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95/001,576	03/16/2011	6757682	20192.0002.IP682	1495
21912 7590 06/03/2011 VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			EXAMINER HUGHES, DEANDRA M	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			06/03/2011	PAPER

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.



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THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Date: 6-3-11

Lissi M. Marquis
NOVAK DRUCE & QUIGG(2nd REEXAM GROUP)
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Houston, TX 77002

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001576
PATENT NO. : 6757682
TECHNOLOGY CENTER : 3999
ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/001,576	6757682	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): PTO-892 PTO/SB/08 Other: _____

1. The request for *inter partes* reexamination is GRANTED.

An Office action is attached with this order.

An Office action will follow in due course.

2. The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester:

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Order.

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ORDER GRANTING REQUEST FOR *INTER PARTES* REEXAMINATION

1. Substantial new questions of patentability ("SNQ") affecting claims 1-13, 16-17, 20 of USP 6,757,682 ("**682 patent**") have been proposed by the third party requester ("3PR") in the *inter partes* reexamination request filed Mar. 16, 2011 ("Request").

References Cited in this Action

2. USP 7,082,407 to Bezos filed Aug. 19, 1999. ("**Bezos**")
3. USP 6,195,657 to Rucker filed Sep. 25, 1997. ("**Rucker**")
4. USP 6,049,777 to Sheena filed Mar. 14, 1997. ("**Sheena**")
5. USP 5,724,567 to Rose filed Apr. 25, 1995. ("**Rose**")
6. USP 6,466,918 to Spiegel et al. filed Nov. 18, 1999. ("**Spiegel**")
7. USP 6,681,369 to Meunier filed May. 5, 1999. ("**Meunier**")

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Prosecution History

8. The prosecution history of the application (09/656,638) which became the **'682 patent** is presented below.

- On Sep. 7, 2000, claims 1-20 were presented for examination.
- On Apr. 9, 2003, claims 1-20 were rejected as anticipated by Eichstaedt (USP 6,385,619).
 - The Examiner also stated Dockter (USP 6,208,989) and Ogawa (USP 5,535,382) show the state of the art with respect to alerting users of items of current interest.
- On Jul. 7, 2003, applicant amended independent claims 1, 19, and 20.
- On Sep. 16, 2003, claims 1-20 were finally rejected by Eichstaedt.
- On Nov. 18, 2003, an applicant interview was held wherein amendments to put the claims in condition for allowance were discussed.
- On Nov. 28, 2003, applicant filed an RCE with amendments to independent claims 1, 19, and 20, which put the claims in condition for allowance.

<p><u>determining an intensity value to be associated with the indication and an intensity weight value, and adjusting the intensity value based on a characteristic for the item provided by the source; and</u></p>

- On Dec. 18, 2003, claims 1-20 were allowed.

9. Based on the prosecution history of the **'682 patent**, the Examiner considers a teaching as to the following to form the proper basis for a SNQ for **claims 1-13, 16-17, 20**.

A system or method of alerting users of items of current interest wherein the system/method performs the step of:

- *determining an intensity value to be associated with an indication that an item is of current interest and an intensity weight value, and*
- *adjusting the intensity value based on a characteristic for the item provided by the source.*

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Decision

10. The Request indicates that **3PR** considers:
- (A) **Bezos** raises an SNQ as to claims 1-13, 16-17, and 20 under 35 U.S.C. §102.
 - (B) **Bezos** in view of **Spiegel** raises an SNQ as to claims 1-13, 16-17, and 20 under 35 U.S.C. §103.
 - (C) **Bezos** in view of **Meunier** raises an SNQ as to claims 1-13, 16-17, and 20 under 35 U.S.C. §103.
 - (D) **Spiegel** raises an SNQ as to claims 1-13, 16-17, and 20 under 35 U.S.C. §102.
 - (E) **Spiegel** in view of **Meunier** raises an SNQ as to claims 1-13, 16-17, and 20 under 35 U.S.C. §103.
 - (F) **Rucker** raises an SNQ as to claims 1-13, 16-17, and 20 under 35 U.S.C. §102.
 - (G) **Sheena** raises an SNQ as to claims 1-5, 8-10, 16-17, and 20 under 35 U.S.C. §102.
 - (H) **Sheena** in view of **Bezos** raises an SNQ as to claims 6-7 and 11-13 under 35 U.S.C. §103.
 - (I) **Rose** raises an SNQ as to claims 1-5, 8, 17, and 20 under 35 U.S.C. §102.
 - (J) **Rose** in view of **Bezos** raises an SNQ as to claims 6-7, 9-13, and 16 under 35 U.S.C. §103.
 - (K) **Rose** in view of **Sheena** raises an SNQ as to claims 9-10 and 16 under 35 U.S.C. §103.

