

	Type	L #	Hits	Search Text	DBs	Time Stamp
1	IS&R	L1	2987	(705/14).CCLS.	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/15 09:46
2	BRS	L2	88	shadow near2 account\$1	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/15 13:11
3	BRS	L3	871	loyal\$ same account\$1	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/15 10:42
4	IS&R	L4	1	("5287368").PN.	USPAT	2005/07/15 10:43
5	IS&R	L5	1	("re36116").PN.	USPAT	2005/07/15 11:08
6	IS&R	L6	1	("5287268").PN.	USPAT	2005/07/15 10:43
7	BRS	L7	17	("20010037241" "20010037243"  "20010054003" "20010054010"  "5287268" "5483444" "573483 8" "5806045" "5937391" "6009 412" "6032136" "6076069" "61 38911" "6148330" "6199762" " 6330544" "6336098").PN.	US- PGPUB; USPAT	2005/07/15 11:23
8	IS&R	L8	1	("6016504").PN.	USPAT	2005/07/15 11:41
9	BRS	L9	81	"0014665"	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/15 11:57

	Type	L #	Hits	Search Text	DBs	Time Stamp
10	BRS	L10	0	w014665	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/15 11:41
11	IS&R	L11	2	("0014665").PN.	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/15 11:41
12	BRS	L12	2	shadow near4 (credit near2 card)	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/15 11:58
13	IS&R	L13	1	("20020147678").PN.	US- PGPUB; USPAT	2005/07/15 13:14
14	BRS	L14	10	("5359509" "5519607" "570404 4" "5835897" "5890129" "5915 241" "5930759" "6067522" "60 92047" "6108641").PN.	USPAT	2005/07/15 13:17
15	BRS	L15	1	("6105008").PN.	USPAT	2005/07/15 13:25
16	BRS	L16	4	("20010037214" "4491725" "50 70452" "5359509").PN.	US- PGPUB; USPAT	2005/07/15 14:06
17	IS&R	L17	1	("20020147678").PN.	US- PGPUB; USPAT	2005/07/15 14:06
18	BRS	L20	103	hidden near4 account\$1	US- PGPUB; USPAT	2005/07/15 14:11

19	BRS	L21	111	hidden near4 account\$1	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/15 14:11
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	Type	Hits	Search Text	DBs	Time Stamp
1	BRS	70	(merchan\$6 or manufactur\$6 or wholesale\$3) same (period\$6 near5 bill\$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/21 15:25
2	BRS	112	hidden near4 account\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/21 15:31
3	BRS	282	wholesale\$3.ti.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/21 15:32
4	BRS	19	period\$6 and S3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/21 15:48
5	BRS	24	S3 and account\$12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	2005/07/21 15:49



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/117,309	04/05/2002	Thomas R. Bushold	MRZ 9239	2271
321	7590	07/28/2005	EXAMINER	
SENNIGER POWERS LEAVITT AND ROEDEL			VU, KIEU D	
ONE METROPOLITAN SQUARE			ART UNIT	
16TH FLOOR			PAPER NUMBER	
ST LOUIS, MO 63102			2173	

DATE MAILED: 07/28/2005

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

**Office Action Summary**

Application No.

10/117,309

Applicant(s)

BUSHOLD ET AL.

Examiner

Kieu D. Vu

Art Unit

2173

-- 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 26 April 2005.  
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) 1-14, 16 and 17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14, 16 and 17 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 26 April 2005 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-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to the Amendment filed 04/26/05.

#### ***Claim Objections***

2. Claim 16 is objected since it appears that the phrase "vendor purchase confirmation based as a currency transaction on the program account" (lines 5-6) is grammatically incorrect. Appropriate correction is required.
3. Claim 5 is objected since it appears that the word "first" in the last line "confirmation of the corresponding first purchase request" is a typographical error. The word first should be replaced with "second".

Claims 6-9 are objected on the same rationale applied to claim 5.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Regarding claims 1-14 and 16-17, the language of the claims raises questions as to whether the claims are directed merely to a collection of software that is stored on a medium that can be read by a machine. As such, the claimed software is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 5 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chien et al ("Chien", US Pub. No. US2001/0054003 A1).

Regarding claim 5, Chien teaches a method for use by a plurality of participants (1) of a program which awards points (loyalty points) to each participant (1) (see login page in Fig. 4 wherein each user has to enter his user name and password to login), wherein the awarded points are maintained in each participant's point account (participant accumulates points in a loyalty program account) (lines 3-6 of [0033]), said method permitting each participant (1) to transact a purchase using the awarded points (loyalty points) with a vendor system (5) (see [0029]) which transacts purchases in currency (method allows participant to convert loyalty points to currency to facilitates a purchase in currency) ([0025]), said method comprising the steps of:

providing an interface between the participant and the vendor system (providing user interface 20 between participant 1 and merchant 5) (see Fig. 1) (also see [0032]);

converting a first purchase request from a first participant based in whole or in part on points into a corresponding first purchase request based on a program account

for use in currency transactions (credit card/transaction account) if the first participant's account (loyalty account) has sufficient points to cover the purchase (see [0051], [0052], [0053], [0066])

causing the points for the first purchase request to be deducted from the first participant's account in response to a received vendor purchase confirmation of the corresponding first purchase request (see lines 17-19 of [0052]).

Similarly, Chien teaches

converting a second purchase request from a second participant based in whole or in part on points into a corresponding second purchase request based on a program account for use in currency transactions (credit card/transaction account) if the second participant's account (loyalty account) has sufficient points to cover the purchase (see [0051], [0052], [0053], [0066])

causing the points for the second purchase request to be deducted from the second participant's account in response to a received vendor purchase confirmation of the corresponding second purchase request (see lines 17-19 of [0052]).

Although Chien does not explicitly teach a first participant and a second participant can use the same program account for use in currency transactions (credit card/transaction account) in both first and second transactions, Chien does not prohibit the use the same program account for use in currency transactions (credit card/transaction account) in both first and second transactions. In fact, Chien's system just requires participants to enter a credit card number (Fig 6) regardless whether the same credit card number had been entered previously. Therefore, it is clear that a first

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participant, for example, a husband, can use his credit card number for a first purchase request, and a second user, for example, the wife of the above husband, can use the same credit card number for a second purchase request.

Regarding claim 9, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be used later to complete the purchase transaction. Thus, the credit card is just a front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

***Claim Rejections - 35 USC § 103***

8. 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.

9. Claims 1-4, 6-8, 10-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al ("Chien", US Pub. No. US2001/0054003 A1) and Rouston et al ("Rouston", US Pub. No. US2001/0037243 A1)

Regarding claim 1, Chien teaches a system for use by a participant (1) of a program (30) which awards points (loyalty points) to the participant (1) wherein the awarded points are maintained in a point account for the participant (participant 1

accumulates points in a loyalty program account) (lines 3-6 of [0033], said system for permitting the participant to transact a purchase using the awarded points with a vendor system (5) which transacts purchases in currency (system allows participant 1 to convert loyalty points to currency to facilitates a purchase in currency) ([0025]), said system comprising:

- a program interface (40, 50, 60) for interfacing with the vendor system (5) (see Fig. 1);

- a program account for use in currency transactions (participant's financial transaction account) ([0026]);

- a graphical user interface (20) for providing an interface between the participant (1) and the interface (40, 50, 60) and for communicating with the program (30) (see Fig. 1);

- wherein said user interface (20) includes instructions for receiving participant-related information from the participant and providing the received participant-related information to program interface (40, 50, 60) (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20);

- wherein said program interface (40, 50, 60) is adapted to receive the participant-related information from the GUI (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20); and adapted to provide the received participant-related information to the vendor system (see figure 6 which shows that loyalty program 30

receives participant's transaction information which is later used by merchant 5 to complete the transaction in figures 8 and 9);

wherein said program interface (40, 50, 60) is adapted to receive vendor-related information from the vendor system (middleware 40, CAS 50 and FINCAP60 are adapted to receive merchant info from merchant 5) (see figure 1) and adapted to provide the received vendor-related information to the GUI and wherein said GUI includes instructions for receiving vendor-related information from program interface (40, 50, 60) and for providing the received vendor-related information to the participant (see figures 3, 6-9 which show that user interface 20 presents user 1 with information from merchant 5);

whereby, from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account (see figure 7, [0052] and [0066]);

whereby, from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the program account (merchant 5 process transaction with participant's financial transaction account) (see figure 9, [0054]).

Chien differs from the claim in that Chien neither teaches the use of an application programming interface (API) in the interface (40, 50 and 60) to communicate between a central server (account manager 10) and shopping server (merchant computer 5) nor teaches a program account hidden from the participant. However, such teaching is known in the art as taught by Rouston. In the same field of using interface in



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conducting transaction by redeeming points, Rouston teaches that an application programming interface (API) could be used as a gateway to facilitate and enhance communications between central server 12 and shopping server 20 ([0023]). Rouston further teaches a program account that is hidden from the participants (account for each employer, which is hidden from employees ([0047] and [0048])). Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of Chien and Rouston before him at the time the invention was made, to apply Rouston's teaching of using an application programming interface (API) as a gateway to communicate between a central server and a shopping server in Chien's interface (40, 50, 60) with the motivation being to facilitate and enhance communications between a program server 10 and a shopping server 5.

