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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/101,644	03/19/2002	Marc Vianello	15703.10002	8626

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EXAMINER	
JEANTY, ROMAIN	
ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/101,644	VIANELLO, MARC
	Examiner	Art Unit
	Romain Jeanty	3623

-- 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) 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 the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- 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 *4/4/05*.

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

3)☐ 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

4)☒ Claim(s) *1-204* is/are pending in the application.

4a) Of the above claim(s) *1-4, 9, 16, 18-197* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-8,10-15,17 and 198-204* is/are rejected.

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

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

Application Papers

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

10)☐ 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).

11)☐ 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

12)☐ 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-1449 or PTO/SB/08) Paper No(s)/Mail Date
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This Final Office action is in response to the amendment filed April 4, 2005. Claims 5-8, 10-15, 17, and 198-204 are pending in the application.

2. Applicant's amendment to claim 198 has overcome the 35 U.SC. 112 second rejection. The rejection has been withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claims 5-8, 10-15, 17, and 198-204 have been considered but are found to be non-persuasive.

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.

4. Claims 5-8, 10 and 198-204 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts of:

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, invoice, use, or advance the technological arts fail to promote the

"progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Furthermore, mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

While claims 5-8, 10 and 198-204 produce a useful, concrete, and tangible result, they are deemed to be statutory for failure to apply, involve, use, or advance the technological arts. In order to overcome this rejection, it is respectfully suggested that the claims be amended to expressly incorporate technology (i.e., a computer processor) as performing at least one of the steps of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. 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.

6. Claims 5-8, 14, 16-17, and 198-204 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern et al (U.S. Patent No.5, 978,768) in view of Williams et al (U.S. Patent No. 6,618,734) and further in view of Joao (U.S. Patent No. 6,662,194).

As per claims 5, and 198-204, McGovern et al disclose an interactive employment recruiting service comprising:

matching said candidate with said employer based on said candidate requirements and said employer requirements (matching a job seeker's salary requirements with an employer position requirement) (col. 13, lines 27-40);

McGovern et al disclose all of the limitations above except for receiving a request for interview from at least one of said candidate and said employer and determining whether there is mutual content to said request for interview. Williams in the same field of endeavor, teaches the idea of following-up and scheduling interview between a job candidate and a client (since Williams et al teaches following-up on an interview and mutually agreed time, it implies that there was a request for the interview and there was a mutual consent/agreement for the interview) col. 8, lines 42-50 and col. 9, lines 1-11). Thus, it would have been obvious to a person of ordinary skill in the art to modify the interactive employment recruiting service system of McGovern et al to incorporate the interview based on mutual consent as evidenced by Williams. A person having ordinary skill in the art would have been motivated to use such a modification in order to determine which applicants best match the criteria set by the client.

The combination of McGovern et al and Williams does not expressly disclose authorization for the release of contact information by the candidate and providing exchange of contact information. Joao in the same field of endeavor discloses the concept of authorizing contact information the provision of contact information (email address) between employers and employees (col. 27, lines 47-60). It would have been obvious to a person of ordinary skill in the art to modify the teachings of McGovern et al and Williams et al to incorporate the teachings of

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