

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.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. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte EIMAR M. BOESJES

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Appeal No. 2003-0108  
Application No. 09/123,778

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ON BRIEF

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Before THOMAS, HAIRSTON, and KRASS, Administrative Patent Judges.  
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This appeal involves claims 55 through 78.

The disclosed invention relates to a central storage area for digitally transferable goods from multiple providers, and to the download of purchased digital goods from the central storage area to a shopper.

Claim 55 is illustrative of the claimed invention, and it reads as follows:

55. A method of conducting a commercial transaction that includes a transfer of digitally transferable goods from a provider to a shopper through a globally accessible computer network, comprising:

providing in the globally accessible computer network a storage and distribution region for storage of an inventory of digitally transferable goods, the storage and distribution region including multiple provider areas assigned to corresponding multiple remotely located providers for storage of digitally transferable goods uploaded by the multiple remotely located providers;

establishing common administrative control of uploading of digitally transferable goods from any of the multiple remotely located providers to the corresponding assigned provider area;

establishing in response to a request by any of the multiple remotely located providers and in operative association with the common administrative control a digitally transferable goods transfer communication link within the globally accessible computer network, the goods transfer communication link providing a pathway by which the remotely located provider can upload a set of digitally transferable goods to and store the set of digitally transferable goods in the corresponding assigned provider area of the storage and distribution region;

establishing within the globally accessible computer network a network connection to the storage and distribution system in response to a request by a shopper for product information about a member item of the set of digitally transferable goods uploaded by one or more of the multiple remotely located providers;

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causing in response to a purchase order made by the shopper a transfer of an ordered member item of the set of digitally transferable goods by downloading to the shopper the ordered member item by way of the globally accessible computer network from the storage and distribution region; and

providing for the remotely located provider whose member item was ordered and transferred an accounting record of the transfer of the ordered member item.

The references relied on by the examiner are:

Sirbu et al. (Sirbu)	5,809,144	Sep. 15, 1998 (filed Aug. 24, 1995)
Chen	5,978,775	Nov. 2, 1999 (effective filing date Dec. 8, 1993)

Claims 55 through 78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Sirbu.

Reference is made to the briefs (paper numbers 19 and 21) and the answer (paper number 20) for the respective positions of the appellant and the examiner.

#### OPINION

For all of the reasons expressed by the appellant in the briefs, and for the additional reasons set forth infra, the obviousness rejection of claims 55 through 78 is reversed.

The examiner contends (answer, page 8) that the entries in the configuration file in Chen (column 13, lines 39 through 42) "are analogous to the 'inventory of digitally transferable goods'" in the claimed storage and distribution region.

Chen clearly explains (column 3, lines 39 through 44) that the configuration files 250 and 350 are for "storing specifications on accessing the information that is available through the information distribution system from the plurality of information suppliers **10, 20, 30.**" Chen further explains (column 10, lines 17 through 23) that "[r]egardless of whether the configuration files **250, 350** reside locally in the memory of customer terminal **50**, or are stored centrally in a central catalog system **60**, any further processing requires interaction between the customer terminal **50** and the supplier terminal **15, 25, 35** of the information supplier **10, 20, 30** that provides the selected information item." In other words, "the supplier terminal **15** will transmit the selected information item to customer terminal **50**" (column 12, lines 2 through 4). Thus, the referenced portion of Chen<sup>1</sup> is directed to the cataloging of

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<sup>1</sup> We note in passing that the admitted prior art in Chen (column 1, lines 32 through 55) discloses a computerized bulletin board system (BBS) that includes a listing of information as well

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descriptions of information items in the configuration file, and not to information items per se. Any items described in Chen's configuration file must be purchased directly from suppliers 10, 20 and 30, and not from the configuration file.

In summary, the obviousness rejection of claims 55 through 78 is reversed because "neither reference discloses or suggests upload of digital goods from multiple providers . . . and storage of those goods in a centrally administered storage and distribution region of a global computer network, or download of purchased digital goods of multiple providers from the centrally administered storage and distribution region" (reply brief, page 5).

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as the information per se. Chen does not disclose that the BBS has an inventory of information items from a plurality of providers.

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DECISION

The decision of the examiner rejecting claims 55 through 78 under 35 U.S.C. § 103(a) is reversed.

REVERSED

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
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	)	
	)	
	)	
KENNETH W. HAIRSTON	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
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	)	
ERROL A. KRASS	)	
Administrative Patent Judge	)	

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