Office Action Summary	Application No. 13/831,015	Applicant(s) COTTON, JEFFREY S.	
	Examiner CLIFFORD MADAMBA	Art Unit 3692	AIA (First Inventor to File) Status No

-- 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 *9/23/13*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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) *1-9,17 and 18* 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) *1-9,17-18* is/are rejected.

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

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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).

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some * c)☐ None of the:

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) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DS EXHIBIT 1007

DETAILED ACTION

Status of Claims

The present application is being examined under the pre-AIA first to invent provisions.

This action is in reply to the arguments/remarks for Application 13/831,015 filed on 23 September 2013.

Claims 1-2 and 4-9 have been amended.

Claims 10-16 have been previously cancelled.

Claims 17-18 have been added.

Claims 1-9 and 17-18 are currently pending and have been examined.

Response to Arguments

Applicant's arguments filed 23 September 2013 have been fully considered but they are not persuasive.

The Office has given consideration to the remarks and amendments made to the pending set of claims, but are considered moot in light of the new grounds of rejection, provided below, for the current listing of claims.

Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b):

(b) CONCLUSION.--The specification shall conclude with one or more claims particularly pointing out

> and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, and 9 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

Claim 1, 2 and 9 recites "a deal, a subset of deals, etc." It is vague and unclear as to what said deal is and/or actually encompasses. Said deal could be broadly interpreted to merely mean any instance and/or transaction wherein opportunity for sale, purchase, or exchange exists. Said deal may also include any instance wherein an agreement between entities exists without necessarily involving any sale, purchase or exchange of goods and/or services. As such, usage of the terms is indefinite inasmuch as it is unclear is Applicant intends the term to have a unique and/or special definition aside from the general sense. It is equally vague and unclear as to what said "subset of a deal or deals" actually means or encompasses and how it particularly relates to said deal(s) in a general sense.

Claim 1 further recites determining whether a change in at least one data repository may affect certain variables (e.g., current financial terms, current vehicle information, etc.). Yet it is vague and unclear as to what said term "may affect" actually means or encompasses. The limitation does not clearly set forth the metes and bounds as to the intended scope of the claims, therefore rendering the claims vague and indefinite.

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 112(a):

> (a) IN GENERAL--The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), first paragraph:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3 and 17 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the enablement requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites calculating a new payment based on current financial terms, new financial terms, current vehicle information, replacement vehicle information. Claim 3 recites wherein calculating the new payment relies on an estimate or default assumption for at least a portion of the current financial terms, new financial terms, current vehicle information, or replacement vehicle information. Claim 17 recites calculating a payoff amount based on current financial terms and potential customer payment

history. As such, the claims fail to comply with the enablement requirement as the specification does not explain how the said calculations are arrived at other than to merely say what the calculation are "based on". It seems that, at most, Applicant discloses some of the variables involved, but simply states that the calculations are based on these variables.

Appropriate correction is required.

Claim Rejections – 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 and 17-18 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non- statutory subject matter.

Based upon consideration of all of the relevant factors with respect to the claim as a whole, the independent claim(s) are held to claim an abstract idea, and are therefore rejected as ineligible subject matter under 35 U.S.C. § 101.

The rationale for this finding is explained below:

Involvement of machine, or transformation, with the steps is merely nominally, insignificantly, or tangentially related to the performance of the steps, (e.g., displaying, promoting, accessing the account by reading the account identifier, activating the account), which can be fairly be characterized as insignificant extra-solution activity (see Flook, 437 U.S. at 590), or merely recites a field in which the method is intended to be applied.

Claim 1 recites "retrieving… information"; "determining when a change…has occurred"; "determining a set of deals…"; "identifying a replacement vehicle…"; "retrieving… information and…financial terms"; "determining whether change that occurred in… at least one data repository may affect…"; "calculating a new payment…"; "retrieving replacement vehicle information…"; "calculating a new payment…"; "determining if the new payment… satisfies a deal parameter…"; "alerting a dealer…". As such, the recited steps do not necessarily involve a significant transformation of data and may be characterized as insignificant extra-solution activity. As such, the claim is non-statutory.

Furthermore, the claim appears to be directed to a statement of a general concept (e.g., "determining a change…"; "retrieving… information"; "calculating a new payment"; "alerting…", etc.), and use of the concept, as expressed in the method, would effectively grant a monopoly over the concept. Since this is a factor weighing against patentability in Bilski, the claim should have been rejected under 35 USC 101 for being directed to an ineligible abstract idea.

Moreover, the Examiner respectfully submits that it appears the Applicant is merely automating the known process of identifying and/or determining a financial transaction opportunity. Using a computer to automate a known process does not by itself impart nonobviousness to the invention. The courts have held that broadly providing an automatic or mechanical means to replace a manual activity, which accomplished the same result, is not sufficient to distinguish over the prior art (see In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958)).

