

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

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANITA L. FREEMAN, EDWARD G. RICHARDSON,
GIOVANNI DI SIMONE and LUIS A. VIRIATO

Appeal No. 2006-1155
Application No. 09/281,628

ON BRIEF

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

NAPPI, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final rejection of claims 1, 5 through 13, 16 through 21, 23 through 29, and 31 through 36. For the reasons stated *infra* we affirm in part the examiner's rejection of these claims.

Invention

The invention relates to a system, which manages call resources sold to customers, such as Internet service providers. See pages 2 and 4 of appellants' specification. The customer then makes the call resources available to users or callers. The server of the resources uses the telephone number called by the users and the call type to identify the resource requested and the customer profile. The customer profile also contains the base amount of the resource available to the customer and an overflow amount of resource available to the customer. Thus, the system provides an efficient method of managing available resources. See page 4 of appellants' specification.

Claim 1 is representative of the invention and reproduced below:

1. A computer implemented method of managing access to resources, comprising:

receiving a telephone number and call type, wherein the telephone number is of a party called by a caller requesting access to a resource;

identifying a customer profile from a plurality of customer profiles according to the telephone number and the call type;

utilizing the call type to identify a resource specified in the customer profile; and

determining an amount of the resource specified in the customer profile that is available for the customer to provide to callers, wherein the amount of the resource that is available is based upon a base amount of the resource specified in the customer profile and an overflow amount of the resource specified in the customer profile to provide to callers if the base amount is being used by the customer.

Reference

The reference relied upon by the examiner is:

Bunting et al. (Bunting) 6,134,530 Oct. 17, 2000
(filed Apr. 17, 1998)

Rejection at Issue

Claims 1, 5 through 13, 16 through 21, 23 through 29, and 31 through 36 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bunting. Throughout the opinion we make reference to the brief and the answer for the respective details thereof.

Opinion

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of obviousness relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, appellants' arguments set forth in the brief along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

With full consideration being given to the subject matter on appeal, the examiner's rejection and the arguments of appellants and the examiner, and for the reasons stated *infra* we will not sustain the examiner's rejection of claims 1, 5 through 13, 16 through 21, 23 through 29, 31, 32, 34 and 36 under 35 U.S.C.

§ 103. However, we sustain the examiner's rejection of claims 33 and 35 under 35 U.S.C. § 103.

Claims 1 and 5 through 10.

Appellants argue, on page 10 of the brief, that Bunting does not teach identifying a customer profile according to a telephone number and a call type as claimed in claim 1. Instead, appellants argue, that Bunting plays a script using a voice response unit to enable the customer profile to be identified. Further, appellants argue that Bunting does not teach "a base amount of a resource and an overflow amount of the same resource, as specified in a customer profile, is used to determine an amount of the resource that is available for the customer to provide to callers" as recited in claim 1.

In response the examiner states, on page 7 of the answer:

Bunting et al further disclose the use of a DNIS [Dialed Number Identification Services] and call type (for example, whether or not the caller wishes to discuss a VISA card or VISA Gold card), to identify a customer profile (col. 7 lines 40-44). As previously pointed out, Bunting et al disclose the possible resources as being an employee, the VRU 110, web server 112, fax server 114, video server 116, e-mail server 118, etc. Therefore, obviously a call type has to be determined in order to identify a resource.

Further, on page 6 of the answer, the examiner asserts that Bunting teaches various resources and that an overflow resource is available if the primary resource is not available. The examiner argues that the primary and overflow resource must be the same type of resource, i.e. primary fax server and overflow fax server, primary employee and secondary employee.

While we agree with the examiner's finding that Bunting teaches identifying a customer profile from the number called and that there are primary and secondary resources. However, we disagree with the examiner's conclusion that these teachings disclose or suggest the limitations of claim 1. Claim 1 includes limitations which recite a customer profile which is identified from the telephone number of the party called and that the customer profile specifies the amount of a resource available for the customer to provide to callers and that the amount of the resource is based on a base amount and an overflow amount.

Bunting teaches a system for a service center, which makes use of a customer profile to match calls to resources. The customer profile includes language and request type. See abstract. Contrary to appellants arguments, some of the data concerning the customer profile is determined from the telephone number called by the customer, as the examiner identifies the difference between Visa a Visa Gold, also the number called can be used to determine the language of the resources to be applied to the call (see figure 8, which depicts a different telephone number for Spanish speaking customers and TDD calls, see also column 13, lines 3 through 11). In Bunting, the customer is the caller accordingly the customer profile is the caller's profile. See column 13, lines 52 through 59. Based upon the customer profile calls are matched and routed to service center employees, if the optimal employee is not available overflow rules apply to an overflow employee. See column 12, lines 24 through 43.