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BEZOS: Proposed SNQs (A)-(C)

11. It is agreed that the consideration of **Bezos**, alone or in combination, raises a SNQ as to claims 1-13, 16-17, and 20 of the '682 patent.

Bezos discloses:

"...a notification service is provided for informing users of popular products within their respective communities. The popular products may be identified, for example, based on the popularity of the product within the community relative to the product's popularity within the general user population, or based simply on the number of units recently purchased within the community relative to the number of community members. In one embodiment, users can also request to be notified of all purchases made within their respective communities. The popular product and purchase event notifications are preferably sent by email (to community members that have not yet purchased the product), but may alternatively be communicated using a personalized Web page of other method. The notifications may include information for assisting users in evaluating the products, such as the number of community members that have purchased the product and/or contact information of such other users. "
(col. 3:16-34)

Bezos was not before the Examiner during the prosecution of the '682 patent and there is a substantial likelihood that a reasonable examiner would consider these teachings of **Bezos** important in deciding whether claims 1-13, 16-17, and 20 of the '682 patent are patentable. Accordingly, **Bezos** raises a SNQ, which question has not been decided in a previous examination of the '682 patent, and the claims will be reexamined over SNQs (A)-(C).

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SPIEGEL: Proposed SNQs (D)-(E)

12. It is agreed that the consideration of **Spiegel**, alone or in combination, raises a SNQ as to claims 1-13, 16-17, and 20 of the '682 patent.

Spiegel incorporates by reference U.S. Appl. Ser. No. 60/128,557, which is the provisional application to which **Bezos** claims priority. (col.10:58) Since **Bezos** is presumed to be supported by the provisional (60/128,557) to which it claims priority and **Spiegel** expressly incorporates this provisional (60/128,557) by reference, a reasonable Examiner would presume **Spiegel** to disclose at least that which is disclosed in **Bezos**. As such, for the reasons set forth above as to proposed SNQ (A) over **Bezos**, **Spiegel** provides the teachings which form the basis of an SNQ as to claims 1-13, 16-17, and 20 of the '682 patent

Spiegel was not before the Examiner during the prosecution of the '682 patent and there is a substantial likelihood that a reasonable examiner would consider these teachings of **Spiegel** important in deciding whether claims 1-13, 16-17, and 20 of the '682 patent are patentable. Accordingly, **Spiegel** raises a SNQ, which question has not been decided in a previous examination of the '682 patent, and the claims will be reexamined over SNQs (D)-(E).

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RUCKER: Proposed SNQ (F)

13. It is agreed that the consideration of **Rucker**, alone or in combination, raises a SNQ as to claims 1-13, 16-17, and 20 of the '**682 patent**.

Rucker teaches a system for determining recommendations which are likely to be relevant to a user's current interests. (col. 2:8-10) **Rucker** also teaches assigning a score to information objects in a recommendations list. (col. 14:15-20) Further, **Rucker** teaches matching information objects based on target ratings supplied by the user and other ratings generated by the originating user of the target category. (col. 13:15-20).

Rucker was not before the Examiner during the prosecution of the '**682 patent** and there is a substantial likelihood that a reasonable examiner would consider these teachings of **Rucker** important in deciding whether claims 1-13, 16-17, and 20 of the '**682 patent** are patentable. Accordingly, **Rucker** raises a SNQ, which question has not been decided in a previous examination of the '**682 patent**, and the claims will be reexamined over SNQ (F).

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SHEENA: Proposed SNQs (G)-(H)

14. It is agreed that the consideration of **Sheena**, alone or in combination, raises a SNQ as to **claims 1-13, 16-17, and 20** of the '**682 patent**.

Sheena teaches computer-implemented collaborative filtering based method for recommending an item to a user. (title) **Sheena** also teaches calculating similarity factors for each of the users and using these factors to select a neighboring user set for each user of the system. (col. 2:15-17) Further, **Sheena** teaches a weight assigned to each of the neighboring users and using the assigned weights together with the ratings given to items by the user's neighboring users, to recommend one of the items to the user. (col. 2:15-20).

Sheena was not before the Examiner during the prosecution of the '**682 patent** and there is a substantial likelihood that a reasonable examiner would consider these teachings of **Sheena** important in deciding whether **claims 1-13, 16-17, and 20** of the '**682 patent** are patentable. Accordingly, **Sheena** raises a SNQ, which question has not been decided in a previous examination of the '**682 patent**, and the claims will be reexamined over SNQs (G)-(H).

