

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MANOEL TENORIO and VERNON D. NIVEN

Appeal 2007-3450
Application 10/103,383
Technology Center 3600

Decided: March 13, 2008

Before TERRY J. OWENS, MURRIEL E. CRAWFORD, and LINDA E.
HORNER, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Manoel Tenorio and Vernon D. Niven (Appellants) seek our review under 35 U.S.C. § 134 of the final rejection of claims 1-35. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF DECISION

We REVERSE.

THE INVENTION

The Appellants' claimed invention is to a system, method, and software for third party certification of content in electronic commerce transactions (Specification 1:6-7). Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A computer-implemented system for providing third-party certification of content in an electronic commerce transaction, the system comprising one or more servers collectively operable to:

receive a first set of attribute values from a first party, the first set of attribute values being associated with one or more products that are the subject of an electronic commerce transaction between the first party and a second party;

verify that the first set of attribute values matches, at least in part, a second set of attribute values maintained by the second party, the second set of attribute values being associated with the one or more products that are the subject of the electronic commerce transaction between the first party and the second party;

store the first set of attribute values;

generate a key identifying the stored set of attribute values, the key providing a holder of the key read-only access to at least certain portions of the stored set of attribute values;

communicate a copy of the key to the first and second parties; and

in response to presentation of the key, provide read-only access to at least certain portions of the stored set of attribute values.

THE REJECTION

The Appellants seek our review of the rejection of claims 1-35 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,870,473, issued to Boesch on February 9, 1999 (“Boesch”).

ISSUE

The Appellants contend that Boesch does not anticipate claims 1-35 because, *inter alia*, Boesch “fails to teach any system operable to verify or method including the step of verifying attribute values associated with one or more products” (App. Br. 22).¹ The Examiner pointed to Figure 2 and the associated text of Boesch as support for the finding that Boesch’s system discloses the claimed verifying operation (Ans. 3). The issue before us is whether the Appellants have shown that the Examiner erred in finding that Boesch anticipates the claimed invention. This issue turns on whether Boesch discloses the verification operation as recited in claims 1-35.

FINDINGS OF FACT

We find that the following enumerated findings are supported by at least a preponderance of the evidence. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Office).

1. Boesch discloses a system and method for “efficient, economic and secure transactions over the Internet” (Boesch, col. 2, ll. 23-25).

¹ Although the Appellants make other arguments in their Briefs about the deficiencies in the rejection, we chose to address only the argument regarding the verifying operation because it is dispositive of the appeal.

2. Boesch describes an open session during which a customer user may purchase a product from a merchant user over the Internet (Boesch, col. 6, ll. 39-41).
3. Boesch discloses that the server verifies the parties to a transaction based upon portions of data sets (Boesch, col. 2, ll. 50-51); however, Boesch does not disclose that the server verifies attribute values associated with products involved in the transaction.
4. Boesch also discloses that a merchant user sends information regarding a transaction to the server to be validated (Boesch, col. 8, ll. 15-22); however, Boesch does not specify exactly what information pertaining to the transaction is being validated. In particular, there is no discussion in Boesch that this information includes attribute values associated with one or more products or that the server compares a first set attribute values associated with one or more products with a second set of attribute values associated with the product(s).
5. As such, Boesch does not disclose a server or software that verifies that a first set of attribute values associated with one or more products that are the subject of an electronic commerce transaction between two parties matches a second set of attribute values associated with the one or more products.

PRINCIPLES OF LAW

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior

art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

ANALYSIS

Each of the independent claims 1, 12, 23, 34, and 35 recites the operation, either by a server or software, of verification that a first set of attribute values associated with one or more products, which are the subject of an electronic commerce transaction between a first party and a second party, matches, at least in part, a second set of attribute values associated with the one or more products. The Examiner found that Boesch, particularly in the discussion of Figure 2, discloses this verification operation. We reviewed Boesch, and in particular the disclosure accompanying Figure 2, and we did not find any disclosure of the verification operation as claimed. Although Boesch describes verifying and validation operations, Boesch does not disclose that these operations are based on a comparison of first and second sets of attribute values associated with one or more products as claimed (FF 1-4). As such, we find that Boesch does not disclose a server or software that verifies that a first set of attribute values associated with one or more products that are the subject of an electronic commerce transaction between two parties matches a second set of attribute values associated with the one or more products (FF 5), and thus it does not anticipate independent claims 1, 12, 23, 34, and 35 or their dependent claims 2-11, 13-22, and 24-33.

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CONCLUSIONS OF LAW

We conclude the Appellants have shown that the Examiner erred in finding that Boesch anticipates the subject matter of claims 1-35.

DECISION

The decision of the Examiner to reject claims 1-35 is reversed.

REVERSED

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