Corresponding dependent claims 2-9 and 17-18 are rejected in light of the rejection of the independent claims discussed above from which the dependent claims depend.

Appropriate clarification and/or correction is required.

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 1-4, 6-7, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., U.S. Pub 2004/0039690 (hereinafter "Brown"), in view of Ahuja et al., U.S. Pub 2002/0013711 (hereinafter "Ahuja").

Re Claim 1: (Currently amended) Brown discloses a method comprising:

by a computer system comprising computer hardware:

- retrieving, for a set of potential customers having current vehicles, customer information, current financial terms for the current vehicles, and current vehicle information, from at least one data repository accessible via a computer network; (Brown: Para. 0072-0075)

Brown doesn't explicitly disclose:

- determining when a change affecting at least one of the customer information, current financial terms, and current vehicle information has occurred in the at least one data repository since a previous retrieval of information;

Ahuja, however, makes this teaching in a related endeavor (Ahuja: Para. 0062, 0066, 0070, 0075). Ahuja generally discloses a method and system for notifying customers of transaction opportunities. The invention generally relates to financial transaction notification systems and methods and relates, particularly, to systems and methods for collecting, monitoring, and comparing data to customer requests. The notification system further utilizes multiple databases which are fed information via multiple parties and/or via other servers and/or back office host systems, such as readable files which are updated by running an appropriate executable program. In an embodiment of the present invention, all live financial information comes from one or more host computers operated by the host financial institution. The information provided by these hosts is presented to the databases and the alert message generators included in the notification system in the form of a host handoff file. This file represents a data dump from the host database of all information relevant to subscribers on the notification system. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Ahuja with those of Brown as described above for the motivation of identifying financial transaction opportunities.

Brown further discloses:

- determining a set of deals, wherein each deal in the set of deals is associated with a specific potential customer in the set of potential customers and is determined by: (Brown: Para. 0072-0075)

- identifying a replacement vehicle that is comparable to the current vehicle of the specific potential customer; (Brown: Para. 0072-0075)

- retrieving replacement vehicle information and new financial terms associated with the replacement vehicle; (Brown: Para. 0072-0075)

Brown doesn't explicitly disclose:

- determining whether the change that occurred in the at least one data repository may affect the current vehicle information or the current financial terms for the current vehicle of the specific potential customer;

Ahuja, however, makes this teaching in a related endeavor (Ahuja: Para. 0062, 0066, 0070, 0075). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Ahuja with those of Brown as described above for the motivation of identifying financial transaction opportunities.

Brown further discloses:

- calculating a new payment based on the current financial terms for the current vehicle, the new financial terms, the current vehicle information, and the replacement vehicle information; (Brown: Para. 0072-0075)

- identifying a subset of selected deals from the set of deals, wherein a deal is identified as a selected deal by:

- determining if the new payment associated with the deal satisfies a deal parameter based on a comparison between the new payment and the current payment for the current vehicle associated with the deal; (Brown: Para. 0072-0074)

- including the deal in the subset of selected deals if the new payment satisfies the deal parameter; (Brown: Para. 0072-0074)

Brown doesn't explicitly disclose:

- alerting a dealer to at least one selected deal within the subset of selected deals.

Ahuja, however, makes this teaching in a related endeavor (Ahuja: Para. 0041, 0044, 0047, 0062, 0066, 0070, 0075). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Ahuja with those of Brown as described above for the motivation of providing notification means for identified financial transaction opportunities.

Re Claim 2: (Currently Amended) Brown in view of Ahuja discloses the method of claim 1 as described above. Brown doesn't explicitly disclose:

wherein identifying a deal as a selected deal further comprises:

- retrieving vehicle service information comprising a service date for the current vehicle associated with the deal;

- excluding the deal from the subset of selected deals if the service date is outside of a predefined range.

- However, Official Notice is taken noting that it is well-known to utilize vehicle service information history when evaluating vehicle replacement opportunities. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of the steps above comprising retrieving vehicle service information comprising a service date for the current vehicle associated with the deal, and, excluding the deal from the subset of selected deals if the service date is outside of a predefined range, with those of Brown for the motivation of identifying opportunities for vehicle replacement meeting date and history service parameters.

