

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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***Ex parte*** PAUL H. COSSETTE

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Appeal No. 2002-1308  
Application No. 09/161,787

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ON BRIEF

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Before RUGGIERO, GROSS, and BLANKENSHIP, ***Administrative Patent Judges.***

GROSS, ***Administrative Patent Judge.***

***DECISION ON APPEAL***

This is a decision on appeal from the examiner's final rejection of claims 1 through 20, which are all of the claims pending in this application.

Appellant's invention relates to a computerized method for establishing a loan participation network between a plurality of network members. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A computerized method for establishing a loan participation network between a plurality of network members, said method comprising the steps of:

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establishing a loan participation database containing member data pertaining to each of said plurality of network members and loan criteria data specified by each of said plurality of network members;

receiving a loan participation offer from an offering network member, said loan participation offer including offering network member data and loan participation data pertaining to a loan opportunity;

searching said loan participation database in response to said loan participation offer for matching loan criteria data matching at least a portion of said requested loan data, and obtaining matching member data for at least one matching network member associated with said matching loan criteria data;

providing said matching member data for each said matching network member to said offering network member;

receiving a selection of at least one selected matching network member from said offering network member;

providing a loan participation offer to each said selected matching network member in response to said selection of each said selected matching network member;

receiving a response from at least one interested selected matching member;

providing interested network member data pertaining to each said interested selected matching member to said offering network member in response to said response from each said interested selected matching member.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Mark Tebbe, "If bankers can use the internet to make big bucks, why can't you?," InfoWorld, vol. 19, no. 39 (September 29, 1997), p. 152. (Tebbe)

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"IntraLinks, Inc. Begins European Rollout of Its Proven Electronic Solution For Loan Syndication," Press release retrieved from the Internet <URL: <http://www.intralinks.com/pressrel/europe.htm>>, article dated October 8, 1997. (IntraLinks)

Omri Ben-Amos, "Intralinks Introduces Service for Monitoring Loans," American Banker (January 8, 1998), page 11. (Ben-Amos)

"Today's News," American Banker, vol. 163, no. 87 (May 8, 1998), p. 1. (Today's News)

"Global Industry: Extranets--still unproven," EIU ViewsWire (May 19, 1998). (Global)

Gregory Dalton, "Acceptable Risks," Information Week (August 31, 1998), p. 36-48. (Dalton)

Kevin Maney, "Iridium the first virtual nation," USA Today, Final Edition, Money Section (September 17, 1998), p. 02B. (Maney)

Barry Critchley, "Atlantis deal is a cyber-syndication," Financial Post Daily, vol. 11(137) (September 30, 1998), p. 5. (Critchley)

"Electronic Commerce: PNC Using Lotus Notes for Wide Range of Tasks," American Banker, vol. 163, no. 238 (December 15, 1998), p. 16. (Electronic)

Mel Duvall, "IntraLinks Builds Up Accounts," Inter@ctive Week, vol. 6, no. 24 (June 14, 1999), p. 41. (Duvall)

Claims 1 through 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over IntraLinks' IntraLoan™ loan syndication service, as disclosed in Tebbe, IntraLinks, Ben-Amos, Today's News, Global, Dalton, Maney, Critchley, Electronic, and Duvall.

Reference is made to the Examiner's Answer (Paper No. 10, mailed September 18, 2001) for the examiner's complete reasoning

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in support of the rejection, and to appellant's Brief (Paper No. 9, filed August 29, 2001) for appellant's arguments thereagainst.

#### **OPINION**

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 20 substantially for the reasons given by appellant at pages 7-25 of the Brief, as amplified *infra*.

The examiner asserts (Answer, pages 4-7) that Tebbe discloses all of the steps of claim 1 except the last step of providing interested network member data pertaining to each said interested selected matching member to the offering network member. The examiner contends that IntraLinks discloses that last step. Then the examiner states (Answer, page 8) that IntraLinks' IntraLoan™ "does not explicitly disclose the capabilities to search a loan participation database in response to a loan participation offer for matching loan criteria data matching at least a portion of said requested loan data." Further, the examiner asserts, that "there is no explicit search for participants willing to accept loans based on details beyond

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the fact that the loan is a syndicated one." Nonetheless, the examiner contends that "streamlining the loan process as much as possible would be desirable," and "it is old and well-known in the art to search and filter candidates based on a user's desired conditions in order to save time that would otherwise be spent sifting through impertinent information." The examiner asserts (Answer, pages 8-9) that

it would have been obvious . . . to store loan participant information regarding loan criteria data . . . which can be searched to filter out matching lender candidates in order to reduce the time that would otherwise be wasted on communicating with lenders who are not likely to be interested in a particular loan deal.

Like appellant, we find Tebbe as well as the other articles relied upon, lacks any disclosure of all but the last three steps of claims 1 and 10. A factual inquiry whether to modify a reference must be based on objective evidence of record, not merely conclusionary statements of the examiner. ***See In re Lee***, 277 F.3d 1338, 1342-43, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). The examiner's explanation, however, as to why some of the missing steps would have been obvious is merely conclusionary and devoid of any evidentiary support. Accordingly, we cannot sustain the obviousness rejection of claims 1 and 10 and their dependents, claims 2 through 9 and 11 through 15. Further, since

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independent claims 16 and 20 are systems which correspond to the method steps of claims 1 and 10, we cannot sustain the obviousness rejection of claims 16, 20, and their dependents, claims 17 through 19.

**CONCLUSION**

The decision of the examiner rejecting claims 1 through 20 under 35 U.S.C. § 103 is reversed.

**REVERSED**

JOSEPH F. RUGGIERO	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
ANITA PELLMAN GROSS	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
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	)	
HOWARD B. BLANKENSHIP	)	
Administrative Patent Judge	)	

APG/vsh

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