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ROSE: Proposed SNQs (I)-(J)

15. It is agreed that the consideration of **Rose**, alone or in combination, raises a SNQ as to claims 1-13, 16-17, and 20 of the '682 patent.

Rose teaches a prediction of a user's interest in information based upon a correlation with the indications provided by other users. (col.6:63-68) **Rose** also teaches using a table of indications of user's interest to generate a correlation matrix wherein the element R_{ij} contains the measure of correlation between the indications of the i_{th} user and the j_{th} user. (col. 6:65-col.7:9) Further, **Rose** teaches this correlation matrix is used to predict a user's interest in information. (col.7:25)

Rose was before the Examiner during the prosecution of the '682 patent but **Rose** was not discussed or applied in a rejection. Further, there is a substantial likelihood that a reasonable examiner would consider these teachings of **Rose** important in deciding whether claims 1-13, 16-17, and 20 of the '682 patent are patentable because the prosecution history of the '682 patent does not distinguish **Rose** from the allowed claims. Accordingly, **Rose** raises a SNQ, which question has not been decided in a previous examination of the '682 patent, and the claims will be reexamined over SNQs (I)-(J).

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Conclusion

16. For the reasons set forth above, claims 1-13, 16-17, and 20 of the '682 patent will be reexamined.

17. All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to: Mail Stop Ex Parte Reexam
Attn: Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at:

<https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>.

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central

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Reexamination Unit at telephone number (571) 272-7705.

Signed:

Conferees:

/Deandra M. Hughes/
Primary Examiner, AU3992

/CL/
ESK

Reexamination 	Application/Control No. 95001576	Applicant(s)/Patent Under Reexamination 6757682
	Certificate Date	Certificate Number

Requester Correspondence Address:
 Patent Owner
 Third Party

2ND REEXAM GROUP - NOVAK DRUCE + QUIGG LLP
 1000 LOUISIANA STREET
 FIFTY-THIRD FLOOR
 HOUSTON, TX 77002

LITIGATION REVIEW <input checked="" type="checkbox"/>	DMH (examiner initials)	06/01/2011 (date)
Case Name		Director Initials
Interval Licensing v. AOL (Case No. 2:10cv01385) W.D. Wash (O		<i>E. Head for RY</i>

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER

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OFFICE ACTION IN INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination	
	95/001,576	6757682	
	Examiner	Art Unit	
	Deandra M. Hughes	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:

Patent Owner on _____

Third Party(ies) on 16 March 2011

RESPONSE TIMES ARE SET TO EXPIRE AS FOLLOWS:

For Patent Owner's Response:

2 MONTH(S) from the mailing date of this action. 37 CFR 1.945. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.956.

For Third Party Requester's Comments on the Patent Owner Response:

30 DAYS from the date of service of any patent owner's response. 37 CFR 1.947. NO EXTENSIONS OF TIME ARE PERMITTED. 35 U.S.C. 314(b)(2).

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

This action is not an Action Closing Prosecution under 37 CFR 1.949, nor is it a Right of Appeal Notice under 37 CFR 1.953.

PART I. THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892
2. Information Disclosure Citation, PTO/SB/08
3. _____

PART II. SUMMARY OF ACTION:

- 1a. Claims 1-13, 16, 17 and 20 are subject to reexamination.
- 1b. Claims 14, 15, 18, and 19 are not subject to reexamination.
2. Claims _____ have been canceled.
3. Claims 1 and 2 are confirmed. [Unamended patent claims]
4. Claims _____ are patentable. [Amended or new claims]
5. Claims 3-13, 16, 17 and 20 are rejected.
6. Claims _____ are objected to.
7. The drawings filed on _____ are acceptable are not acceptable.
8. The drawing correction request filed on _____ is: approved. disapproved.
9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d). The certified copy has:
 - been received. not been received. been filed in Application/Control No _____.
10. Other _____

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INTER PARTES REEXAMINATION NON-FINAL ACTION

1. This is the first action in the *inter partes* reexamination of claims 1-13, 16-17, 20 of USP 6,757,682 ("**682 patent**").

