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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN B. SOLOMON,
KENNETH R. JOHNSEN, ANDREW F. ADAMS,
JULI C. SPOTTISWOOD, JACK W. DOXEY,
MICHAEL D. REYNOLDS, KELLY R. MELVIN,
MASON WRIGHT and BARBARA A. MINOR

Appeal No. 2006-0083
Application 09/470,580

ON BRIEF

Before HAIRSTON, OWENS, and NAPPI, *Administrative Patent Judges.*

OWENS, *Administrative Patent Judge.*

DECISION ON APPEAL

This appeal is from a rejection of claims 1, 3, 4, 6-11, 13, 14, 16-31 and 33-38. Claims 2, 5, 12, 15 and 32 have been canceled.

THE INVENTION

The appellants claim a computer based interface, method and processor for processing a rebate. Claims 1 and 21 are illustrative:

1. A computer-based interface for facilitating rebate processing, the interface operable to:

display a plurality of product identifiers using the computer-based interface, wherein each of the product identifiers is associated with a product bearing a rebate;

receive purchase information from a user, wherein the purchase information identifies a purchased product associated with a selected one of the product identifiers;

receive a rebate request for a rebate on the purchased product, the rebate request having an associated rebate transaction identifier assigned by a remote rebate processing center;

retrieve status information for the rebate request from the remote rebate processing center using the rebate transaction identifier;

display the status information;

receive authorization of the rebate request;

display rebate information retrieved from the remote rebate processing center, the rebate information comprising at least two disbursement options determined based on the purchase information, a first one of the disbursement options having a first cash value to a recipient and a second one of the disbursement options having a second cash value to a recipient, the first cash value different than the second cash value; and

receive a selection of the disbursement options.

21. A rebate processor, comprising:

a memory operable to store a promotion comprising at least two disbursement options, a first one of the disbursement options having a first cash value to a recipient and a second one of the disbursement options having a second cash value to a recipient, the first cash value different than the second cash value; and

a processor, operable to:

receive a rebate request from a user;

assign a rebate transaction identifier to the rebate request;

communicate the rebate transaction identifier to the user;

match the rebate request to the promotion;

communicate an authorization of the rebate request, wherein the authorization comprises the disbursement options; and

receive a selection of the disbursement options.

THE REFERENCES

Small	5,791,991	Aug. 11, 1998
Finsterwald	6,039,244	Mar. 21, 2000 (filed Jan. 13, 1997)
Walker et al. (Walker)	6,330,544	Dec. 11, 2001 (effective filing date May 19, 1997)
Solomon et al. (Solomon)	6,847,935	Jan. 25, 2005

THE REJECTION

Claims 1, 3, 4, 6-11, 13, 14, 16-31 and 33-38 stand rejected as follows: under the judicially created doctrine of obviousness-type double patenting over claims 1-32 of Solomon[1] and under 35 U.S.C.

[1] Because patent application no. 09/470,588, over which the claims were provisionally rejected, has issued as the Solomon patent, we treat the rejection as being an obviousness-type double patenting rejection over the issued patent.

§ 103 as being unpatentable over Small in view of Walker and Finsterwald.

OPINION

We affirm the obviousness-type double patenting rejection and reverse the rejection under 35 U.S.C. § 103.

Obviousness-type double patenting rejection

The appellants do not challenge the obviousness-type double patenting rejection but, rather, state that they will file a terminal disclaimer if appropriate and necessary (reply brief, page 2). Accordingly, we summarily affirm that rejection.

Rejection under 35 U.S.C. § 103

Claims 1, 11 and 31

The appellants' independent claims 1, 11 and 31 require retrieving status information for a rebate request from a remote rebate processing center using a rebate transaction identifier assigned by the remote rebate processing center.

Small discloses an interactive match game and teaches that regardless of whether there is a winning combination, the consumer playing the game is prompted by a computer to select products from categories for which discount coupons and/or rebate information is desired (col. 1, lines 7-16; col. 7, lines 51-54). The computer sends data to the consumer's computer that allows it to print or

store rebate offers (col. 7, lines 55-63). By mail or electronically using a scanner, the consumer submits a personalized form and proofs of purchase for some or all of the selected products to a fulfillment center for rebate processing (col. 8, lines 19-24).

