Office Action Summary	Application No.	Applicant(s)	
	13/299,293	COTTON, JEFFREY S.	
	Examiner	Art Unit	
	CLIFFORD MADAMBA	3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-11* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-11* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DS EXHIBIT 1003

DETAILED ACTION

Status of Claims

This action is in reply to Application 13/299,293 filed on 17 November 2011.

Claims 1-11 are currently pending and have been examined.

Information Disclosure Statement

The Information Disclosure Statement filed on 17 November 2011 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Double Patenting

The non-statutory double patenting rejection is based on a judicially created doctrine in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A non-statutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided

that the conflicting application or patent is either shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Claims 1-11 of this application (13/299,293) are rejected on the ground of nonstatutory double patenting over claims 1-20 of U.S. Patent No. 8,095,461 (Sanders et al.) issued: January 10, 2012, and over claims 1-5, 7-14 and 18-24 of U.S. Patent No. 8,086,529 (Sanders et al.) issued: December 27, 2011, since the claims, if allowed, would improperly extend the "right to exclude" already in the patent.

The subject matter claimed in the instant application is fully disclosed in the patents and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Independent claims 1 and 6 of the instant application recites substantial features that can be found in independent claims 1 and 6 of the '461 patent and independent claims 1 and 10 of the '529 patent. Additionally, the dependent claims of the instant application recite similar and/or substantial features as the dependent claims of the '461 and the '529 patents.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See In re Schneller, 397 F.2d, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahuja et al., U.S. Pub 2002/0013711 (hereinafter "Ahuja"), in view of Brown et al., U.S. Pub 2004/0039690 (hereinafter "Brown").

Re Claim 1: Ahuja teaches a method comprising:

- by a computer system comprising computer hardware (Par. 0008-0010, 0025-0026, 0033):
- retrieving at least a portion of customer information, first financial terms that a customer has for a first vehicle, and first vehicle information;
- retrieving at least a portion of second vehicle information for a second vehicle and second financial terms available to the customer for the second vehicle;
- receiving a configuration request for replacing the first vehicle of the customer with a different vehicle;
- in response to the configuration request, retrieving current information associated with at least one of the customer information, the first financial terms that the customer has for the first vehicle, the first vehicle information, the second vehicle information, or the second financial terms available to the customer for the second vehicle;

This feature is expressly taught by Brown, however, in a related endeavor (par. 0011, 0039, 0070, 0072). Brown teaches as his invention a method and system for offering a loan through a computing system. In one embodiment of a system, a computing device receives first information about a customer. The computing device outputs second information enabling a loan source to determine whether to offer a loan to the customer for financing an item. As an example, a customer may seek a more convenient, efficient and reliable system for offering the refinancing of a loan for purchase of an automobile. The invention further includes a savings calculator to enable a customer to view the potential magnitude of savings resulting from the use of the system. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Ahuja's invention with the feature(s) as taught by Brown, for the motivation of informing a customer of potential savings realized from transaction opportunities.

Ahuja further teaches:

- determining, by the computer system, whether the current retrieved information may affect whether it is favorable for the customer to replace a first vehicle and first financial terms with a second vehicle and second financial terms by at least: calculating one or more new payments based on an estimated equity value of the first vehicle derived from the first financial terms, and, based on the second financial terms (Par. 0041, 0044, 0047, 0062, 0066, 0070, 0075);

- determining if the one or more new payments satisfy at least a condition based at least in part on the first financial terms and the second financial terms, wherein the determination comprises calculating a difference between the one or more new payments and an existing periodic payment for the first vehicle, and determining whether the difference is less than or equal to a preset acceptable threshold value (Par. 0062, 0066, 0070, 0075);

- generating a message if it is determined that the retrieved information may affect whether it is favorable for the customer to replace the first vehicle and first financial terms with the second vehicle and second financial terms (Par. 0008-0010, 0025-0026, 0033);

- transmitting the message to a dealer (Par. 0007-0008, 0030, 0032, 0054).