References Cited in this Action

2. USP 7,082,407 to Bezos filed Aug. 19, 1999. ("**Bezos**")
3. USP 6,195,657 to Rucker filed Sep. 25, 1997. ("**Rucker**")
4. USP 6,049,777 to Sheena filed Mar. 14, 1997. ("**Sheena**")
5. USP 5,724,567 to Rose filed Apr. 25, 1995. ("**Rose**")
6. USP 6,466,918 to Spiegel et al. filed Nov. 18, 1999. ("**Spiegel**")
7. USP 6,681,369 to Meunier filed May. 5, 1999. ("**Meunier**")

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Proposed Rejections

8. The Request indicates that **3PR** considers:

- (A) Claims 1-13, 16-17, and 20 are anticipated by **Bezos**.
- (B) Claims 1-13, 16-17, and 20 are obvious over **Bezos** in view of **Spiegel**.
- (C) Claims 1-13, 16-17, and 20 are obvious over **Bezos** in view of **Meunier**.
.....
- (D) Claims 1-13, 16-17, and 20 are obvious over **Spiegel**.
- (E) Claims 1-13, 16-17, and 20 are obvious over **Spiegel** in view of **Meunier**.
.....
- (F) Claims 1-13, 16-17, and 20 are anticipated by **Rucker**.
.....
- (G) Claims 1-5, 8-10, 16-17, and 20 are anticipated by **Sheena**.
- (H) Claims 6-7 and 11-13 are obvious over **Sheena** in view of **Bezos**.
.....
- (I) Claims 1-5, 8, 17, and 20 are anticipated by **Rose**.
- (J) Claims 6-7, 9-13, and 16 are obvious over **Rose** in view of **Bezos**.
- (K) Claims 9-10 and 16 are obvious over **Rose** in view of **Sheena**.

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Summary of this Action

9. The proposed rejections are grouped according to their respective primary references. Proposed rejections (A)-(K) are not adopted.

Bezos	pgs. 5-11
Spiegel	pgs. 17-23
Rucker	pgs. 24-29
Sheena	pgs. 30-36
Rose	pgs. 37-43

10. Claims 1-2 are confirmed as patentable.

11. Claims 3-13, 16-17, and 20 are rejected.

Examiner initiated rejections over Bezos	pgs. 12-16
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BEZOS: Proposed Rejections (A)-(C)

12. The Request indicates that 3PR considers:
 - (A) Claims 1-13, 16-17, and 20 are anticipated by **Bezos**.
 - (B) Claims 1-13, 16-17, and 20 are obvious over **Bezos** in view of **Spiegel**.
 - (C) Claims 1-13, 16-17, and 20 are obvious over **Bezos** in view of **Meunier**.
13. For the reader's convenience, *figure 1* of the '682 patent and *figure 5* of **Bezos** are provided for comparison.
14. Proposed rejections (A)-(C) are not adopted for the reasons set forth below.
15. Claims 3-13, 16-17, and 20 are rejected as being obvious over **Bezos** by Examiner initiated rejections as set forth below.