Regarding claim 2, Chien teaches the GUI includes instructions for receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account (loyalty account) (see figure 6 and [0052]); converting the received purchase request based on the points into a corresponding purchase request based on the point account if the point account has sufficient points to cover the purchase ([0052]) and providing the corresponding purchase request based on the program account (credit card account) to the interface (40, 50, 60) wherein the interface is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system (see figure 6, 7, [0052] & [0066]) (also see Fig. 1 and 12A-D).

Regarding claim 3, Chien teaches interface (40, 50, 60) is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation based on the program account from the interface (lines 10-13 of [0054]);

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account ([0052])

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account ([0073]).

Regarding claim 4, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be used later to complete the purchase transaction. Thus, the credit card is just a front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

Regarding claim 6, Chien teaches a program interface (40, 50, 60) for interfacing with the vendor system (5) (see Fig. 1);

a program account for use in currency transactions (participant's financial transaction account) ([0026]);

a graphical user interface (20) for providing an interface between the participant (1) and the interface (40, 50, 60) and for communicating with the program (30) (see Fig. 1);

wherein said user interface (20) includes instructions for receiving participant-related information from the participant and providing the received participant-related information to program interface (40, 50, 60) (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20);

wherein said program interface (40, 50, 60) is adapted to receive the participant-related information from the GUI (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20); and adapted to provide the received participant-related information to the vendor system (see figure 6 which shows that loyalty program 30 receives participant's transaction information which is later used by merchant 5 to complete the transaction in figures 8 and 9);

wherein said program interface (40, 50, 60) is adapted to receive vendor-related information from the vendor system (middleware 40, CAS 50 and FINCAP60 are adapted to receive merchant info from merchant 5) (see figure 1) and adapted to

provide the received vendor-related information to the GUI and wherein said GUI includes instructions for receiving vendor-related information from program interface (40, 50, 60) and for providing the received vendor-related information to the participant (see figures 3, 6-9 which show that user interface 20 presents user 1 with information from merchant 5);

whereby, from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account (see figure 7, [0052] and [0066]);

whereby, from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the program account (merchant 5 process transaction with participant's financial transaction account) (see figure 9, [0054]).

Chien differs from the claim in that Chien does not clearly teaches the use of an application programming interface (API) in the interface (40, 50 and 60) to communicate between a central server (account manager 10) and shopping server (merchant computer 5). However, such teaching is known in the art as taught by Rouston. In the same field of using interface in conducting transaction by redeeming points, Rouston teaches that an application programming interface (API) could be used as a gateway to facilitate and enhance communications between central server 12 and shopping server 20 ([0023]). Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of Chien and Rouston before him at the time the invention was made, to apply Rouston's teaching of using an application programming interface (API) as a

gateway to communicate between a central server and a shopping server in Chien's interface (40, 50, 60) with the motivation being to facilitate and enhance communications between a program server 10 and a shopping server 5.

Regarding claim 7, Chien teaches the GUI includes instructions for receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account (see figure 6 and [0052]; converting the received purchase request based on the points into a corresponding purchase request based on the point account if the point account has sufficient points to cover the purchase ([0052]) and providing the corresponding purchase request based on the program account to the interface (40, 50, 60) wherein the interface is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system (see figure 6, 7, [0052] & [0066]) (also see Fig. 1 and 12A-D).

Regarding claim 8, Chien teaches interface (40, 50, 60) is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation based on the program account from the interface (lines 10-13 of [0054]);

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account ([0052])

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account ([0073]).

Regarding claim 10, Chien teaches interface for use by a participant (1) of a program (30) which awards points (loyalty points) to the participant (1) wherein the awarded points are maintained in a point account for the participant (participant 1 accumulates points in a loyalty program account) (lines 3-6 of [0033], said interface for permitting the participant to transact a purchase using the awarded points with a vendor system (5) which transacts purchases in currency (system allows participant 1 to convert loyalty points to currency to facilitates a purchase in currency) ([0025]), said interface comprising:

a program interface (40, 50, 60) for interfacing with the vendor system (5) (see Fig. 1);

a program account for use in currency transactions (participant's financial transaction account) ([0026]);

a graphical user interface (20) for providing an interface between the participant (1) and the interface (40, 50, 60) and for communicating with the program (30) (see Fig. 1);

wherein said user interface (20) includes instructions for receiving participant-related information from the participant and providing the received participant-related

information to program interface (40, 50, 60) (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20);

wherein said program interface (40, 50, 60) is adapted to receive the participant-related information from the GUI (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20); and adapted to provide the received participant-related information to the vendor system (see figure 6 which shows that loyalty program 30 receives participant's transaction information which is later used by merchant 5 to complete the transaction in figures 8 and 9);

wherein said program interface (40, 50, 60) is adapted to receive vendor-related information from the vendor system (middleware 40, CAS 50 and FINCAP60 are adapted to receive merchant info from merchant 5) (see figure 1) and adapted to provide the received vendor-related information to the GUI and wherein said GUI includes instructions for receiving vendor-related information from program interface (40, 50, 60) and for providing the received vendor-related information to the participant (see figures 3, 6-9 which show that user interface 20 presents user 1 with information from merchant 5);

whereby, from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account (see figure 7, [0052] and [0066]);

whereby, from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the program account (merchant 5 process transaction with participant's financial transaction account) (see figure 9, [0054]).

Chien also teaches that the graphical user interface can be used by a plurality of participant (see login page in Fig. 4 wherein each participant has to login with his user name and password).

Although Chien does not explicitly teach the same program account can be used in currency transactions (credit card/transaction account) of the plurality of participants, Chien does not prohibit the use the same program account for use in currency transactions (credit card/transaction account) in different transactions. In fact, Chien's system just requires participants to enter a credit card number (Fig 6) regardless whether the same credit card number had been entered previously. Therefore, it is clear that a first participant, for example, a husband, can use his credit card number for a first purchase request, and a second user, for example, the wife of the above husband, can use the same credit card number for a second purchase request.

Chien differs from the claim in that Chien does not teach the use of an application programming interface (API) in the interface (40, 50 and 60) to communicate between a central server (account manager 10) and shopping server (merchant computer 5). However, such teaching is known in the art as taught by Rouston. In the same field of using interface in conducting transaction by redeeming points, Rouston teaches that an application programming interface (API) could be used as a gateway to



facilitate and enhance communications between central server 12 and shopping server 20 ([0023]). Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of Chien and Rouston before him at the time the invention was made, to apply Rouston's teaching of using an application programming interface (API) as a gateway to communicate between a central server and a shopping server in Chien's interface (40, 50, 60) with the motivation being to facilitate and enhance communications between a program server 10 and a shopping server 5.

Regarding claim 11, Chien teaches the GUI includes instructions for receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account (see figure 6 and [0052]; converting the received purchase request based on the points into a corresponding purchase request based on the point account if the point account has sufficient points to cover the purchase ([0052]) and providing the corresponding purchase request based on the program account to the interface (40, 50, 60) wherein the interface is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system (see figure 6, 7, [0052] & [0066]) (also see Fig. 1 and 12A-D).

Regarding claim 12, Chien teaches interface (40, 50, 60) is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation based on the program account from the interface (lines 10-13 of [0054]);

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account ([0052])

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account ([0073]).

Regarding claim 13, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be used later to complete the purchase transaction. Thus, the credit card is just a front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

Regarding claim 14, Chien teaches a system for permitting the participant to transact a purchase using the awarded points with a vendor system (5) which transacts purchases in currency (system allows participant 1 to convert loyalty points to currency to facilitates a purchase in currency) ([0025]), said system comprising:

a loyalty program 30 which awards points (loyalty points) to the participant (1) wherein the awarded points are maintained in a point account for the participant (participant 1 accumulates points in a loyalty program account) (lines 3-6 of [0033],

a program interface (40, 50, 60) for interfacing with the vendor system (5) (see Fig. 1);

a program account for use in currency transactions (participant's financial transaction account) ([0026]);

a graphical user interface (20) for providing an interface between the participant (1) and the interface (40, 50, 60) and for communicating with the program (30) (see Fig. 1);

wherein said user interface (20) includes instructions for receiving participant-related information from the participant and providing the received participant-related information to program interface (40, 50, 60) (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20);

receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account (loyalty account) (see figure 6 and [0052]; converting the received purchase request based on the points into a corresponding purchase request based on the point account if the point account has sufficient points to cover the purchase ([0052]) and providing the corresponding purchase request based on the program account (credit card account) to the interface (40, 50, 60) wherein the interface is adapted to receive the corresponding purchase

request from the GUI and provide the received corresponding purchase request to the vendor system (see figure 6, 7, [0052] & [0066]) (also see Fig. 1 and 12A-D).

wherein said program interface (40, 50, 60) is adapted to receive the participant-related information from the GUI (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20); and adapted to provide the received participant-related information to the vendor system (see figure 6 which shows that loyalty program 30 receives participant's transaction information which is later used by merchant 5 to complete the transaction in figures 8 and 9);

wherein said program interface (40, 50, 60) is adapted to receive vendor-related information from the vendor system (middleware 40, CAS 50 and FINCAP60 are adapted to receive merchant info from merchant 5) (see figure 1) and adapted to provide the received vendor-related information to the GUI and wherein said GUI includes instructions for receiving vendor-related information from program interface (40, 50, 60) and for providing the received vendor-related information to the participant (see figures 3, 6-9 which show that user interface 20 presents user 1 with information from merchant 5);

whereby, from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account (see figure 7, [0052] and [0066]);

whereby, from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the program account (merchant

5 process transaction with participant's financial transaction account) (see figure 9, [0054]).

