

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

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte JINSHAN SONG and GEOFFRY ARTHUR WESTPHAL**

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Appeal No. 2006-2376  
Application No. 09/877,612  
Technology Center 3600

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ON BRIEF

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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 final rejection of claims 1, 4 through 6, 9 through 19, 21 and 22. For the reasons stated *infra* we will not sustain the examiner's rejection of claims 1, 4 through 6, 9 through 19, 21 and 22.

## THE INVENTION

The invention relates to system and method to create customized product catalogs. See page 3 of appellants' specification. Claim 1 is representative of the invention and is reproduced below:

1. A method for creating a customized product catalog, comprising:

receiving a request from a customer to search an electronic catalog maintained by a supplier comprised of data representative of a plurality of products each having one or more attributes, the search request including at least one customer-specified attribute of interest;

examining the data to identify the products in the electronic catalog that have an attribute corresponding to the customer-specified attribute of interest;

aggregating the identified products into a sub-catalog whereby the sub-catalog is comprises [sic] of data representative of the identified products;

formatting the sub-catalog, comprised of data representative of the aggregated, identified products, to create a single machine readable electronic file version of the sub-catalog having a customer-specified electronic file format; and

downloading, via a network connection, the single electronic file version of the sub-catalog to a customer computer whereby the data representative of the aggregated, identified products within the sub-catalog is accessible to the customer without requiring further access to the electronic catalog.

## THE REFERENCES

The references relied upon by the examiner are:

King, Jr.	5,319,542	Jun. 7, 1994
Pachauri	6,005,571	Dec. 21, 1999
Waldin, Jr. et al.	6,052,531	Apr. 18, 2000
Jebens et al.	6,332,146	Dec. 18, 2001

## **THE REJECTION AT ISSUE**

Claims 1, 4, 6, 9, 11 through 13, and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over King in view of Jebens. The examiner's rejection is set forth on pages 7 through 10 of the final Office action dated December 14, 2004 (hereinafter final action). Claims 5, 10, 17 and 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over King in view of Jebens and Waldin. The examiner's rejection is set forth on pages 10 through 11 of the final action. Claims 14, 16, 19 and 21 stand rejected under 35 U.S.C. § 103 as being unpatentable over King in view of Jebens and official notice. The examiner's rejection is set forth on pages 11 through 13 of the final action. Claim 15 stands rejected under 35 U.S.C. § 103 as being unpatentable over King in view of Jebens and official notice, and Pachauri. The examiner's rejection is set forth on pages 13 and 14 of the final office action. 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 rejections advanced by the examiner and the evidence of obviousness relied upon by the examiner as support for the rejections. 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 rejections 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 rejections and the arguments of appellants and the examiner, for the reasons stated *infra* we will not sustain the examiner's rejections of claims 1, 4 through 6, 9 through 19, 21 and 22 under 35 U.S.C. § 103.

Appellants argue, on pages 5 and 7 of the brief, that while King teaches three catalogs, supplier master catalog, public catalog and private catalog, King does not teach that any of the catalogs are searched by the customer for the purpose of creating a downloadable sub-catalog as claimed. Further, appellants argue that King does not teach the claimed step of aggregating the data into a sub-catalog. Additionally, on pages 7 and 8 of the brief, appellants argue that Jebens does not teach or suggest:

the claimed combination of receiving a request from a customer to search an electronic catalog maintained by a supplier where products identified using the customer search request are aggregated into a sub-catalog *with the aggregated product data being formatted*, using a customer specified electronic file format, to create a single machine readable electronic file version of the sub-catalog that is downloadable, via a network connection, to a customer computer.

The examiner's response is on pages 3 through 9 of the answer. On page 5 of the answer, the examiner states that the claim does not recite:

that a catalog is "searched by a customer for the purpose of creating a downloadable sub-catalog," only that in creating a customized product catalog, a customer would request to search an electronic catalog for products having at least one customer-specified attribute. As previously noted, the Public catalog permits multiple customers to access and identify products from a variety of suppliers. The Public catalog contains Catalog Query/Display to guide requestors through available data (King: Column 2, lines 25-29). Each Supplier creates a Public Catalog and/or a Private Catalog and sends it to the Public Database (King: Column 3, lines 47-49). A Private catalog can be created and maintained by the Customer (King: Column 4, lines 25-33).

Further, on page 7 of the answer, the examiner finds that Jebens teaches a system that aggregates identified products into a sub-catalog to create a single customer specified electronic file (relying upon Jebens column 12, lines 36 through 40).

Independent claim 1 recites "receiving a request from a customer to search ... examining the data to identify the products ... aggregating the identified products into a sub-catalog... formatting the sub-catalog ... to create a single machine readable electronic file version of the sub-catalog having a customer-specified electronic file format." Thus, we hold that the scope of independent claim 1 includes that a search is performed, the results of the search are used to create a data set (sub-catalog), this data

set is then used to create one machine readable electronic file having a customer specified file format. Independent claims 6, 12 and 18 contain similar limitations.

We do not find that the combination of King and Jebens teaches these features. We find that King teaches a system where there are multiple catalogs, one master catalog is used to create other private and public catalogs. Column 3, lines 40 through 51. King does not teach that these other catalogs are created by customer searches. However, while King does teach that the catalogs are searchable by customers (see column 5, lines 42 through 46), King does not teach that the results of the search are provided in a customer specified format or that they are aggregated into one computer readable electronic file. We find that Jebens teaches a system which allows searching of an image database to be performed. See column 2, lines 15 through 31. Jebens teaches that the format of the data returned from the search is user defined. See column 13, lines 27 through 31. However, we do not find that Jebens teaches that the data returned is aggregated into one computer readable electronic file. Rather, we find that one skilled in the art would understand that Jebens teaches the data returned is in the form of multiple files. See for example discussion in column 13, lines 9 through 16, of files identified by the search being downloaded. As we do not find that the combination of King and Jebens teaches all of the limitations of independent claims 1, 6, 12 and 18 we will not sustain the examiner's rejection of claims 1, 4, 6, 9, 11 through 13, and 18 under 35 U.S.C. § 103 as being unpatentable over King in view of Jebens.

The examiner's rejections of claims 5, 10, 14 through 17, 19, 21 and 22 rely upon the teachings of King and Jebens to teach the limitations of the independent claims and further rely upon the teachings of Waldin and Pachauri as teaching the limitations of the dependent claims. The examiner has not asserted nor do we find that either Waldin or Pachauri teach or suggest that a search is performed, the results of the search are used to create a data set (sub-catalog), and this data set is then used to create one machine readable electronic file having a customer specified file format. Accordingly, we will not sustain the examiner's rejections of claims 5, 10, 14 through 17, 19, 21 and 22 under 35 U.S.C. § 103.

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Accordingly, we will not sustain the examiner's rejections, under 35 U.S.C. § 103.  
The decision of the examiner is reversed.

**REVERSED**

ROBERT E. NAPPI	)	
Administrative Patent Judge	)	
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	)	BOARD OF PATENT
LINDA E. HORNER	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
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ANTON W. FETTING	)	
Administrative Patent Judge	)	

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