Re Claim 2: Ahuja in view of Brown teaches the method of claim 1 as described above. Ahuja further teaches:

- wherein the condition comprises determining if the customer, under the second financial terms, would pay no more than ten percent per periodic payment over what the customer pays under the first financial terms (Par. 0062, 0066, Table 2).

Re Claim 3: Ahuja in view of Brown teaches the method of claim 1 as described above. Ahuja further teaches:

- wherein the condition comprises determining if the customer would pay no more per periodic payment under the second financial terms than under the first financial terms (Par. 0062, 0066, Table 2).

Re Claim 4: Ahuja in view of Brown teaches the method of claim 1 as described above. Ahuja further teaches:

- wherein the message is configured to be read by a dealer terminal configured for managing the message, wherein managing the message includes at least one of assigning the message to a user for handling, associating a task with the message, and assigning a status to the message (Par. 0007-0008, 0030, 0032, 0054).

Re Claim 5: Ahuja in view of Brown teaches the method of claim 1 as described above. Ahuja further teaches:

- wherein the one or more new payments comprise payments for different respective time periods.

Re Claim 6: Claim 6, as best understood by the Examiner, encompasses the same or substantially the same scope as claim 1. Accordingly, claim 6 is rejected in the same or substantially the same manner as claim 1.

Re Claim 7: Ahuja in view of Brown teaches the computing system of claim 6 as described above. Ahuja doesn't explicitly teach:

- wherein the computing system is configured to retrieve the changed information with respect to a plurality of customers.

This feature is expressly taught by Brown, however, in a related endeavor (Par. 0004, 0038). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Ahuja's invention with the feature(s) as taught by Brown, for the motivation of informing customers of potential savings realized from transaction opportunities.

Re Claim 8: Ahuja in view of Brown teaches the computing system of claim 6 as described above. Ahuja doesn't explicitly teach:

- wherein the configuration request is received when the customer enters a dealership.

This feature is expressly taught by Brown, however, in a related endeavor (Par. 0004, 0038). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine

and/or modify Ahuja's invention with the feature(s) as taught by Brown, for the motivation of informing customers of potential savings realized from transaction opportunities.

Re Claim 9: Ahuja in view of Brown teaches the computing system of claim 6 as described above. Ahuja doesn't explicitly teach:

- wherein the configuration request is received from a requesting user.

This feature is expressly taught by Brown, however, in a related endeavor (Par. 0004, 0038). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Ahuja's invention with the feature(s) as taught by Brown, for the motivation of informing customers of potential savings realized from transaction opportunities.

Re Claim 10: Ahuja in view of Brown teaches the computing system of claim 6 as described above. Ahuja doesn't explicitly teach:

- wherein the configuration request is received in response to a customer inquiry.

This feature is expressly taught by Brown, however, in a related endeavor (Par. 0004, 0038). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Ahuja's invention with the feature(s) as taught by Brown, for the motivation of informing customers of potential savings realized from transaction opportunities.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahuja et al., U.S. Pub 2002/0013711 (hereinafter "Ahuja"), in view of Brown et al., U.S. Pub 2004/0039690 (hereinafter "Brown"), as applied to claims 1-10 described above, further in view of Official Notice.

Re Claim 11: Ahuja in view of Brown teaches the computing system of claim 6 as described above. Ahuja doesn't explicitly teach:

- wherein elements or functions may be executed out of order from that shown or discussed, including substantially concurrently or in reverse order, depending on the functionality involved.

The Examiner takes Official Notice that executing functions or steps of a method in a particular sequence is well-known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to be able to perform method steps in a particular sequence for the motivation of performing a task or operation in an efficient and/or optimal manner.

Conclusion

Claims 1-11 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle, can be reached at 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clifford Madamba/

Patent Examiner AU-3695

/CHARLES KYLE/

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