Chien differs from the claim in that Chien does not clearly teaches the use of an application programming interface (API) in the interface (40, 50 and 60) to communicate between a central server (account manager 10) and shopping server (merchant computer 5). However, such teaching is known in the art as taught by Rouston. In the same field of using interface in conducting transaction by redeeming points, Rouston teaches that an application programming interface (API) could be used as a gateway to facilitate and enhance communications between central server 12 and shopping server 20 ([0023]). Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of Chien and Rouston before him at the time the invention was made, to apply Rouston's teaching of using an application programming interface (API) as a gateway to communicate between a central server and a shopping server in Chien's interface (40, 50, 60) with the motivation being to facilitate and enhance communications between a program server 10 and a shopping server 5.

Regarding claim 16, Chien teaches interface (40, 50, 60) is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation as a currency transaction based on the program account from the interface (lines 10-13 of [0054]);

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account ([0052])

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account ([0073]).

Regarding claim 17, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be used later to complete the purchase transaction. Thus, the credit card is just a front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

10. Response to Applicant's arguments filed on 04/26/05.

In response to Applicant's argument that "the claims in the present application recite software that produces a concrete, tangible, and useful result", it is noted that software per se as recited in the claims are not tangible, since it is not tangibly embodied in a manner so as to be executable. *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106.

In response to Applicant's argument regarding claims 5, 9-10, and 14, it is noted that although Chien does not explicitly teach a first participant and a second participant can use the same program account for use in currency transactions (credit card/transaction account) in both first and second transactions, Chien does not prohibit the use the same program account for use in currency transactions (credit card/transaction account) in both first and second transactions. In fact, Chien's system just requires participants to enter a credit card number (Fig 6) regardless whether the same credit card number had been entered previously. Therefore, it is clear that a first participant, for example, a husband, can use his credit card number for a first purchase request, and a second user, for example, the wife of the above husband, can use the same credit card number for a second purchase request. Furthermore, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be used later to complete the purchase transaction. Thus, the credit card is just a front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

In response to Applicant's argument regarding "hidden program account", it is noted that Rouston teaches a program account that is hidden from the participants (account for each employer, which is hidden from employees ([0047] and [0048])).

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11. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach shadow account and common account which relates to the claimed invention.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:



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Art Unit: 2173

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571-273-8300

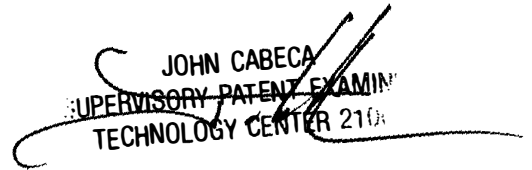
and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

Patent Examiner

  
JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 210A

<b>Notice of References Cited</b>	Application/Control No. 10/117,309	Applicant(s)/Patent Under Reexamination BUSHOLD ET AL.	
	Examiner Kieu D. Vu	Art Unit 2173	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,598,028	07-2003	Sullivan et al.	705/36R
	B	US-2002/0147678	10-2002	Drunsic, Thomas S.	705/39
	C	US-5,966,700	10-1999	Gould et al.	705/38
	D	US-6,016,504	01-2000	Arnold et al.	709/200
	E	US-5,287,268	02-1994	McCarthy, Patrick D.	705/14
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**Search Notes**

**Application No.**

10/117,309

**Examiner**

Kieu D Vu

**Applicant(s)**

BUSHOLD ET AL.

**Art Unit**

2173

**SEARCHED**

Class	Subclass	Date	Examiner
715	962	01/21/05	KV
	733		
	748		
	751		
705	14		
	26		
	68		
	69		
	65		
update search		07/15/5	KV
above subclasses		07/21/5	KV

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Consult PE Ray Bayerl	1/19/05	KV
Consult PE Salvatore Cangialosi (AU 2621)	1/19/05	KV
Consult QAS Marc Bookbinder	1/19/05	KV
East search USPAT, USOCR, USPG-PUB, EPO, JPO, DERWENT, IBM-TDB		
East search	7/15, 21/5	KV

# Index of Claims



Application No.

10/117,309

Examiner

Kieu D Vu

Applicant(s)

BUSHOLD ET AL.

Art Unit

2173

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim	Date
Final	Original
1	✓
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Bushold et al.

Art Unit: 2173

Serial No. 10/117,309

Filed April 5, 2002

For SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH  
VENDOR USING POINTS

October 25, 2005

RECEIVED  
CENTRAL FAX CENTER

AMENDMENT B

OCT 25 2005

TO THE COMMISSIONER OF PATENTS,

SIR:

In response to the Final Office action mailed July 28,  
2005, please amend the above-identified application as  
follows:

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

Remarks begin on page 14 of this paper.

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended): A computerized system for use by a participant of a program which awards points to the participant, wherein the awarded points are maintained in a point account for the participant, said system for permitting the participant to transact a purchase using the awarded points with a vendor system which transacts purchases in currency, said system comprising:

an application programming interface (API) for interfacing with the vendor system;

a program account connected to the program hidden from the participant for use in currency transactions;

a graphical user interface (GUI) for providing an interface between the participant and the API and for communicating with the program;

wherein said GUI includes instructions for receiving participant-related information from the participant and providing the received participant-related information to the API;

wherein said GUI includes instructions for receiving information regarding the program account and for providing the received program account information to the API;

wherein said API is adapted to receive the participant-related information and the program account information from the GUI and adapted to provide the

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received participant-related information and the received program account information to the vendor system;

wherein said API is adapted to receive vendor-related information from the vendor system and adapted to provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and for providing the received vendor-related information to the participant;

such that from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account; and

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant as a currency transaction based on the program's program account.

Claim 2 (previously presented): The system of claim 1 wherein the GUI includes instructions for:

receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account;

converting the received purchase request based on the points into a corresponding purchase request based on the program account if the point account has sufficient points to cover the purchase; and

providing the corresponding purchase request based on the program account to the API wherein the API is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system as a purchase request based on the program account.

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Claim 3 (previously presented): The system of claim 1 wherein the API is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation as a currency transaction based on the program account from the API;

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account;

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account.

Claim 4 (original): The system of claim 1 wherein the program is a loyalty program and wherein the program account is a shadow credit card.

Claim 5 (currently amended): A computerized method for use by a plurality of participants of a program which awards points to each participant, wherein the awarded points are maintained in a point account for each participant, said method permitting each participant to transact a purchase using the awarded points with a vendor system which



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transacts purchases in currency, said method comprising the steps of:

providing a program account connected to the program for use in currency transactions;

providing an interface between the participant and the vendor system, said interface having access to information regarding the program account;

converting a first purchase request from a first participant based in whole or in part on points into a corresponding first purchase request provided to the vendor system based on the [[a]] program account information for use in currency transactions if the first participant's account has sufficient points to cover the first purchase request;

causing the points for the first purchase request to be deducted from the first participant's point account in response to a received vendor purchase confirmation of the corresponding first purchase request [[:]].

~~converting a second purchase request from a second participant based in whole or in part on points into a corresponding second purchase request provided to the vendor system based on the program account if the second participant's account has sufficient points to cover the second purchase request, and~~

~~causing the points for the second purchase request to be deducted from the second participant's point account in response to a received vendor purchase confirmation of the corresponding first purchase request.~~

Claim 6 (previously presented): The method of claim 5 wherein the interface comprises a graphical user interface

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(GUI) and an application programming interface (API) for the vendor system and:

wherein said GUI includes instructions for receiving participant-related information from each participant and providing the received participant-related information to the API;

wherein said API is adapted to receive the participant-related information from the GUI and to provide the received participant-related information to the vendor system;

wherein said API is adapted to receive vendor-related information from the vendor system and provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and providing the received vendor-related information to the participant;

such that from the perspective of each participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based on the points in each participant's point account; and

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with each participant based as a currency transaction on the program account.

Claim 7 (previously presented): The method of claim 6 wherein the GUI includes instructions for:

receiving a purchase request from each participant to conduct a purchase with the vendor system based on the points in the participant's point account;

converting the received purchase request based on the points into a corresponding purchase request based on the

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program account if the point account has sufficient points to cover the purchase; and

providing the corresponding purchase request based on the program account to the API wherein the API is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system as a purchase request based on the program account.