Walker discloses a redemption voucher system wherein a redemption voucher identifier is an alias number that resembles a credit card account number and corresponds and links or maps to a credit card holder' account number (col. 8, lines 22-27). The redemption voucher is processed as a credit card transaction and, therefore, can be tendered and redeemed anywhere the credit card issuer's cards are accepted (col. 8, lines 27-30).

Finsterwald discloses a method for building up a data bank for the organization of a rebate or coupon system (col. 1, lines 7-10). Products to be sold to consumers or records handed out to consumers on the purchase of products or services are provided with an individual code that is transmitted by the consumer after the purchase of a product or service, together with data characterizing the consumer, to a data collecting station that stores the data (col. 1, lines 42-51). By submitting the codes the consumer collects points that can be cashed in for a reward (col. 9, lines 62-67). When the consumer wishes to learn the state of the point

account or to trade the collected points for a reward, the consumer contacts the data collecting station (col. 10, lines 21-25).

The examiner argues that Walker discloses maintaining a status field in a database to indicate the status of a rebate, and Finsterwald displays the status of a rebate to a user (answer, page 7). Thus, the examiner argues, "it would have been obvious to one having ordinary skill in the art at the time the invention was made to notify the customer in Small of the current status of the rebate request, such as approved, denied, processing, etc. One would have been motivated to notify the customer of the status of the rebate in order to provide better customer service and to enable the customer to provide additional information if needed." *See id*. Walker's status field shows the status of a redemption voucher, not a rebate request (col. 13, lines 6-13), and Finsterwald shows the status of a point account (col. 10, lines 21-25). The examiner does not explain how these disclosures would have fairly suggested, to one of ordinary skill in the art, retrieving status information for a rebate request from a remote rebate processing center using a rebate transaction identifier assigned by the remote rebate processing center.

The examiner argues that "it is common in a wide variety of applications to maintain, retrieve, and display status information

about business transactions from tracking information in package delivery systems to loan status information in loan processing systems to purchase order status information in purchasing systems, etc." (answer, page 11). Even if that is correct, the examiner does not explain how that practice, together with the applied references, would have led one of ordinary skill in the art to retrieve status information for a rebate request from a remote rebate processing center using a rebate transaction identifier assigned by the remote rebate processing center.

We therefore conclude that the examiner has not carried the burden of establishing a *prima facie* case of obviousness of the inventions claimed in the appellants' independent claims 1, 11 and 31. Accordingly, we reverse the rejection under 35 U.S.C. § 103 of those claims and their dependent claims 3, 4, 6-10, 13, 14, 16-20 and 33-38.

Claim 21

The appellants' independent claim 21 requires a processor operable to assign a rebate transaction identifier to a rebate request and to communicate the rebate transaction identifier to a user from whom the rebate request is received.

The examiner argues that Small's proof of purchase is a transaction identifier (answer, page 5). Even if that is correct,

the examiner has not explained how Small would have fairly suggested, to one of ordinary skill in the art, a processor operable to assign the proof of purchase to a rebate request and to communicate the proof of purchase to a user from whom the rebate request is received. Consequently, we reverse the rejection of claim 21 and its dependent claims 22-30.

DECISION

The rejection of claims 1, 3, 4, 6-11, 13, 14, 16-31 and 33-38 under the judicially created doctrine of obviousness-type double patenting over claims 1-32 of Solomon is affirmed. The rejection of claims 1, 3, 4, 6-11, 13, 14, 16-31 and 33-38 under 35 U.S.C. § 103 over Small in view of Walker and Finsterwald is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.36(a)(iv) (effective Sept. 13, 2004; 69 Fed. Reg. 49960 (Aug. 12, 2004); 1286 Off. Gaz. Pat. Office 21 (Sept, 7, 2004)).

AFFIRMED

Kenneth W. Hairston Administrative Patent Judge	)	
Terry J. Owens Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
Robert Nappi Administrative Patent Judge	)	

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