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'682 Patent

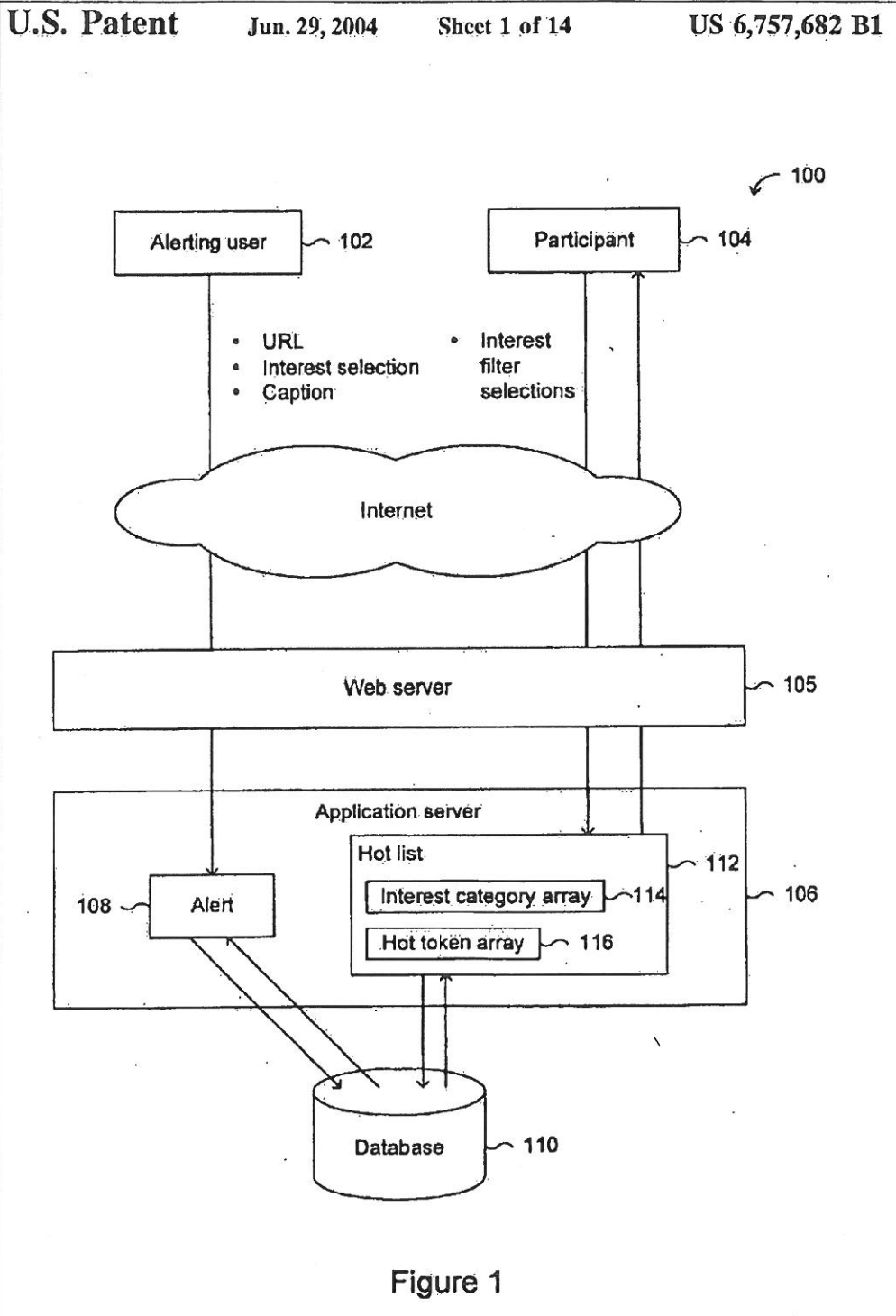
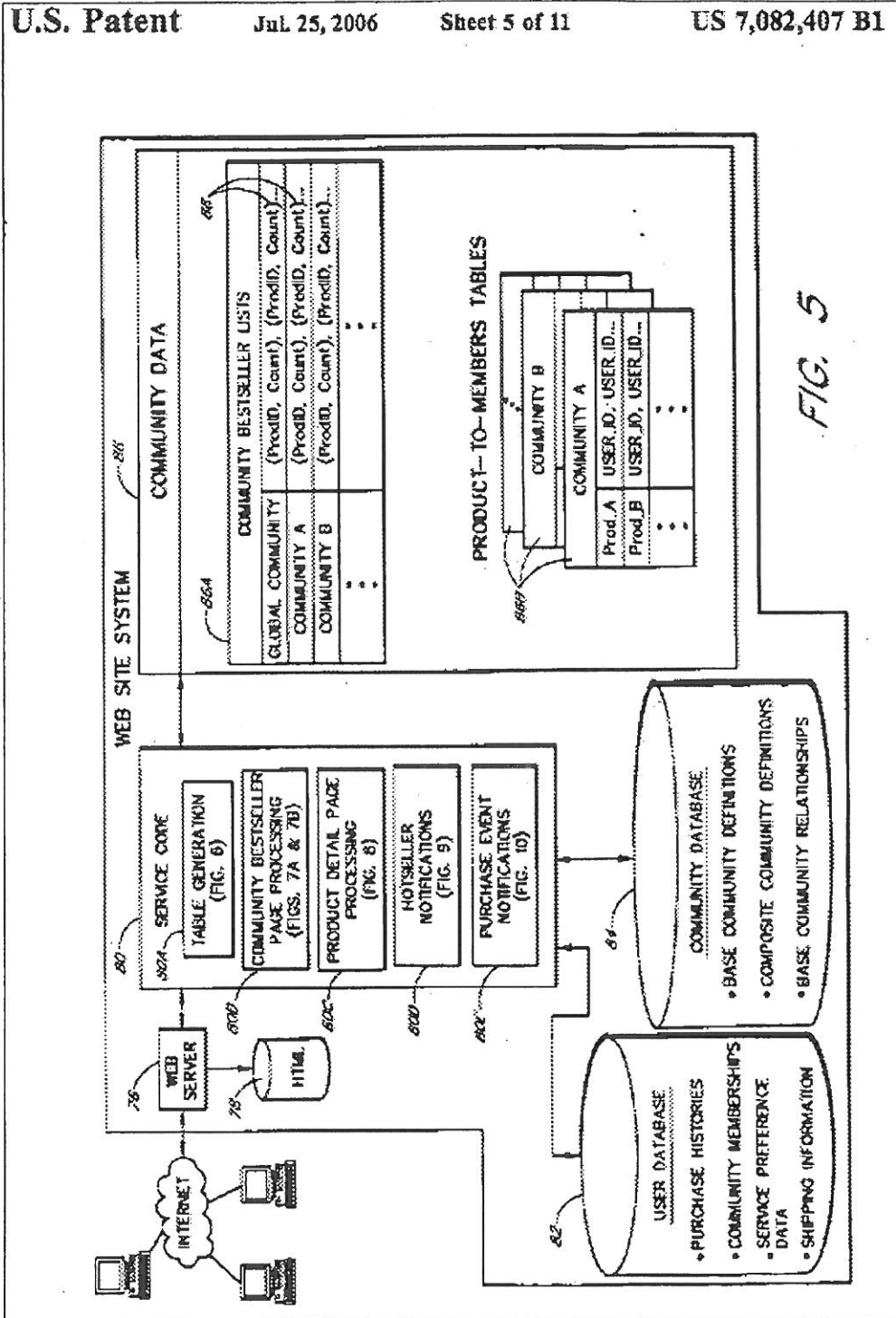