Claim 8 (previously presented): The method of claim 7 wherein the API is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation as a currency transaction based on the program account from the API;

causing the points for the purchase to be deducted from each participant's point account in response to the received vendor purchase confirmation based on the program account;

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to each ~~the~~ participant in response to the received vendor purchase confirmation based on the program account.

Claim 9 (original): The method of claim 5 wherein the program is a loyalty program and wherein the program account is a shadow credit card.

Claim 10 (currently amended): A graphical user interface for use by a plurality of participants of a program which awards points to each participant, wherein the awarded points are maintained in a point account for each participant, said interface for permitting each participant to transact a purchase using the awarded points with a vendor system which transacts purchases in currency, said interface comprising:

a program account connected to the program for use in currency transactions of the plurality of participants;

an application programming interface (API) for interfacing with the vendor system;

~~a program account for use in currency transactions of the plurality of participants;~~

said graphical user interface (GUI) providing an interface between the participant and the API and for communicating with the program, said GUI having access to the information regarding the program account;

wherein said GUI includes instructions for receiving participant-related information from each participant and providing the received participant-related information to the API;

wherein said GUI includes instructions for receiving information regarding the program account information and providing the received program account information to the API;

wherein said API is adapted to receive the participant-related information and program account information from the GUI and to provide the received participant-related information and the received program account information to the vendor system;

wherein said API is adapted to receive vendor-related information from the vendor system and provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and providing the received vendor-related information to each participant;

such that from the perspective of each participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account; and

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with each participant as a currency transaction based on the program's program account.

Claim 11 (previously presented): The interface of claim 10 wherein the GUI includes instructions for:

receiving a purchase request from each participant to conduct a purchase with the vendor system based on the points in the participant's point account;

converting the received purchase request based on the points into a corresponding purchase request based on the program account if the point account has sufficient points to cover the purchase; and

providing the corresponding purchase request based on the program account to the API wherein the API is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system as a purchase request based on the program account.

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Claim 12 (previously presented): The interface of claim 10 wherein the API is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation as a currency transactions based on the program account from the API;

causing the points for the purchase to be deducted from each participant's point account in response to the received vendor purchase confirmation based on the program account;

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based in whole or in part on the points to the participant in response to the received vendor purchase confirmation based on the program account.

Claim 13 (original): The interface of claim 10 wherein the program is a loyalty program and wherein the program account is a shadow credit card.

Claim 14 (currently amended): A computerized system for permitting a participant to transact a purchase using awarded points with a vendor system which transacts purchases in currency, said system comprising:

a loyalty program which awards points to a participant, wherein the awarded points are maintained in a point account for the participant;

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an application programming interface (API) for interfacing with the vendor system;

a program account connected to the program for use in currency transactions;

a graphical user interface (GUI) for providing an interface between the participant and the API and for communicating with the program;

wherein said GUI includes instructions for:

receiving participant-related information from the participant and providing the received participant-related information to the API;

receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account;

receiving information regarding the program account from the loyalty program;

converting the received purchase request based on the points into a corresponding purchase request based on the ~~point~~program account information if the point account has sufficient points to cover the purchase; and

providing the corresponding purchase request based on the program account information to the API wherein the API is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system as a purchase request based on the program account information[[.]];

wherein said API is adapted to receive the participant-related information from the GUI and to provide the received participant-related information to the vendor system;

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wherein said API is adapted to receive vendor-related information from the vendor system and provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and providing the received vendor-related information to the participant;

such that from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account; and

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the loyalty program's program account.

Claim 15 (canceled):

Claim 16 (currently amended): The system of claim 14 wherein the API is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation based ~~as a~~ ~~currency transaction~~ on the program account from the API;

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account;

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and



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providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account.

Claim 17 (original): The system of claim 14 wherein the program account is a shadow credit card.

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PATENT**REMARKS**

Applicants have thoroughly considered the final Office action mailed on July 28, 2005. Claims 1-14, and 16-17 are presented in the application for further examination. Claims 1, 5, 10, 14 and 16 have been amended by this Amendment B. Applicants are filing simultaneously herewith a Request for Continued Examination that requests entry of the present Amendment B. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

**CLAIM OBJECTIONS**

Reconsideration of the objections to claims 5-9 and 16 is respectfully requested. Claim 5 has been amended such that it no longer recites "a first purchase request" and "a second purchase request", therefore, the objections to claim 5 and dependent claims 6-9 should be withdrawn.

Claim 16 has been amended to recite "vender purchase confirmation based on the program account", thus, the objection to claim 16 based on a grammatical error should be withdrawn.

**CLAIM REJECTIONS - 35 USC § 101**

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully disagree with the Examiner's assertion and resubmit the argument previously set forth in Amendment A that the claims in the present application recite software that produces a concrete, tangible and useful result. The final Office action fails to respond to Applicants arguments concerning these claims. In

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particular, the Examiner asserts "the software per se as recited in the claims are not tangible, since it is not tangibly embodied in a manner so as to be executable", but does not address Applicants argument that the claims are not software per se because they produce a tangible result. (See Office action, page 21). The Examiner merely restated the conclusion that claims are software per se without support. Nevertheless, to further prosecution, Applicants have amended claims 1 and 14 to recite "a computerized system" and claim 5 to recite "a computerized method".

The present application is directed to a computerized system and method for facilitating the use of loyalty points in transactions between consumers (e.g., participants) and vendors via graphical user interface (GUI) and an application programming interface (API). One of the many concrete, tangible and useful results of the present invention is a GUI that provides the consumer with the ability to use loyalty points as a currency payment of a good or service without the knowledge of the vendor that loyalty points are being used. This is more than a mere abstraction of idea or mathematical algorithm; it achieves a practical application with a tangible results.

*Arrhythmia Research Tech. v. Corazonix Corp.*, 948 F.2d 1053, 1057, 22 USPQ2d 1033, 1036 (Fed. Cir. 1992). Because the claims result in a practical application with a tangible result, the claims in the present application are not software per se and are not "descriptive materials." The claims in the present application do not "(1) consist solely of mathematical operations without some claimed practical application or (2) simply manipulate abstract ideas or a bubble hierarchy." *In re Alappat*, 33 F.3d 1526, 1543 n.19, 32 USPQ2d 1545, 1556 n.19.

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Therefore, Applicants assert that the invention set forth in the specification and the claims is statutory. Hence, Applicants request that the rejection of claims 1-14 and 16-17 and be withdrawn. If, however, the Examiner is inclined to maintain the rejection, Applicants once again request the Examiner to identify the features of the invention that would render the claimed subject matter statutory if recited in the claims, pursuant to MPEP § 2106 (IV) (B).

**CLAIM REJECTIONS - 35 USC § 102**

Reconsideration of the rejection of claims 5 and 9 under 35 U.S.C. § 102(e) as being anticipated by Chien et al. (U.S. Pub. No. 2001/0054003 A1) is respectfully requested. Applicants do not agree with the Examiner that Chien et al. anticipates a method that provides a program account for use in currency transactions. Nonetheless, to further prosecution, Applicants have amended claim 5 to more clearly recite that the program account used to facilitate the currency transaction is provided to the interface by the program and not by the participant.

As the Examiner has stated on page 22 of the Office action, Chien's system "requires participants to enter a credit card number". (Chien et al., Fig. 6) However, claim 5 as amended recites "providing a program account connected to the program" and "providing an interface between the participant and the vender system, said interface having access to information regarding the program account". Thus, Applicants' method does not require the participant to enter credit card information or even have a credit card; instead the interface accesses the program account information. Therefore, because Chien et

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al. does not disclose this element of claim 5, Chien et al. cannot not anticipate the claim.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5. Claims 2-9, which depend directly or indirectly from claim 5, are submitted as patentable for the same reasons as set forth above with respect to claim 5.

#### CLAIM REJECTIONS - 35 USC § 103

Reconsideration of the rejection of claims 1-4, 6-8, 10-14, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over Chien et al. (U.S. Pub. No. 2001/0054003 A1) and Rouston et al. (U.S. Pub. No. 2001/0037243 A1) is respectfully requested. Applicants do not agree with the Examiner on page 6 of the Office action that Chien et al. discloses a program account for use in currency transactions. The Examiner is making the incorrect assumption that the program account claimed is equivalent to Chien's "participant's financial transaction account". (See Office action page 6, Examiner quoting Chien et al. at [0026]) Yet, to further prosecution, Applicants have amended claims 1, 10 and 14 to more clearly recite that the program account used to facilitate the currency transaction is accessed by the graphical user interface (GUI) and not input by the participant.

Chien et al. discloses the requirement of a "participant's financial transaction account". (Chien et al., [0026]) However, claims 1 and 10, as amended, recite "a program account connected to the program" and "wherein said GUI includes instructions for receiving information regarding the program account and providing the received program account information to the API ". Claim 14 recites

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"a program account connected to the loyalty program" and where the GUI receives "information regarding the program account from the loyalty program". Thus, unlike Chien et al., Applicants do not claim a system that requires the participant to use or input his or her own financial transaction account; instead the GUI accesses the program account. Therefore, because Chien et al. and Rouston et al. do not disclose every element of claims 1, 10 and 14, they can not render claims 1, 10 and 14 obvious.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 10, and 14. Claims 2-4, 6-8, 11-13, and 16-17 which depend directly or indirectly from claims 1, 10, and 14, are submitted as patentable for the same reasons as set forth above with respect to claims 1, 10, and 14.

