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

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

*Ex parte* DDR HOLDINGS, LLC,
Appellant and Patent Owner

_____

Appeal 2009-0013987
Reexamination Control 90/008,374
Patent 6,993,572
Technology Center 3900

_____

Decided: April 16, 2010

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Before SCOTT R. BOALICK, ST. JOHN COURTENAY, III and KEVIN F.
TURNER, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*

DECISION ON APPEAL

DDR HOLDINGs, LLC[1] appeals under 35 U.S.C. §§ 134(b) and 306 from a final rejection of claims 1, 4, 5, 13, 17-22, and 24-26. We have jurisdiction under 35 U.S.C. §§ 134(b) and 306.

We heard oral arguments on October 21, 2009, a written transcript of which is included in the record.

We REVERSE.

## STATEMENT OF THE CASE

This proceeding arose from a request for *ex parte* reexamination filed by the Patent Owner on December 13, 2006 of United States Patent 6,993,572 (issued January 31, 2006) to D. Delano Ross, Jr., et al. [hereinafter the ′572 Patent] based on United States Patent Application 10/461,997 (filed June 11, 2003).

A related patent, United States Patent 6,629,135 (issued September 30, 2003), based United States Patent Application 09/398,268 (filed September 17, 1999), is the parent application of the ′572 Patent, is also the subject of a request for *ex parte* reexamination (Reexamination Control 90/008,375), and is also presently being appealed (Appeal 2009-013988). That appeal is being concurrently decided with the instant appeal.

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[1] DDR Holdings, LLC is the real party in interest and the current owner of the patent under reexamination.

Patentee's invention relates to commerce syndication where computer-based information providers receive outsourced electronic commerce facilities in a context sensitive, transparent manner (Spec. col. 1, ll. 18-21). In the process, the host's look and feel is captured by selecting an example page of the host, retrieving the sample page from the host, identifying the look and feel elements from the sample page and saving the identified look and feel elements. "Look and feel elements" include logos, colors, page layout, navigation systems, frames, "mouse-over" effects, or other elements that are consistent through some or all of a host's website (*id.* at col. 14, ll. 6-17).

Claims 1-27 are listed in the issued patent, where claims 2, 3, 6-12, and 14-16 are not subject to reexamination (Final Office Action 2), and claims 23 and 27 have been confirmed (Final Office Action 3). Claims 1, 13, and 17, which we deem to be representative, read as follows:

> 1. An e-commerce outsourcing process comprising:
> a) capturing a look and feel description associated with a host website and storing HTML code corresponding to the look and feel description at a second website;
> b) providing the host website with a link for inclusion within a page on the host website for serving to a visitor computer, wherein the provided link correlates the host website with a selected commerce object; and

c) upon receiving an activation of the provided link from the visitor computer, serving to the visitor computer from the second website page with a look and feel corresponding to the captured look and feel description of the host website associated with the provided link and with content based on the commerce object associated with the provided link;

whereby the visitor receiving the served page at the visitor computer perceives the page as associated with the host website even though it is served from the second website.

13. An e-commerce outsourcing system comprising:

a) a data store including a look and feel description associated with a host web page having a link correlated with a commerce object; and

b) a computer processor coupled to the data store and in communication through the Internet with the host web page and programmed, upon receiving an indication that the link has been activated by a visitor computer in Internet communication with the host web page, to serve a composite web page to the visitor computer wit a look and feel based on the look and feel description in the data store and with content based on the commerce object associated wit the link.

17. An e-commerce outsourcing process comprising the steps of:

a) storing a look and feel description associated with a first website in a data store associated with a second website;

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