Figure 1

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Bezos



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Reasons for Not Adopting Proposed Rejections (A)-(C) over Bezos

As to **claim 1**, **Bezos** does not anticipate or make obvious a computer configured to...that the item is of current interest in combination with the other features in the claim.

3PR sets forth the disclosures of **Bezos** that allegedly read on this claim limitation in pages 2-7 of Exhibit CC-A of the Request. This proposed rejection, however, is not adopted for the following reasons.

The system of **Bezos** comprises a computer (PC connected to the Internet, i.e. the user's computer; fig. 5) configured to receive from a source (website system) other than the participant (user) an indication (Hotseller Notification) that the item (book) is of current interest (a current hot-selling book).

However, the website system of **Bezos** (figure 5):

- determines an intensity value (product count value) to be associated with the indication (Hotseller Notification) and an intensity weight value (velocity/acceleration value),
- adjusts the intensity value (product count value) based on a characteristic (rating/review) for the item (book) provided by the source (website system), and
- informs the participant (user) that the item (book) is of current interest (a current hot-selling book).

Since the steps of determining, adjusting, and informing are performed by the website system (figure 5) prior to sending the indication (Hotseller Notification) to the computer (User's PC), **Bezos** does not anticipate a computer configured to...that the item is of current interest because these steps are performed by the website system and one of ordinary skill in the art (e.g. a network engineer) would recognize that

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modifying the User's PC to be configured to perform these steps would be redundant and overly burdensome for the processors of the User's PC.

As to **claim 2**, **Bezos** does not anticipate or make obvious the computer program product being embodied in a computer readable medium in combination with the other features in the claim. 3PR sets forth the disclosures of **Bezos** that allegedly read on this claim limitation in pages 7-14 of Exhibit CC-A of the Request. This proposed rejection, however, is not adopted for the same reasons set forth above with respect to **claim 1**

As to **claims 1-3**, **Bezos** does not anticipate receiving in real-time...that the item is of current interest in combination with the other features in the claim. 3PR sets forth the disclosures of **Bezos** that allegedly read on this claim limitation in pages 2-3, 9-10, and 15-16 of Exhibit CC-A of the Request.

Bezos does not anticipate receiving in real-time from a source (website system) other than the participant (user) an indication (Hotseller notification) that the item (book) is of current interest (a current hotselling book) because **Bezos** discloses that the tables generated by Table Generation Process 80A, which are used for identifying hotselling items are updated in real-time. (fig. 6, #80A And col. 12:24-35) Since updating tables in real-time is not within the scope of receiving in real-time an indication that the item is of current interest, proposed rejection anticipation rejection (A) is not adopted.

Also as to **claims 1-3**, **Bezos** does not anticipate adjusting the intensity value based on a characteristic for the item provided by the source in combination with the

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other features in the claim. 3PR sets forth the disclosures of **Bezos** that allegedly read on this claim limitation in pages 6, 13, and 19 of Exhibit CC-A of the Request.