Applicants do not believe that a fee is due. If, however, the Commissioner determines otherwise, such fees may be charged to Deposit Account No. 19-1345.

Respectfully submitted,



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FRA/BAW/cjl

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## FACSIMILE TRANSMITTAL COVER SHEET

DATE: 10/25/2005 FILE NUMBER: MRZ 9239  
PTO FACSIMILE NUMBER: 571/273-8300PLEASE DELIVER THIS FACSIMILE TO: Examiner Vu  
THIS FACSIMILE IS BEING SENT BY: Frank R. Agovino  
NUMBER OF PAGES: 21 INCLUDING COVER SHEETTIME SENT: 3:50pm OPERATOR'S NAME C. Jonell Layton, PLS

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to  
the Patent and Trademark Office on the date shown below.Barbara A. Wilkey

Typed or printed name of person signing certification

Barbara Wilkey  
SignatureOct 25, 2005  
DateType of paper transmitted: Request for Continued Examination,  
Amendment BApplicant's Name: Bushold et al.Serial No.: 10/117,309 Examiner: Kieu D. VuFiling Date: 04/05/2002 Art Unit: 2173 Confirmation No.: 2271Application Title: SYSTEM AND METHOD FOR TRANSACTING PURCHASES  
WITH A CASH VENDOR USING POINTSIF YOU DO NOT RECEIVE ALL PAGES CLEARLY, CALL BACK AS SOON AS  
POSSIBLE. CONFIRMING NUMBER IS (314) 231-5400.

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OCT 25 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Bushold et al.

Art Unit 2173

Serial No. 10/117,309

Filed 04/05/2002

Confirmation No. 2271

For SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH  
VENDOR USING POINTS

Examiner Kieu D. Vu

October 25, 2005

REQUEST FOR CONTINUED EXAMINATION TRANSMITTAL

TO THE COMMISSIONER FOR PATENTS,

SIR:

This is a Request for Continued Examination (RCE) under 37  
C.F.R. §1.114 of the above-identified application.

## 1. REQUIRED SUBMISSION:

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37  
C.F.R. §1.116 previously filed on \_\_\_\_\_
  - ii. ☐ Consider the arguments in the Appeal Brief or  
Reply Brief previously filed on \_\_\_\_\_
  - iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement
  - iv. ☐ Other \_\_\_\_\_

## 2. MISCELLANEOUS

- a. ☐ Suspension of action on the above-identified  
application is requested under 37 C.F.R. §1.103(c)  
for a period of \_\_\_\_\_ months. (Period of  
suspension shall not exceed 3 months; fee required)
- b. ☐ Other \_\_\_\_\_

10/26/2005 CNGUYEN 00000085 10117309

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OCT 26 2005



MRZ 9239

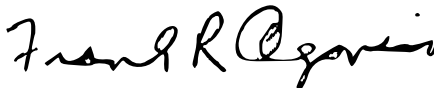
**3. FEES** (Required when the RCE is filed)

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1345. A duplicate copy of this sheet is enclosed for fee processing.

- i. ☒ RCE fee required under 37 C.F.R. §1.17(e) \$790  
ii. ☐ Extension of time fee  
iii. ☐ Other \_\_\_\_\_

- b. ☐ Check in the amount of \$\_\_\_\_\_ is enclosed. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 19-1345.

Respectfully submitted,



Frank R. Agovino , Reg. No. 27,416  
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FRA/cjl

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**PATENT APPLICATION FEE DETERMINATION RECORD**  
Effective December 8, 2004

10/117309

**CLAIMS AS FILED - PART I**

	(Column 1)	(Column 2)
TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	minus 20=	*
INDEPENDENT CLAIMS	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

\* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY  
TYPE ☐

OR OTHER THAN  
SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	150.00	OR	BASIC FEE	300.00
X\$ 25=		OR	X\$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL		OR	TOTAL	

**CLAIMS AS AMENDED - PART II**

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	10/25/05	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
			PRESENT EXTRA
Total	*	110	Minus ** 20 = -
Independent	*	4	Minus *** 4 = -
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR OTHER THAN  
SMALL ENTITY

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 25=		OR	X\$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
			PRESENT EXTRA
Total	*		Minus ** =
Independent	*		Minus *** =
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 25=		OR	X\$50=	
X100=		OR	X200=	
+180=		OR	+360=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
			PRESENT EXTRA
Total	*		Minus ** =
Independent	*		Minus *** =
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 25=		OR	X\$50=	
X100=		OR	X200=	
+180=		OR	+360=	

HW



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/117,309	04/05/2002	Thomas R. Bushold	MRZ 9239	2271
321	7590	12/13/2005	EXAMINER	
SENNIGER POWERS			VU, KIEU D	
ONE METROPOLITAN SQUARE				
16TH FLOOR			ART UNIT	
ST LOUIS, MO 63102			PAPER NUMBER	
			2173	

DATE MAILED: 12/13/2005

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

<b>Office Action Summary</b>	<b>Application No.</b> 10/117,309	<b>Applicant(s)</b> BUSHOLD ET AL.	
	<b>Examiner</b> Kieu D. Vu	<b>Art Unit</b> 2173	

**-- 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 25 October 2005.
- 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) 1-14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-17 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 type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>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)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 10/25/05. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Regarding claims 1-14 and 16-17, the language of the claims raises questions as to whether the claims are directed merely to a collection of software that is stored on a medium that can be read by a machine. As such, the claimed software is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 5 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chien et al ("Chien", US Pub. No. US2001/0054003 A1).

Regarding claim 5, Chien teaches a computerized method for use by a plurality of participants (1) of a program which awards points (loyalty points) to each participant (1) (see login page in Fig. 4 wherein each user has to enter his user name and password to login), wherein the awarded points are maintained in each participant's point account (participant accumulates points in a loyalty program account) (lines 3-6 of [0033]), said method permitting each participant (1) to transact a purchase using the awarded points (loyalty points) with a vendor system (5) (see [0029]) which transacts purchases in currency (method allows participant to convert loyalty points to currency to facilitates a purchase in currency) ([0025]), said method comprising the steps of:

providing a program account connected to the program for use in currency transaction (participant's financial transaction account) ([0026] [0051])

providing an interface between the participant and the vendor system (providing user interface 20 between participant 1 and merchant 5) (see Fig. 1) (also see [0032]), said interface having access to information regarding the program account (Fig. 6);

converting a purchase request from a participant based in whole or in part on points into a corresponding purchase request based on the program account information (credit card/transaction account) if the participant's account (loyalty account) has sufficient points to cover the purchase (see [0051], [0052], [0053], [0066])

causing the points for the purchase request to be deducted from the participant's account in response to a received vendor purchase confirmation of the corresponding purchase request (see lines 17-19 of [0052]).

Regarding claim 9, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be used later to complete the purchase transaction. Thus, the credit card is just a front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

***Claim Rejections - 35 USC § 103***

6. 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.

7. Claims 1-4, 6-8, 10-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al ("Chien", US Pub. No. US2001/0054003 A1) and Rouston et al ("Rouston", US Pub. No. US2001/0037243 A1)

Regarding claim 1, Chien teaches a computerized system for use by a participant (1) of a program (30) which awards points (loyalty points) to the participant (1) wherein the awarded points are maintained in a point account for the participant (participant 1

accumulates points in a loyalty program account) (lines 3-6 of [0033], said system for permitting the participant to transact a purchase using the awarded points with a vendor system (5) which transacts purchases in currency (system allows participant 1 to convert loyalty points to currency to facilitates a purchase in currency) ([0025]), said system comprising:

a program interface (40, 50, 60) for interfacing with the vendor system (5) (see Fig. 1);

a program account for use in currency transactions (participant's financial transaction account) ([0026]);

a graphical user interface (20) for providing an interface between the participant (1) and the interface (40, 50, 60) and for communicating with the program (30) (see Fig. 1);

wherein said user interface (20) includes instructions for receiving participant-related information from the participant and providing the received participant-related information to program interface (40, 50, 60) (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20);

wherein said interface (20) includes instructions for receiving information regarding user's credit card account for use in currency transactions (see Fig. 6);

wherein said program interface (40, 50, 60) is adapted to receive the participant-related information from the GUI (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1



through user interface 20); and adapted to provide the received participant-related information to the vendor system (see figure 6 which shows that loyalty program 30 receives participant's transaction information which is later used by merchant 5 to complete the transaction in figures 8 and 9);

wherein said program interface (40, 50, 60) is adapted to receive vendor-related information from the vendor system (middleware 40, CAS 50 and FINCAP60 are adapted to receive merchant info from merchant 5) (see figure 1) and user's credit card account and adapted to provide the received vendor-related information to the GUI and wherein said GUI includes instructions for receiving vendor-related information from program interface (40, 50, 60) and for providing the received vendor-related information to the participant (see figures 3, 6-9 which show that user interface 20 presents user 1 with information from merchant 5);

whereby, from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account (see figure 7, [0052] and [0066]);

whereby, from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the program account (merchant 5 process transaction with participant's financial transaction account) (see figure 9, [0054]).

