

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 DEEPAK GUPTA, MANOJ KUMAR KEJRIWAL and SANDEEP DEO

Appeal No. 2006-1856
Application No. 09/649,679
Technology Center 3600

ON BRIEF

Before NAPPI, HORNTER and FETTING **Administrative Patent Judges**.
NAPPI, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the examiner's rejection of claims 1 through 36. For the reasons stated *infra* we will not sustain the examiner's rejection of claims 1 through 36.

THE INVENTION

The invention relates to a method of trading goods or services using an electronic network which makes use of profiles of both sellers and buyers. Claim 1 is representative of the invention and is reproduced below:

1. A method of trading goods, or services, or both, using a computerized trading system coupled to an electronic network, said method including the steps of:
registering two or more business entities as traders;

generating at least one business profile for each of said traders, wherein the traders include buyers and sellers and the respective profiles for traders that are buyers identify them as buyers and the respective profiles for traders that are sellers identify them as sellers;

generating business opportunities for ones of said traders, wherein such business opportunities include i) selling opportunities, in which respective buyers define immediate requirement to buy, and ii) buying opportunities, in which respective sellers define immediate requirements to sell;

comparing, automatically by the trading system, the business opportunities for respective ones of the traders to the profiles of other ones of the traders;

comparing, automatically by the trading system, the one or more profiles for respective ones of the traders to the one or more profiles of other ones of the traders;

notifying such a buyer about one of the buying opportunities, by the trading system automatically via said electronic network, responsive to the profile of the buyer matching the buying opportunity,

notifying such a seller about one of the selling opportunities, by the trading system automatically via said electronic network, responsive to the profile of the seller matching the selling opportunity;

notifying such a buyer about a selected one of the profiles, by the trading system automatically via said electronic network, responsive to the profile of the buyer matching the selected profile; and

notifying such a seller about a selected one of the profiles, by the trading system automatically via said electronic network, responsive to the profile of the seller matching the selected profile

THE REFERENCE

The reference relied upon by the examiner is:

Stewart US 2001/0049634A1 Dec. 6, 2001
(effectively filed March 6, 2000)

THE REJECTION AT ISSUE

Claims 1 through 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Stewart. The examiner’s rejection is set forth on pages 3 and 7 of Appendix A to the answer. Throughout the opinion we make reference to the briefs 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 anticipation 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 briefs 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, for the reasons stated *infra* we will not sustain the examiner's rejection of claims 1 through 36 under 35 U.S.C. § 102.

On pages 4 and 5 of appendix A to the answer, the examiner finds that Stewart, in paragraphs 89 and 107, teaches notifying the buyer (or seller) about one or more of the buying (or selling) opportunities by the trading system automatically, responsive to the profile of the buyer (or seller) matching the buying (or selling) opportunity.

We concur with the examiner that one of ordinary skill in the art would recognize that Stewart does teach a trading system that automatically notifies a buyer about a buying opportunity responsive to the profile of the buyer matching the buying opportunity. However, we disagree with the examiner's finding that Stewart teaches a trading system that automatically notifies a seller about a selling opportunity responsive to the profile of the seller matching the selling opportunity.

Stewart teaches a trading system where buyers and sellers of steel products are registered. The sellers provide information about the products that they will sell. See paragraph 40. Buyers in the system can then view products in sellers' catalogs, the system uses a buyer's profile to filter out the non-desired product information. See paragraph 81. The buyer can use the system to purchase products either by auction, purchase from catalog or Request for Quote (RFQ). See paragraph 82. The buyer has a unique inbox "where information such as news and new product offerings are automatically directed to the buyer based on their profile." See paragraph 107.

We consider the operation of the mailbox described in paragraph 107 to meet the claim 1 limitation of “notifying such a buyer about one of the buying opportunities, by the trading system automatically via said electronic network, responsive to the profile of the buyer matching the buying opportunity.” We are not persuaded by appellants’ assertion, on page 10 of the brief, with regard to Stewart’s paragraph 107:

Appellant contends that one interpretation of Stewart’s remark in this matter is that for a message *manually sent* by a seller, the system *automatically routes*, i.e., “directs,” the message to a particular buyer’s inbox by means of information in the buyer’s profile. This does not involve automatic notification, as claimed. Other interpretations of Stewart’s remark about news and new product offerings being “automatically directed” to the buyer based on their profile are also possible. For example, in accordance with the context previously discussed, Stewart more likely means that information is “automatically directed” to a buyer in the sense that if *a buyer browses a catalog* only the products that fit the buyer’s profile are visible to the buyer (emphasis original, footnotes omitted).

As stated by appellants on page 9 of the brief, Stewart specifically advocates avoidance of seller initiated contacts. See Stewart paragraph 40. Further, Stewart states in paragraph 40, that when a new seller is registered the information about the sellers is automatically provided to the approved buyers. We consider the teachings of: a) automatically providing information to the buyers, b) sellers being prohibited from directly contacting buyers, and c) the buyer having a mail box to receive information about new products; when viewed together, to disclose the limitation of “notifying such a buyer about one of the buying opportunities, by the trading system automatically via said electronic network, responsive to the profile of the buyer matching the buying opportunity.” While other aspects of Stewart’s system may direct a seller to only portions of the seller’s catalog, we do not consider this to be the case with the buyer’s mailbox. Thus, we concur with the examiner’s finding that Stewart teaches a trading system that automatically notifies a buyer about a buying opportunity responsive to the profile of the buyer matching the buying opportunities.

However, we are persuaded by appellants’ argument on page 11 of the brief that Stewart does not teach a trading system that automatically notifies a seller about a selling opportunity responsive to the profile of the seller matching the selling opportunities. As

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appellants assert we find that Stewart is primarily buyer focused, in that it is concerned with buyers reviewing buying opportunities of sellers. While, Stewart does discuss sellers reviewing selling opportunities, such as RFQ, see paragraph 90 and 102, we do not find that Stewart teaches automatically notifying a seller of an RFQ in response to the seller's profile matching the RFQ.

Thus, we do not find that Stewart teaches the claim 1 limitation of "notifying such a seller about one of the selling opportunities, by the trading system automatically via said electronic network, responsive to the profile of the sells matching the selling opportunity." We note that independent claims 13 and 25 each contain a similar limitation. Accordingly, we will not sustain the examiner's rejection of independent claims 1, 13 and 25, nor will we sustain the examiner's rejection of the claims dependent thereupon.

REVERSED

ROBERT E. NAPPI)
Administrative Patent Judge)
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LINDA E. HORNER) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
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