Bezos discloses the characteristic (rating/reviews) for the item (book) is provided by other users in the community. (col. 1:35-40) As such, **Bezos** does not anticipate adjusting the intensity value (product count value) based on a characteristic (rating/review) for the item (book) provided by the source (website system) because the ratings/reviews are provided by other users and not the website system. Since **Bezos** discloses that the ratings/reviews are provided by other users and not the source, i.e. the website system, proposed rejection anticipation rejection (A) is not adopted.

In addition, proposed rejections (B)-(C) are not adopted because they do not set forth a prima facie case of obviousness as required by *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The factual inquiries set forth in *Graham v. John Deere Co* that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

However, 3PR does not ascertain the differences between **Bezos** and the claims at issue. (Request, pgs. 66-69) Although 3PR has proposed obviousness rejections (B)-(C) as an alternative to the anticipation rejection (A), the proposed obviousness rejections must nonetheless set forth a prima facie case of obviousness by addressing the factual inquires as required by *Graham v. John Deere Co.* Consequently, proposed

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rejections (B)-(C) are not adopted because they do not establish a prima facie case of obviousness because they do not ascertain the differences between **Bezos** and the claims at issue.

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Examiner Initiated Rejections

16. **Claims 3-13, 16-17, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bezos**.

As to **claim 3**, **Bezos** discloses a method of disseminating to a participant (user) an indication (Hotseller Notification) that an item (book) accessible by the participant (available for purchase) via a network (Internet) is of current interest (a current hot-selling item in the user's community) comprising:

(A service referred to as Hotseller Notification automatically notifies users of book titles available for purchase that have become unusually popular within their respective communities. col.6:9-22)

- receiving from a source (website system) other than the participant (user) an indication (Hotseller Notification) that the item (book) is of current interest (a Hotseller in the user's community); (col. 6:15-19 and fig. 5)
- processing the indication (Hotseller Notification);

(The user is automatically notified of Hotsellers. As such, the automatic notification inherently requires the indication that the book title is of current to be processed because the user is automatically notified of the Hotseller on her personalized webpage. col.6:8-10)

- determining an intensity value (product count value; col.12:45-60)
 - to be associated with the indication (Hotseller Notification) and

(The product count value is a value in the array which indicates the number of times the product, i.e. the book title, was purchased by a member of the community. col.12:50-51. As such, the product count value is associated with the Hotseller Notification.)

- an intensity weight value, and

(product velocity and/or acceleration values. col.13:10-22 The product velocity and/or acceleration may be calculated by comparing the book's position within a current purchase-count-ordered list to the position within the like lists generated over the last three days. col.13:12-15. As such, the product count value is

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associated with the product velocity and/or acceleration value because the velocity/acceleration is calculated based on the product count value.)

- adjusting the intensity value (product count value; col.12:45-60)
- based on a characteristic (rating/review) for the item (book)

(Submissions of ratings or reviews may be treated as purchases and thus included in the purchase histories col.12:31-33 As such, the product count value is adjusted based on the ratings or reviews because a rating or review is counted as a purchase thereby increasing the product count value.) and

- informing the participant (user) that the item (book) is of current interest (relevant to the user's community)

(The user is notified of Hotsellers on her personalized webpage. col.6:8-10)

First, **Bezos** does not specifically disclose the computer (user's PC) is configured to receive in real-time from a source (website system) other than the participant (user) an indication (Hotseller notification) that the item (book) is of current interest (a current hot-selling book). **Bezos**, however, teaches an alternative process for updating the tables related to a list of purchased items in real-time. (col.12:25-35) Further, **Bezos** teaches automatically notifying users of "Hotsellers" on the personalized webpage of the user based on these tables. (col.6:8-10, col.12:30-35) Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to configure the computer to receive in real-time from the website system an indication that a book is a current hot-seller that the user will likely find of interest. It would have been obvious to make this modification for the advantage maintaining fresh lists of the "hot-selling" book titles in the community on the user's personalized webpage.

Second, **Bezos** does not specifically disclose adjusting the intensity value (product count value) based on a characteristic (rating/review) for the item (book) provided

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by the source (website system) because the ratings/reviews of the book are disclosed as being provided by other users in the community and not by the source, i.e. the website system. (col. 1:35-40) It was well-known at the time of filing, however, for electronic catalogs to rate and review the products they sell. Consequently, it would have been obvious to one of ordinary skill in the art (e.g. a network engineer) to adjust the product count value based on a rating/review provided by the product notification service for the advantage of assessing a 'hotselling' item based on a professional book review.