Chien differs from the claim in that Chien neither teaches the use of an application programming interface (API) in the interface (40, 50 and 60) to communicate between a central server (account manager 10) and shopping server (merchant

computer 5) nor teaches a program account connected to the program hidden from the participant. However, such teaching is known in the art as taught by Rouston. In the same field of using interface in conducting transaction by redeeming points, Rouston teaches that an application programming interface (API) could be used as a gateway to facilitate and enhance communications between central server 12 and shopping server 20 ([0023]). Rouston further teaches a program account that is hidden from the participants (account for each employer, which is hidden from employees ([0047] and [0048])). Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of Chien and Rouston before him at the time the invention was made, to apply Rouston's teaching of using an application programming interface (API) as a gateway to communicate between a central server and a shopping server in Chien's interface (40, 50, 60) with the motivation being to facilitate and enhance communications between a program server 10 and a shopping server 5.

Regarding claim 2, Chien teaches the GUI includes instructions for receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account (loyalty account) (see figure 6 and [0052]; converting the received purchase request based on the points into a corresponding purchase request based on the point account if the point account has sufficient points to cover the purchase ([0052]) and providing the corresponding purchase request based on the program account (credit card account) to the interface (40, 50, 60) wherein the interface is adapted to receive the corresponding purchase

Art Unit: 2173

request from the GUI and provide the received corresponding purchase request to the vendor system (see figure 6, 7, [0052] & [0066]) (also see Fig. 1 and 12A-D).

Regarding claim 3, Chien teaches interface (40, 50, 60) is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation based on the program account from the interface (lines 10-13 of [0054]);

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account ([0052])

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account ([0073]).

Regarding claim 4, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be used later to complete the purchase transaction. Thus, the credit card is just a

front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

Regarding claim 6, Chien teaches a program interface (40, 50, 60) for interfacing with the vendor system (5) (see Fig. 1);

a program account for use in currency transactions (participant's financial transaction account) ([0026]);

a graphical user interface (20) for providing an interface between the participant (1) and the interface (40, 50, 60) and for communicating with the program (30) (see Fig. 1);

wherein said user interface (20) includes instructions for receiving participant-related information from the participant and providing the received participant-related information to program interface (40, 50, 60) (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20);

wherein said program interface (40, 50, 60) is adapted to receive the participant-related information from the GUI (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20); and adapted to provide the received participant-related information to the vendor system (see figure 6 which shows that loyalty program 30 receives participant's transaction information which is later used by merchant 5 to complete the transaction in figures 8 and 9);

wherein said program interface (40, 50, 60) is adapted to receive vendor-related information from the vendor system (middleware 40, CAS 50 and FINCAP60 are adapted to receive merchant info from merchant 5) (see figure 1) and adapted to provide the received vendor-related information to the GUI and wherein said GUI includes instructions for receiving vendor-related information from program interface (40, 50, 60) and for providing the received vendor-related information to the participant (see figures 3, 6-9 which show that user interface 20 presents user 1 with information from merchant 5);

whereby, from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account (see figure 7, [0052] and [0066]);

whereby, from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the program account (merchant 5 process transaction with participant's financial transaction account) (see figure 9, [0054]).

Chien differs from the claim in that Chien does not clearly teaches the use of an application programming interface (API) in the interface (40, 50 and 60) to communicate between a central server (account manager 10) and shopping server (merchant computer 5). However, such teaching is known in the art as taught by Rouston. In the same field of using interface in conducting transaction by redeeming points, Rouston teaches that an application programming interface (API) could be used as a gateway to facilitate and enhance communications between central server 12 and shopping server

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20 ([0023]). Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of Chien and Rouston before him at the time the invention was made, to apply Rouston's teaching of using an application programming interface (API) as a gateway to communicate between a central server and a shopping server in Chien's interface (40, 50, 60) with the motivation being to facilitate and enhance communications between a program server 10 and a shopping server 5.

Regarding claim 7, Chien teaches the GUI includes instructions for receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account (see figure 6 and [0052]; converting the received purchase request based on the points into a corresponding purchase request based on the point account if the point account has sufficient points to cover the purchase ([0052]) and providing the corresponding purchase request based on the program account to the interface (40, 50, 60) wherein the interface is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system (see figure 6, 7, [0052] & [0066]) (also see Fig. 1 and 12A-D).

Regarding claim 8, Chien teaches interface (40, 50, 60) is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation based on the program account from the interface (lines 10-13 of [0054]);

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account ([0052])

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account ([0073]).

Regarding claim 10, Chien teaches interface for use by a participant (1) of a program (30) which awards points (loyalty points) to the participant (1) wherein the awarded points are maintained in a point account for the participant (participant 1 accumulates points in a loyalty program account) (lines 3-6 of [0033], said interface for permitting the participant to transact a purchase using the awarded points with a vendor system (5) which transacts purchases in currency (system allows participant 1 to convert loyalty points to currency to facilitates a purchase in currency) ([0025]), said interface comprising:

a program account connected to the program for use in currency transactions of the plurality of participants (participant's financial transaction account) ([0026]);

a program interface (40, 50, 60) for interfacing with the vendor system (5) (see Fig. 1);

a graphical user interface (20) for providing an interface between the participant (1) and the interface (40, 50, 60) and for communicating with the program (30) (see Fig. 1) said GUI having access to the information regarding the program account (Fig. 6);

wherein said user interface (20) includes instructions for receiving participant-related information from the participant and providing the received participant-related information to program interface (40, 50, 60) (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20);

wherein said GUI includes instructions for receiving information regarding the program account information and providing the received program account information to the program interface (Fig. 6);

wherein said program interface (40, 50, 60) is adapted to receive the participant-related information and program account information from the GUI (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20); and adapted to provide the received participant-related information and the received program account information to the vendor system (see figure 6 which shows that loyalty program 30 receives participant's transaction information which is later used by merchant 5 to complete the transaction in figures 8 and 9);

wherein said program interface (40, 50, 60) is adapted to receive vendor-related information from the vendor system (middleware 40, CAS 50 and FINCAP60 are adapted to receive merchant info from merchant 5) (see figure 1) and adapted to



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provide the received vendor-related information to the GUI and wherein said GUI includes instructions for receiving vendor-related information from program interface (40, 50, 60) and for providing the received vendor-related information to the participant (see figures 3, 6-9 which show that user interface 20 presents user 1 with information from merchant 5);

whereby, from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account (see figure 7, [0052] and [0066]);

whereby, from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the program account (merchant 5 process transaction with participant's financial transaction account) (see figure 9, [0054]).

Chien also teaches that the graphical user interface can be used by a plurality of participant (see login page in Fig. 4 wherein each participant has to login with his user name and password).

Although Chien does not explicitly teach the same program account can be used in currency transactions (credit card/transaction account) of the plurality of participants, Chien does not prohibit the use the same program account for use in currency transactions (credit card/transaction account) in different transactions. In fact, Chien's system just requires participants to enter a credit card number (Fig 6) regardless whether the same credit card number had been entered previously. Therefore, it is clear that a first participant, for example, a husband, can use his credit card number for a first

purchase request, and a second user, for example, the wife of the above husband, can use the same credit card number for a second purchase request.

Chien differs from the claim in that Chien does not teach the use of an application programming interface (API) in the interface (40, 50 and 60) to communicate between a central server (account manager 10) and shopping server (merchant computer 5). However, such teaching is known in the art as taught by Rouston. In the same field of using interface in conducting transaction by redeeming points, Rouston teaches that an application programming interface (API) could be used as a gateway to facilitate and enhance communications between central server 12 and shopping server 20 ([0023]). Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of Chien and Rouston before him at the time the invention was made, to apply Rouston's teaching of using an application programming interface (API) as a gateway to communicate between a central server and a shopping server in Chien's interface (40, 50, 60) with the motivation being to facilitate and enhance communications between a program server 10 and a shopping server 5.

Regarding claim 11, Chien teaches the GUI includes instructions for receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account (see figure 6 and [0052]; converting the received purchase request based on the points into a corresponding purchase request based on the point account if the point account has sufficient points to cover the purchase ([0052]) and providing the corresponding purchase request based on the program account to the interface (40, 50, 60) wherein

the interface is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system (see figure 6, 7, [0052] & [0066]) (also see Fig. 1 and 12A-D).

Regarding claim 12, Chien teaches interface (40, 50, 60) is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

- receiving the vendor purchase confirmation based on the program account from the interface (lines 10-13 of [0054]);

- causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account ([0052])

- converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

- providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account ([0073]).

