

Application No. 12/846,635
Reply Dated December 22, 2011
Reply to Office Action of November 10, 2011

REMARKS:

The Advisory Action dated November 10, 2011, has been received and carefully reviewed. Reconsideration and modification of the requirement for restriction is respectfully requested in view of the remarks below.

I. § 121 Restriction Requirement

In response to the Examiner's restriction requirement, Applicant respectfully disagrees that the requirement of restriction appropriately groups the claims. The Examiner has grouped the claims into five categories: (I) 1-11; (II) 12-28; (III) 29-34; (IV) 35-48; and (V) 49-60. Applicant suggests grouping the claims as follows: (I) 1-11; (II) 12-20; (III) 21-34; and (IV) 35-60.

Based upon MPEP § 802.01, the Director may require restriction if two or more "independent and distinct" inventions are claimed in one application. See also 35 U.S.C. § 121. According to MPEP § 802.01, Independent means unrelated. Two or more inventions are related (i.e., not independent) if they are disclosed as connected in at least one of design, operation, or effect. MPEP § 802.01(II).

This application includes six independent claims (1, 12, 21, 29, 35, and 49). Generally stated, all six independent claims are related to methods for matching employee candidates with job opportunities of prospective employers.

The MPEP provides authority for the examiner to group together species in a patent application, when plural species exist, if the species are patentably distinct.

Applicant believes that several of these species may be related in design, operation or effect. Therefore, Applicant suggests modifying the restriction requirement to group the claims as

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follows: (I) 1-11; (II) 12-20; (III) 21-34; and (IV) 35-60.

A reasonable number of species may be claimed when there is an allowable claim generic thereto. 37 C.F.R. § 1.141; MPEP § 806(D). Applicant believes Claim 1 is a generic claim and claims 12, 21, 29, 35, and 49 are species thereof. Applicant believes a reasonable number of species are included within claims 21 and 29, and the claims dependent therefrom.

In comparison with the Examiner's suggested grouping of claims, Applicant believes the pair of species disclosed in claims 21 and 29, and the claims dependent therefrom, and the pair of species disclosed in claims 35 and 49, and the claims dependent therefrom, each hold a higher degree of relation to one another than such pairs hold to the other species disclosed.

Claim 21 is related to determining whether a job description matches candidate profile threshold requirements and communicating the matches to a prospective employer. Claim 29 is related to determining whether a candidate profile matches job description threshold requirements and communicating the matches to a candidate.

Claim 35 is related to determining whether a job description matches at least one candidate profile threshold requirement, based upon a threshold comparison, and transmitting a request for interview from a prospective employer to a candidate associated with the matching candidate profile. Claim 49 is related to determining whether a candidate profile matches at least one job description, based upon a threshold comparison, and transmitting a request for interview from a candidate to a prospective employer associated with the matching job description.

Based on the above and foregoing, Applicant suggests grouping the claims into four categories: (I) 1-11; (II) 12-20; (III) 21-34; and (IV) 35-60. From those four categories, Applicant

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would elect group III as a reasonable number of species to the allowable generic claim of group I.

The Examiner is invited to contact applicant's attorney at the telephone number listed below in the event that prosecution of this application can be expedited thereby.

Respectfully submitted,

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