Re Claim 3: (Original) Brown in view of Ahuja discloses the method of claim 1 as described above. Brown further discloses:

- wherein calculating the new payment relies on an estimate or default assumption for at least a portion of the current financial terms, new financial terms, current vehicle information, or replacement vehicle information. (Brown: Para. 0072-0075)

Re Claim 4: (Currently amended) Brown in view of Ahuja discloses the method of claim 1 as described above. Brown further discloses:

- wherein alerting the dealer comprises notifying the dealer of at least one of the replacement vehicle, the new financial terms, and the new payment associated with the at least one selected deal. (Ahuja: Para. 0041, 0044, 0047, 0062, 0066, 0070, 0075)

Re Claim 6: (Currently amended) Brown in view of Ahuja discloses the method of claim 1 as described above. Brown further discloses:

- wherein the deal parameter is based at least in part on input received from a graphical user interface. (Brown: Para. 0072-0075)

Re Claim 7: (Currently amended) Brown in view of Ahuja discloses the method of claim 2 as described above. Brown further discloses:

- presenting at least some of the service information and customer information via a graphical user interface that displays customer information or service information for multiple potential customers. (Brown: Para. 0120)

Re Claims 10-16: (Cancelled)

Re Claim 17: (New) Brown in view of Ahuja discloses the method of claim 1 as described above. Brown doesn't explicitly disclose:

wherein calculating the new payment for each deal in the set of deals comprises:

- determining a trade-in value for the current vehicle of the specific potential customer;
- calculating a payoff amount for the current vehicle based on the current financial terms and a payment history of the specific potential customer;
- subtracting the payoff amount from the trade-in value, thereby yielding a trade equity for the current vehicle; and
- subtracting the trade equity from a price of the replacement vehicle, thereby yielding a reduced capitalized cost from which the new payment may be calculated.

However, the Examiner takes Official Notice noting that the process of calculating a payment for a replacement vehicle comprising the above steps is old and 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 incorporate the teachings of the steps above with those of Brown for the motivation of determining whether a vehicle replacement transaction makes financial sense.

Re Claim 18: (New) Brown in view of Ahuja discloses the method of claim 2 as described above. Brown doesn't explicitly disclose:

- wherein the service date is associated with a repair order or a vehicle service appointment.

However, Official Notice is taken noting that it is well-known in the industry for a service date parameter to be associated with a vehicle service appointment. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of the steps above with those of Brown for the motivation of being able to schedule appointments for vehicle servicing.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., U.S. Pub 2004/0039690 (hereinafter "Brown"), in view of Ahuja et al., U.S. Pub 2002/0013711 (hereinafter "Ahuja"), as applied to claims 1-4, 6-7, 17-18 described above, further in view of Edwards, US 6,480,105 (hereinafter "Edwards").

Re Claim 5: (Currently amended) Brown in view of Ahuja discloses the method of claim 2 as described above. Brown doesn't explicitly disclose:

- wherein the predefined range is based at least in part on input received from a ~~user via a~~ graphical user interface.

Edwards, however, makes this teaching in a related endeavor (Edwards: C1 L46-48; C2 L58-61). Edwards discloses as his invention methods and apparatus for alerting owners of recommended vehicle maintenance. Edwards teaches wherein an input screen permits a user to input various vehicle information data related to vehicle maintenance. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Edwards with those of Brown as described above for the motivation of providing means of inputting vehicle servicing parameter data or information.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al., U.S. Pub 2004/0039690 (hereinafter "Brown"), in view of Ahuja et al., U.S. Pub 2002/0013711 (hereinafter "Ahuja"), as applied to claims 1-4, 6-7, 17-18 described above, further in view of Jones, US 7,249,322 (hereinafter "Jones").

Re Claim 8: (Currently amended) Brown in view of Ahuja discloses the method of claim 7 as described above. Brown doesn't explicitly disclose:

- wherein the vehicle service information further comprises a service time and the graphical user interface is configured to allow sorting of the presented information based on at least one of service dates and service times.

Jones, however, makes this teaching in a related endeavor (Jones: C8 L30-38). Jones discloses as his invention an automobile information management system. The present invention provides an integrated software application architecture with all functions required by an automobile dealership, including sales, finance and insurance, accounting, human resources/payroll, parts, service and E-square core (including functions in customer management, vehicle management, activity/processors, roles, user/departments, security, user interface, reports, printing, and instant messaging), together with e-business enablers, supply chain integration, and a dealer communication system. Jones further discloses an opportunity notification interface to communicate selling (vehicle replacement) opportunities. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Jones with those of Brown as described above for the motivation of efficiently managing and/or organizing vehicle service records.

Re Claim 9: (Currently amended) The method of claim 7,

- wherein the graphical user interface allows association of at least some of the deals in the subset of selected deals with one or more contact management tasks.

Jones, however, makes this teaching in a related endeavor (Jones: C1 L10-13; L30-50). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Jones with those of Brown as described above for the motivation of efficiently managing and/or organizing vehicle service records.

Conclusion

Claims 1-9 and 17-18 are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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, Sarah Monfeldt, can be reached at 571-270-1833. 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-3692