Regarding claim 13, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be

used later to complete the purchase transaction. Thus, the credit card is just a front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

Regarding claim 14, Chien teaches a computerized system for permitting the participant to transact a purchase using the awarded points with a vendor system (5) which transacts purchases in currency (system allows participant 1 to convert loyalty points to currency to facilitates a purchase in currency) ([0025]), said system comprising:

a loyalty program 30 which awards points (loyalty points) to the participant (1) wherein the awarded points are maintained in a point account for the participant (participant 1 accumulates points in a loyalty program account) (lines 3-6 of [0033],

a program interface (40, 50, 60) for interfacing with the vendor system (5) (see Fig. 1);

a program account connected to the program for use in currency transactions (participant's financial transaction account) ([0026]);

a graphical user interface (20) for providing an interface between the participant (1) and the interface (40, 50, 60) and for communicating with the program (30) (see Fig. 1);

wherein said user interface (20) includes instructions for receiving participant-related information from the participant and providing the received participant-related information to program interface (40, 50, 60) (see figures 4-6 which shows that user

interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20);

receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account (loyalty account) (see figure 6 and [0052];

receiving information regarding the program account from the loyalty program (Fig. 6);

converting the received purchase request based on the points into a corresponding purchase request based on the point account if the point account has sufficient points to cover the purchase ([0052]) and providing the corresponding purchase request based on the program account (credit card account) to the interface (40, 50, 60) wherein the interface is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system (see figure 6, 7, [0052] & [0066]) (also see Fig. 1 and 12A-D).

wherein said program interface (40, 50, 60) is adapted to receive the participant-related information from the GUI (see figures 4-6 which shows that user interface 20 enables the loyalty program 30 to receive transactions info from the participant 1 through user interface 20); and adapted to provide the received participant-related information to the vendor system (see figure 6 which shows that loyalty program 30 receives participant's transaction information which is later used by merchant 5 to complete the transaction in figures 8 and 9);

wherein said program interface (40, 50, 60) is adapted to receive vendor-related information from the vendor system (middleware 40, CAS 50 and FINCAP60 are adapted to receive merchant info from merchant 5) (see figure 1) and adapted to provide the received vendor-related information to the GUI and wherein said GUI includes instructions for receiving vendor-related information from program interface (40, 50, 60) and for providing the received vendor-related information to the participant (see figures 3, 6-9 which show that user interface 20 presents user 1 with information from merchant 5);

whereby, from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account (see figure 7, [0052] and [0066]);

whereby, from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the program account (merchant 5 process transaction with participant's financial transaction account) (see figure 9, [0054]).

Chien differs from the claim in that Chien does not clearly teaches the use of an application programming interface (API) in the interface (40, 50 and 60) to communicate between a central server (account manager 10) and shopping server (merchant computer 5). However, such teaching is known in the art as taught by Rouston. In the same field of using interface in conducting transaction by redeeming points, Rouston teaches that an application programming interface (API) could be used as a gateway to facilitate and enhance communications between central server 12 and shopping server

20 ([0023]). Thus, it would have been obvious to one of ordinary skill in the art, having the teaching of Chien and Rouston before him at the time the invention was made, to apply Rouston's teaching of using an application programming interface (API) as a gateway to communicate between a central server and a shopping server in Chien's interface (40, 50, 60) with the motivation being to facilitate and enhance communications between a program server 10 and a shopping server 5.

Regarding claim 16, Chien teaches interface (40, 50, 60) is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation as a currency transaction based on the program account from the interface (lines 10-13 of [0054]);

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account ([0052])

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account ([0073]).

Regarding claim 17, Chien teaches that the program is a loyalty program 30 and wherein the program account is a shadow credit card (participant provides a credit card

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account for a transaction in figure 6, but the credit card account was not charged with the \$250. Instead, the loyalty account is deducted 10,000 points which are then converted to \$250, and the credit card account is credited with that same \$250 to be used later to complete the purchase transaction. Thus, the credit card is just a front/ghost account. The money used in the purchase transaction truly comes from the points in the loyalty account).

8. Applicant's arguments filed 10/25/05 have been fully considered but they are not persuasive.

In response to Applicant's argument regarding 101 rejections of claims 1-14 and 16-17, it is noted that since there is no hardware element recited in the claims, the claims are merely directed to a collection of software. It is further noted that that software per se as recited in the claims are not tangible, since it is not tangibly embodied in a manner so as to be executable. *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. MPEP 2106.

In response to Applicant's argument that "Applicants' method does not require the participant to enter credit card information or even have a credit card" it is noted that this feature is not recited in the claims.

In response to Applicant's argument that Chien does not teach "the interface accesses the program account information", "a program account connected to the program", "wherein said GUI includes instructions for receiving information regarding the program account and providing the received program account information to the API", it is noted that these features are taught by Chien since when the participant keys



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in information on participant's financial transaction account on the screen (GUI in Fig. 6), Chien's interface accesses participant's financial transaction account information and the participant's financial transaction account is connected to the loyalty program (see Chien, [0051]).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

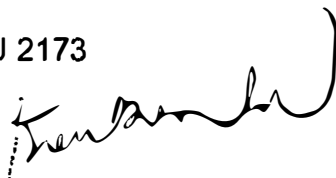
and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

AU 2173



[illegible]

**Kieu D. Vu**

2173

<b>Class</b>	<b>Subclass</b>	<b>Date</b>	<b>Examiner</b>
update	search	12/8/2005	KV
			L

Class	Subclass	Date	Examiner

[illegible]

# Index of Claims



Application/Control No.

10/117,309

Examiner

Kieu D. Vu

Applicant(s)/Patent under  
Reexamination

BUSHOLD ET AL.

Art Unit

2173

√	Rejected
=	Allowed

—	(Through numeral) Cancelled
÷	Restricted

N	Non-Elected
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A	Appeal
O	Objected

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Type of paper transmitted: Amendment CApplicant's Name: Thomas R. Bushold et al.Serial No.: 10/117,309 Examiner: Kieu D. VuFiling Date: 04/05/2002 Art Unit: 2173 Confirmation No.: 2271Application Title: SYSTEM AND METHOD FOR TRANSACTING PURCHASES  
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POSSIBLE. CONFIRMING NUMBER IS (314) 231-5400.

MRZ 9239

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Thomas R. Bushold et al.      Art Unit 2173  
Serial No. 10/117,309  
Filed April 5, 2002  
Confirmation No. 2271  
For SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH  
VENDOR USING POINTS  
Examiner Kieu D. Vu

March 9, 2006

AMENDMENT C

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TO THE COMMISSIONER FOR PATENTS,

SIR:

In response to the Office action mailed December 13, 2005, please enter the following amendments and consider the following remarks.

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

Remarks begin on page 14 of this paper.

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Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended): A computerized system for use by a participant of a program which awards points to the participant, wherein the awarded points are maintained in a point account for the participant, said system for permitting the participant to transact a purchase using the awarded points with a vendor system which transacts purchases in currency, said system comprising a processor including instructions for defining:

an application programming interface (API) for interfacing with the vendor system;

a program account hidden from the participant connected to the program ~~hidden from the participant~~ for use in currency transactions;

a graphical user interface (GUI) for providing an interface between the participant and the API and for communicating with the program;

wherein said GUI includes instructions for receiving participant-related information from the participant and providing the received participant-related information to the API;

wherein said GUI includes instructions for receiving information regarding the program account hidden from the participant and for providing the received program account information to the API;

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wherein said API is adapted to receive the participant-related information and the program account information from the GUI and adapted to provide the received participant-related information and the received program account information to the vendor system;

wherein said API is adapted to receive vendor-related information from the vendor system and adapted to provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and for providing the received vendor-related information to the participant;

such that from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account; and

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant as a currency transaction based on the program's program account hidden from the participant whereby the participant is not aware that the purchase transaction with the vendor system is being transacted using the program account.

Claim 2 (previously presented): The system of claim 1 wherein the GUI includes instructions for:

receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account;

converting the received purchase request based on the points into a corresponding purchase request based on the program account if the point account has sufficient points to cover the purchase; and

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providing the corresponding purchase request based on the program account to the API wherein the API is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system as a purchase request based on the program account.

Claim 3 (previously presented): The system of claim 1 wherein the API is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation as a currency transaction based on the program account from the API;

causing the points for the purchase to be deducted from the participant's point account in response to the received vendor purchase confirmation based on the program account;

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account.

Claim 4 (original): The system of claim 1 wherein the program is a loyalty program and wherein the program account is a shadow credit card.



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Claim 5 (currently amended): ~~A computerized~~ In a computer having a user interface including a display, a method for use by a plurality of participants of a program which awards points to each participant, wherein the awarded points are maintained in a point account for each participant, said method permitting each participant to transact a purchase using the awarded points with a vendor system which transacts purchases in currency, said method comprising the steps of:

providing a program account hidden from the participant connected to the program for use in currency transactions;

providing an interface between the participant and the vendor system, said interface having access to information regarding the program account hidden from the participant;

converting a purchase request from a participant based in whole or in part on points into a corresponding purchase request provided to the vendor system based on the program account information if the participant's point account has sufficient points to cover the purchase request;

causing the points for the purchase request to be deducted from the participant's point account in response to a received vendor purchase confirmation of the corresponding purchase request whereby the participant is not aware that the purchase request provided to the vendor system is being transacted using the program account.

