



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

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

27128 7590 11/08/2006

BLACKWELL SANDERS PEPER MARTIN LLP  
720 OLIVE STREET  
SUITE 2400  
ST. LOUIS, MO 63101

EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 11/08/2006

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

## 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) 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 22 August 2006.
- 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) 5,6,10,14,17,200,204,205,208-219 and 221-225 is/are pending in the application.  
4a) Of the above claim(s) 220 is/are withdrawn from consideration.
- 5)  Claim(s) 219 is/are allowed.
- 6)  Claim(s) 5,6,10,14,17,200,204,208,209 and 214, 221, 223 is/are rejected.
- 7)  Claim(s) 205,210-213,215-218,222,224 and 225 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/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_

### DETAILED ACTION

1. This Final Office Action is in response to the communication received August 22, 2006. Claims 5, 6, 10, 14, 17, 200, 204, 205, 208-219 and 221-225 are pending in the application.

### Response to Arguments

2. Applicant's arguments with respect to claims 5, 6, 10, 14, 17, 200, 204, 205, 208-219 and 221-225 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment has overcome to the 35 USC 112 second rejection. The rejection is withdrawn. However, a new 35 USC 112 second rejection is rendered below based on the newly amended claims.

### 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 5-6, 10, and 208 are 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 5 recites the limitation "said requesting party". It is unclear as what requesting party applicant is referring to. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3623

Furthermore, claim 208 recited the phrase “the opportunity”. It is unclear what the applicant means by said phrase. There is insufficient antecedent basis for this phrase in the claim.

Claims 6 and 10 depend from independent claim 5; therefore claims 6 and 10 are rejected under the same rationale relied upon of claim 1.

### 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, 10-12, 14-15, 17, 198-200, 202-204, 209, 214, 221, and 223 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al “Walker” (U.S. Patent No. 5,884,270) in view of Pineda et al “Pineda” (Wo0182185A2) and further in view of Phatak (U.S. 2001/0042038).

As per claims 5, 7-8, 12, 17, 200, 202-204, 209, 214, 221, and 223, Walker discloses an interactive employment recruiting service comprising:

a processor, a memory connected to the processor (col. 8, lines 15-65);  
automatically matching said candidate with said employer based on said candidate requirements and said employer requirements (col. 8, lines 20-37 and col. 8, lines 51-65),  
receiving a request for release of contact information from either said candidate or said employer

Art Unit: 3623

(col. 5, lines 5-18), determining whether there is mutual content to said request for the release of contact information regarding the candidate for each specific request. Since Walker teaches the control of requested data and authorization for releasing information, it implies that there must be mutual agreement between the parties before any information is released. Note col. 7, lines 24-41 and col. 21, line 58 through col. 22, line 9 of Walker.

Walker further teaches providing exchange information in real time (col. 7, lines 24-41 and col. 21, line 58 through col. 22 line 9).

Walker discloses all of the limitations above but fail to expressly disclose obligating payment due from said employer in real time and said payment due is a fee to a career site. Pinada in the same field of endeavor discloses the concept of charging a fee to an employer et al operator by a web site host (Page 3, lines 18-21). It would have been obvious to a person of ordinary skill in the art to modify the system of Walker to include the teachings of Pineda in order to generate revenue on the basis of the number of qualified candidates that employers actually find through of a job-placement web site.

Furthermore, the combination of Walker and Pinada teaches all of the limitations above, but g fails to explicitly disclose ... receiving a search request from either said candidate or said employer to search the searchable profile of one or more of the candidates and employer databases for a possible employment opportunity based upon certain parameters, and that the attributes of the requesting one of said candidate and *said employer satisfy the minimum requirements of a non-requesting candidate or employer stored in the candidate and employer databases.* However, Phatak discloses a method for conducting an auction for resources comprising a server for receiving candidate and employer and determining that the attributes of

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.