As to **claim 4**, **Bezos** discloses processing the indication (Hotseller Notification) comprises:

- determining the intensity value (product count value) for the indication (Hotseller Notification) based on at least one attribute (the type of the particular community) of the indication (Hotseller Notification for a user within the particular community)
- the intensity value (product count value) representing the weight that will be given to the indication (Hotseller Notification).

(To identify the popular items within a particular community, the velocity or acceleration of each product purchased within that community can be compared to product's velocity or acceleration within the general user population. col.5:50-55)

As to **claim 5**, **Bezos** discloses processing the indication (Hotseller Notification) further comprises:

- calculating an intensity rank (position in list) for the item (book) based at least in part on the intensity value (purchase count) of the indication (Hotseller Notification)

(The item's position in a list of purchased products is sorted according to their respective purchase counts. col.13:1-10)

- the intensity rank (position in list) indicating the level of current interest of the item relative to other items. (e.g., the top 100 bestsellers)

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As to **claim 6**, **Bezos** discloses:

- associating the item (*book on local hiking trails*) with a category of interest (*local outdoors clubs, e.g. hiking club*) to which the item relates (*col.6:12:17*);
- receiving from the participant (*user*) a selection of one or more categories of interest (*fig. 1; e.g. local outdoors clubs*) to the participant (*user*);
- identifying all items of current interest (*book*) within the selected categories (*hiking club*);

(product count value indicates for a corresponding community...the number of times the product was purchased in the community in the last N days. col.12:49-51)
- ranking the identified items of current interest; and

(The item's position in a list of purchased products is sorted according to their respective purchase counts. col.13:1-10)
- sending to the participant (*user*) a list of items (*bestselling books*) of current interest in rank order (*e.g. top 100 bestsellers*), the list including at least one of the identified items of current interest (*the book is on the list of bestsellers*);
- wherein the ranking of each item is based, at least in part, on the level of current interest of each item relative to other items as indicated at least in part by the intensity rank.

(For example, a product's velocity and acceleration could be computed by comparing the product's position within a current purchase-count-ordered list to the position within like lists generated over the last 3 days. The velocity and acceleration values can be used, along with other criteria such as the purchase counts, to score and select the products to be included in the bestseller lists. col.13:15-22)

As to **claim 7**, **Bezos** discloses receiving a comment (*synopsis*) relating to the item (*book*). (*figure 4*)

As to **claim 8**, **Bezos** discloses receiving data (*data in "From" line*) identifying the source of the indication (*Hotseller Notification*). (*figure 4*)

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As to **claims 9 and 11-12**, the limitations set forth in these claims are a verbatim recitation of limitations in **claim 6**. As such, for the same reasons set forth above in the rejection of **claim 6**, **claims 9 and 11-12** are disclosed by **Bezos**.

As to **claim 10**, **Bezos** discloses the item (*book*) is associated with a category of interest (*e.g. Local Outdoors Clubs*) identified by the source (*Amazon.com*) of the indication of current interest (*Hotseller Notification*). (*figures 1 and 4*)

As to **claim 13**, **Bezos** discloses the ranking of each item (*book*) is based, at least in part, on the extent to which the categories (*e.g. Local Outdoors Clubs*) selected by the participant (*user*) match the categories (*e.g. hiking clubs*) associated with the item. (*book on local hiking trails*)

(For example, a product's velocity and acceleration could be computed by comparing the product's position within a current purchase-count-ordered list to the position within like lists generated over the last 3 days. The velocity and acceleration values can be used, along with other criteria such as the purchase counts, to score and select the products to be included in the bestseller lists. col.13:15-22)

As to **claim 16**, **Bezos** discloses the item (*book*) is identified by a Uniform Resource Locator. (*fig. 4, #68 is a hypertext link. col.10:15*)

As to **claim 17**, **Bezos** discloses storing data (*e.g. community best seller lists*) relating to the indication (*Hotseller Notification*) in a database (*fig. 5*).

As to **claim 20**, **Bezos** discloses providing one or more participants (*users*) with an interface (*website, fig. 4*) to send an indication (*Hotseller Notification*) that an item (*book*) is of current interest.

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SPIEGEL: Proposed Rejections (D)-(E)

17. The Request indicates that **3PR** considers:
 - (D) **Claims 1-13, 16-17, and 20** are obvious over **Spiegel**.
 - (E) **Claims 1-13, 16-17, and 20** are obvious over **Spiegel** in view of **Meunier**.
18. For the reader's convenience, figure 1 of the '**682 patent** and figure 2 of **Spiegel** are provided for comparison.
19. Proposed rejections (D)-(E) are not adopted for the reasons set forth below.