We do not find that Bunting teaches or suggests a customer profile which either a) specifies the amount of a resource that is available for the customer to provide to the caller (as Bunting's customer is the caller, therefore the customer's profile is the caller's profile); and b) identifies the amount of the resource that is available based upon a base amount and an overflow amount, as we do not find that the customer profile identifies an amount of a resource to be provided to a caller. Accordingly, we will not sustain the examiner's rejection of claim 1 or the claims that depend thereupon, claims 5 through 10.

Claims, 11, 12, 13, 16 through 21 and 31 through 32.

Independent claim 11 contains the limitation "a memory that stores a plurality of customer profiles, each customer profile specifying telephone numbers and call types that are valid for accessing at least one resource, a base amount of the at least one resource that is available for the customer to provide to callers and an overflow amount of the at least one resource that is available to the customer to provide to callers if the base amount is being used by the customer." Independent claims 21 and 28 contain similar limitations directed to the content of the customer profile. As discussed with respect to claim 1, we do not find that Bunting teaches or suggests such customer profiles. Accordingly, we will not sustain the examiner's rejection of independent claim 11 or the claims dependent thereupon, claims 12, 13, 16 through 21 and 31 through 32.

Claims 33 through 36

Initially we note that independent claims 33 and 35 do not contain a limitation similar to the claim 1 limitation which recites the customer profile containing information concerning the amount of a resource available for the customer to provide to the caller.

Appellants argue, on pages 24 through 26 of the brief, that Bunting does not teach determining a customer profile based upon number called and call type. Rather, appellants argue that Bunting uses a Voice Response Unit to identify the customer profile. Appellants also argue that while Bunting teaches different numbers for Visa and Visa gold cards this is not a teaching of identifying a customer profile and does not teach utilizing a call type to determine a customer profile. Further, on page 26 of the brief, appellants argue that Bunting does not teach determining the service to be provided to the telephone call, rather appellants assert "Bunting et al only appear to teach that a customer profile includes routing criteria and skills and also teaches that a script is used to identify a type of service" (citations to Bunting omitted). On pages 27 and 28 appellants present similar arguments directed to claim 35.

In response the examiner states, on page 7 of the answer, that Bunting teaches using the Dialed Number Identification Services (DNIS) to identify a customer profile. Further, regarding using call type to identify customer profile, the examiner states "Bunting et al. disclose the possible resources as being an employee, the VRU 110, web server 112, fax server 114, video server 116, e-

mail server118, etc. Therefore, obviously, a call type has to be determined in order to identify a resource [to be applied to the call]."

We concur with the examiner, as stated *supra* we find that Bunting does use the called number to determine the customer profile, such as language spoken. See figure 8, see also column 13, lines 5 through 12. Further, Bunting teaches that all calls are delivered to one location (designated as cloud 310). See column 7, lines 12 through 13. A determination is made to determine if the call is to be routed to an employee or other resource and the call is appropriately routed. See column 7, line 24 through 32. Resources are identified as including a web server, fax server, video server etc. See column 6, line 41 through 51, see also column 12, lines 56 through 58. Thus, we find ample evidence in the record to support the examiner's finding that Bunting suggests making a determination of the call type. Further, we find that Bunting uses this data to determine a customer profile. Bunting teaches that customer profile is used to find a match of resources. See column 11, lines 59 through column 67. As appellants have not convinced us of error in the examiner's rejection of claims 33 and 35, we sustain the examiner's rejection these claims.

Claims 34 and 36.

Appellants argue, on page 27 of the brief:

Claim 34 requires that a service to be applied to a telephone call as determined through accessing a customer profile is a local service, a virtual private dial network (VPDN) tunnel or direct access to a remote service. In addition to not teaching that a service to apply to a telephone calls is determined through accessing a customer profile, there is no teaching or suggestion in Bunting et al. of a service being either a local service, a VPDN tunnel, or direct access to a remote service.

Appellants present similar arguments directed to claim 36.

On page 5 of the answer, the examiner asserts that Bunting teaches this feature in figure 3 and column 6, lines 11 through 14 and column 9, lines 1 and 2.

We disagree, though as stated *supra* we find that Bunting teaches that the customer profile is used to determine the resources applied to the call. We do not find that Bunting teaches, either in the sections cited by the examiner or elsewhere, that the customer profile identifies that the customer should be provided with local service, VPDN or direct access to a remote service. While the operation of Bunting's system may result in the customer being directly accessing a remotely located employee, it is the operation of matching of resources available with the resources required by customer profile that causes the remote connection. Thus, in Bunting the decision to connect to the remote resource is not dictated by the customer profile. Accordingly, we will not sustain the examiner's rejection of claims 34 and 36.

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In summary, we do not sustain the examiner's rejection of claims 1, 5 through 13, 16 through 21, 23 through 29, 31, 32, 34 and 36 under 35 U.S.C. § 103. However, we sustain the examiner's rejection of claims 33 and 35 under 35 U.S.C. § 103. The decision of the examiner is affirmed in part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

TERRY J. OWENS)	
Administrative Patent Judge)	
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MURRIEL E. CRAWFORD)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
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