes et al.").

Regarding **claim 1**, Sharp discloses a method for matching a host-selected vendor to a customer via the Internet without disrupting existing relationships between the customer and its vendors (see column 1, lines 50-54), comprising the steps of: obtaining a request from the customer (see column 3, lines 6-20); obtaining relationship data (see column 3, lines 20-39); conveying the request to the selected vendors (see column 4, lines 12-17); and conveying the request to the host-approved vendor only upon a prescribed condition (see column 5, lines 50-55); **[claim 2]** reporting to the customer responses to the request (see column 4, lines 8-11); **[claim 3]** the host-approved vendor is one of the host Web site and a third-party vendor (see column 3,

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lines 25-29); **[claim 5]** obtaining a product or service selection from the customer (see column 3, lines 16-20) and obtaining one or more vendor selections for said product or service from the customer (see column 3, lines 16-20; see column 5, lines 55-61); **[claim 6]** convey request to vendors via e-mail, fax, or telephone (see column 4, lines 15-17); **[claim 7]** the response is reported to the customer via e-mail (see column 3, lines 8-11); **[claim 8]** relationship data is maintained by the host web site (see column 3, lines 45-60); **[claim 9]** the host Web site maintains a catalog of information to satisfy the request (see column 3, lines 45-60); **[claims 10, 12, and 14]** the step of conveying the request to a host-approved vendor is performed automatically (see column 4, lines 12-28); **[claim 11]** the prescribed condition is that no single one of the customer-selected vendors can fully satisfy the order (see column 5, lines 38-43); and **[claim 13]** the prescribed condition is that the customer-selected vendors collectively cannot fully satisfy the order (see column 5, lines 38-43).

Regarding **claim 15**, Sharp discloses a method of facilitating e-commerce as set forth above in detail for claims 1-3 and 5-14, and further including recognizing the communication format of the vendor and delivering request information via the vendor selected format (see column 4, lines 12-17).

Regarding **claim 24**, Sharp discloses a method for providing customer with responses that satisfy a request as set forth above in detail for claims 1-3 and 5-14.

Sharp fails to explicitly disclose vendors selected by the customer.

Barnes et al. teaches the use of customers pre-selecting vendors (see column 3, lines 28-38) to form a relationship.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sharp with customer selected vendors as taught by Barnes et al., because it is advantageous for customers and vendors to establish relationships in the same manner as manufacturer/vendor relationships, in order to build strong business alliances.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp in view of Barnes as applied to claims 1-3 and 5-30 above, and further in view of Official Notice.

Sharp in combination with Barnes fail to explicitly disclose a customer request and a vendor response being a quote.

The Examiner takes Official Notice that is well-known in the art of electronic commerce for customer to request quotes and for vendors to respond with quotes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sharp with request for quotes as is well-known in the art, because quotes are reasonable requests by customers during a procurement process.

#### ***Response to Arguments***

5. Applicant's arguments filed December 23, 2004 have been fully considered but they are not fully persuasive.

All arguments are moot in view of the new grounds for rejection.

The Examiner has attached a copy of the PTO-1449 mailed on 6/27/01 to this Office Action.

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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

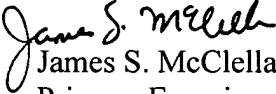
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

(703) 872-9306 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Primary Examiner  
A.U. 3627

jsm  
March 30, 2005