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Application of: Vianello, Marc	Examiner: Romain Jeanty
Serial No.: 10/101,644	Group Art Unit: 3623
Filed: March 19, 2002	Attorney Docket No.: 15703.10002
For: APPARTUS AND METHODS FOR PROVIDING CAREER EMPLOYMENT SERVICES	Customer No.: 027526
Last Office Action: July 14, 2005	Confirmation No.: 8626

CERTIFICATE OF MAILING

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Signed: Barbara J. Parkerson
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AMENDMENT E

Sir:

In response to the Office Action mailed July 14, 2005, and within the three months for response thereto, please amend the above-identified application in accordance with the amendments and remarks as set forth herein. Based on a discussion with the Examiner during a telephone conversation held on Tuesday, August 16 2005, during which the Examiner indicated that the proposed amendments to the claims would not be entered after final, Applicant is filing a Request for Continued Examination (RCE) concurrent with this response.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 44 of this paper.

A Clean Copy of the Claims are reflected in the listing of claims, which begins on page 54 of this paper.

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REMARKS

The above amendments and these remarks are submitted in response to the Office Action mailed July 14, 2005 in the above captioned application, which has been received and carefully analyzed. Claims 205 and 207 have been added. Claims 13 and 201 have been deleted. Claims 5-8, 10-12, 14-15, 17, 198-200 and 202- 207 are now pending in this case for prosecution. Claims 5, 6, 8, 11, 14 and 198 have been amended. Claims 5, 11, 14, 198, 199 and 206 are independent.

SECTION 101 REJECTION

Claims 5-8, 10 and 198-204 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The claims have been amended to recite processes that expressly incorporate technology as performing the steps therein.

SECTION 103 REJECTIONS

Claims 5-8, 14, 16-17, and 198-204 were rejected under 35 U.S.C. § 103(a) as being allegedly 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).

Claims 9-13, and 15 were rejected under 35 U.S.C. § 103(a) as being allegedly 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).

It should initially be noted that applicant's invention is directed to an economic event that is triggered by the mutual consent of parties to a request for the release of contact information. See Fig 12, steps 1206 to 1208. Importantly, the economic event of the present invention is completely independent of and unrelated to the occurrence or non-occurrence of an interview.

A synopsis of the teachings of the cited references are presented to set forth and illustrate the distinction and non-obviousness of the features of applicant's invention, over the prior art.

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McGovern

McGovern is directed to a method and apparatus to enable advertisement of positions, receipt of resumes from prospective candidates and perform screening of the resumes. McGovern is a job search/posting system. There exists a contractual relationship between employers and a hosting service provider. An employer pays a license fee to the site provider for access to certain application functions and a finite number of job postings. See column 8, lines 39-54. The system matches job seekers to employer requirements. When a match is identified as between a job seeker and an advertised position, McGovern links the job seeker to the relevant page of the employer's website, wherein the details of the position are described. See column 15, lines 36-55. The job seeker may then communicate directly with the employer via the employer's website and the job seeker can obtain additional information regarding the available position and/or forward an e-mail or resume` to the company to apply for the position. McGovern also provides automated matching of a job seeker to future positions. The job seeker is provided the contact information and particulars of the employer, thus allowing the job seeker to make direct contact. See column16, lines 5-24.

McGovern does not necessitate the exchange of contact information between the parties. In the instances where such exchange occurs, there is no economic event associated with the exchanges (no payment or obligation of payment); nor does McGovern require the mutual consent from employer and job seeker as a prerequisite before the exchange occurs. McGovern does not discuss or hint at any financial considerations to a site operator.

Williams

Williams is directed to a system and method for assessing candidate qualifications and determining/monitoring the progression of candidates through an interview process. As a part of this process, the system performs occupational qualifier interviews. Candidates are presented with and respond to customized assessment questions, which allow the system to determine the best match of candidates to employer criteria. In essence, Williams provides and teaches an initial candidate screening

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and interviewing tool that is purported to help reduce employer workload in the area of candidate screening. See Column 12, lines 25-34. Williams collects candidate information, then questions candidates to assess job-related behavioral characteristics and then evaluates this information to determine which candidates best satisfy the client/employer prerequisites. Candidates are winnowed by the system. A candidate is presented with numerous questions for responses. The responses are utilized by the system to determine the candidate that best matches criteria that was set forth by the employer. Those who best match criteria set by the employer are advised that they pre-qualify for a follow-up interview and are given instructions regarding a direct, follow-up interview. The contact information of the parties are then made available to one another so that an interview may be scheduled.

Williams is also an interview process management system that provides automated follow-up interview scheduling, recordation of ideal times for phone calls from the employer, and so forth.

As clearly set forth in Applicant's amended claims, Applicant's method has nothing to do with soliciting job-related behavioral characteristics, evaluating the proffered information to determine which candidates best satisfy the client/employer prerequisites, and scheduling an interview. Instead, the Applicant's method is directed to payment from the employer for the exchange of contact information only after mutual consent for the release of such contact information has been obtained from both the employer and the candidate.

Joao

Joao teaches a system and method for providing recruitment information. More specifically, Joao determines an applicant's and employer's interest in getting together to pursue an opportunity. The system facilitates information exchange between the parties in preparation for an interview, employment screening, and/or other recruitment processes. The system monitors the recruitment process and records the related information. Joao further teaches a system of maintaining a financial account on behalf of an employer and making payments or transfers to account(s) of individual employee(s). Joao addresses monetary transactions between the employer and employee and functions as an escrow service.

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Joao also facilitates and maintains the engagement of an individual by an employer. Even further, Joao provides automated mechanisms that are pre-configured by the employer to cause the system to act on behalf of the employer. Importantly, Joao's teaching that relates to payments or compensation services describes an agency or escrow type of situation. See Column 35, lines 27-45. Joao does not teach or suggest an economic event or benefit to a site operator in connection with an agreement to provide contact information.

More specifically, the Joao reference has been cited by the Examiner to disclose payment from one party to another. This disclosure is correctly identified by the Examiner at Column 34, Lines 29-46. However, this disclosure is very clear in that payment by the employer is specifically related to services performed by the individual or individuals. Payment is specifically processed and transferred on behalf of the employer from the employer's account to an individual's account or to accounts of individuals for services rendered by the individual. It has nothing to do with paying for the exchange of contact information before any meeting or interview is accomplished between the candidate and the employer. The payment process disclosed in the Joao reference is strictly related to services performed by the individual on behalf of the employer.

Column 34 at Lines 47-55 further discusses the possibility of purchasing an option from the individual or person or entity representing the individual for the respective individual's services, with the price of said option being determined by using conventional financial options pricing models and/or methods. This is totally different and distinguishable over Applicant's system whereby an employer pays a career site operator a specific fee for exchanging contact information only after mutual consent from both the employer and the candidate has been obtained for the exchange of such information. No payment scheme similar to Applicant's system is disclosed or even contemplated in the Joao reference.

Stepping through the Examiner's remarks and rejections, the Examiner acknowledges that McGovern does not disclose or teach receiving a request for an interview, and that Williams teaches following-up and scheduling an interview. In this regard, and as amended in the claims, Applicant's

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