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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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BLACKWELL SANDERS PEPER MARTIN LLP
4801 Main Street
Suite 1000
KANSAS CITY, MO 64112

EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 01/12/2005

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

Pu

Office Action Summary	Application No. 10/101,644	Applicant(s) VIANELLO, MARC	
	Examiner Romain Jeanty	Art Unit 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 20 October 2004.
- 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) 1-198 is/are pending in the application.
 - 4a) Of the above claim(s) 1-4, 18-197 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5-17, and 198 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) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination (RCE)

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 20, 2004 has been entered. Claims 5-17 and 198 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to claims 5-17 and 198 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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.

4. Claim 198 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 198 recites the limitation "the non requesting" in line 11. There is insufficient antecedent basis for this limitation in the claim.

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 negated by the manner in which the invention was made.

6. Claims 5-8, 14, 16-17, and 198 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, 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

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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 Joao in order to provide the identity of the party requesting the information to the respective individual, employer and/or hiring entity.

As per claim 6, McGovern et al and Williams do not expressly disclose wherein said information exchange occurs in preparation for an interview, said information occurring prior to any direct contact between the parties. Joao discloses the exchange of information between the employer and the employee (col. 27, lines 47-60) (Since Joao does not state whether the exchange of information occurs prior or after any direct contact between the employer and the employee, it infers that the information exchange occurs before any direct contact between the party). 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 Joao in order to provide the identity of the party requesting the information to the respective individual, employer and/or hiring entity. It would have been obvious to a person of ordinary skill in the art at the time of

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