Claim 6 (previously presented): The method of claim 5 wherein the interface comprises a graphical user interface (GUI) and an application programming interface (API) for the vendor system and;

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wherein said GUI includes instructions for receiving participant-related information from each participant and providing the received participant-related information to the API;

wherein said API is adapted to receive the participant-related information from the GUI and to provide the received participant-related information to the vendor system;

wherein said API is adapted to receive vendor-related information from the vendor system and provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and providing the received vendor-related information to the participant;

such that from the perspective of each participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based on the points in each participant's point account; and

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with each participant based as a currency transaction on the program account.

Claim 7 (previously presented): The method of claim 6 wherein the GUI includes instructions for;

receiving a purchase request from each participant to conduct a purchase with the vendor system based on the points in the participant's point account;

converting the received purchase request based on the points into a corresponding purchase request based on the program account if the point account has sufficient points to cover the purchase; and

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providing the corresponding purchase request based on the program account to the API wherein the API is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system as a purchase request based on the program account.

Claim 8 (previously presented): The method of claim 7 wherein the API is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation as a currency transaction based on the program account from the API;

causing the points for the purchase to be deducted from each participant's point account in response to the received vendor purchase confirmation based on the program account;

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to each the participant in response to the received vendor purchase confirmation based on the program account.

Claim 9 (original): The method of claim 5 wherein the program is a loyalty program and wherein the program account is a shadow credit card.

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Claim 10 (currently amended): In a computer having a graphical user interface including a display, the [[A]] graphical user interface for use by a plurality of participants of a program which awards points to each participant, wherein the awarded points are maintained in a point account for each participant, said interface for permitting each participant to transact a purchase using the awarded points with a vendor system which transacts purchases in currency, said interface comprising:

a program account hidden from the participant connected to the program for use in currency transactions of the plurality of participants;

an application programming interface (API) for interfacing with the vendor system;

said graphical user interface (GUI) providing an interface between the participant and the API and for communicating with the program, said GUI having access to the information regarding the program account hidden from the participant;

wherein said GUI includes instructions for receiving participant-related information from each participant and providing the received participant-related information to the API;

wherein said GUI includes instructions for receiving information regarding the program account information and providing the received program account information to the API;

wherein said API is adapted to receive the participant-related information and program account information from the GUI and to provide the received participant-related information and the received program account information to the vendor system;

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wherein said API is adapted to receive vendor-related information from the vendor system and provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and providing the received vendor-related information to each participant;

such that from the perspective of each participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account; and

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with each participant as a currency transaction based on the program's program account hidden from the participant whereby the participant is not aware that the currency transaction with the vendor system is being transacted using the program account.

Claim 11 (previously presented): The interface of claim 10 wherein the GUI includes instructions for:

receiving a purchase request from each participant to conduct a purchase with the vendor system based on the points in the participant's point account;

converting the received purchase request based on the points into a corresponding purchase request based on the program account if the point account has sufficient points to cover the purchase; and

providing the corresponding purchase request based on the program account to the API wherein the API is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to

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the vendor system as a purchase request based on the program account.

Claim 12 (previously presented): The interface of claim 10 wherein the API is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation as a currency transactions based on the program account from the API;

causing the points for the purchase to be deducted from each participant's point account in response to the received vendor purchase confirmation based on the program account;

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based in whole or in part on the points to the participant in response to the received vendor purchase confirmation based on the program account.

Claim 13 (original): The interface of claim 10 wherein the program is a loyalty program and wherein the program account is a shadow credit card.

Claim 14 (currently amended): A computerized system for permitting a participant to transact a purchase using awarded points with a vendor system which transacts

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purchases in currency, said system comprising a processor including instructions for defining:

a loyalty program which awards points to a participant, wherein the awarded points are maintained in a point account for the participant;

an application programming interface (API) for interfacing with the vendor system;

a program account hidden from the participant connected to the program for use in currency transactions;

a graphical user interface (GUI) for providing an interface between the participant and the API and for communicating with the program;

wherein said GUI includes instructions for:

receiving participant-related information from the participant and providing the received participant-related information to the API;

receiving a purchase request from the participant to conduct a purchase with the vendor system based on the points in the participant's point account;

receiving information regarding the program account hidden from the participant from the loyalty program;

converting the received purchase request based on the points into a corresponding purchase request based on the program account information if the point account has sufficient points to cover the purchase; and

providing the corresponding purchase request based on the program account information to the API wherein the API is adapted to receive the corresponding purchase request from the GUI and provide the received corresponding purchase request to the vendor system as a purchase request based on the program account information;

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wherein said API is adapted to receive the participant-related information from the GUI and to provide the received participant-related information to the vendor system;

wherein said API is adapted to receive vendor-related information from the vendor system and provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and providing the received vendor-related information to the participant;

such that from the perspective of the participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based in whole or in part on the points in the participant's point account; and

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with the participant based on the loyalty program's program account hidden from the participant whereby the participant is not aware that the purchase transaction with the vendor system is being transacted using the program account.

Claim 15 (canceled).

Claim 16 (currently amended): The system of claim 14 wherein the API is adapted to receive a vendor purchase confirmation based on the program account and provide the received confirmation based on the program account to the GUI, and wherein the GUI includes instructions for:

receiving the vendor purchase confirmation based on the program account from the API;

causing the points for the purchase to be deducted from the participant's point account in response to the



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received vendor purchase confirmation based on the program account;

converting the received vendor purchase confirmation based on the program account into a corresponding purchase confirmation based on the points; and

providing the corresponding purchase confirmation based on the points to the participant in response to the received vendor purchase confirmation based on the program account.

Claim 17 (original): The system of claim 14 wherein the program account is a shadow credit card.

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REMARKS

Applicants have thoroughly considered the Office action mailed on December 13, 2005. Claims 1-14, and 16-17 are presented in the application for further examination. Claims 1, 5, 10, and 14 have been amended by this Amendment C. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

## CLAIM REJECTIONS - 35 USC §101

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully disagree with the Examiner's assertion and resubmit the argument previously set forth in Amendments A and B that the claims in the present application recite software that produces a concrete, tangible and useful result. Again, the Office action fails to respond to Applicants arguments concerning these claims. In particular, the Examiner asserts "the software per se as recited in the claims are not tangible, since it is not tangibly embodied in a manner so as to be executable", but does not address Applicants argument that the claims are not software per se because they produce a tangible result. (See Office action, page 21). The Examiner merely restated the conclusion that claims are software per se without support. Nevertheless, to further prosecution, Applicants have amended claims 1 and 14 to recite "said system comprising a processor including instructions for defining...", claim 10 to recite "In a computer having a graphical user interface including a display...", and claim 5

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to recite "In a computer having a user interface including a display...".

The present application is directed to a computerized system and method for facilitating the use of loyalty points in transactions between consumers (e.g., participants) and vendors via graphical user interface (GUI) and an application programming interface (API). One of the many concrete, tangible and useful results of the present invention is a GUI that provides the consumer with the ability to use loyalty points as a currency payment of a good or service without the knowledge of the vendor that loyalty points are being used. This is more than a mere abstraction of idea or mathematical algorithm; it achieves a practical application with a tangible results.

Arrhythmia Research Tech. v. Corazonix Corp., 948 F.2d 1053, 1057, 22 USPQ2d 1033, 1036 (Fed. Cir. 1992). Because the claims result in a practical application with a tangible result, the claims in the present application are not software per se and are not "descriptive materials." The claims in the present application do not "(1) consist solely of mathematical operations without some claimed practical application or (2) simply manipulate abstract ideas or a bubble hierarchy." In re Alappat, 33 F.3d 1526, 1543 n.19, 32 USPQ2d 1545, 1556 n.19.

Therefore, Applicants assert that the invention set forth in the specification and the claims is statutory. Hence, Applicants request that the rejection of claims 1-14 and 16-17 and be withdrawn. If, however, the Examiner is inclined to maintain the rejection, Applicants once again request the Examiner to identify the features of the invention that would render the claimed subject matter

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statutory if recited in the claims, pursuant to MPEP § 2106 (IV) (B).

CLAIM REJECTIONS - 35 USC §102

Reconsideration of the rejection of claims 5 and 9 under 35 U.S.C. §102(e) as being anticipated by Chien et al. (U.S. Pub. No. 2001/0054003 A1) is respectfully requested. Applicants do not agree with the Examiner that Chien et al. anticipates a method that provides a program account for use in currency transactions. Nonetheless, to further prosecution, Applicants have amended claim 5 to more clearly recite that the program account used to facilitate the currency transaction is provided to the interface by the program and not by the participant.

As the Examiner has stated on page 22 of the Office action, Chien's system "requires participants to enter a credit card number". (Chien et al., Fig. 6) However, claim 5 as amended recites "providing a program account hidden from the participant connected to the program" and "providing an interface between the participant and the vender system, said interface having access to information regarding the program account hidden from the participant whereby the participant is not aware that the purchase request provided to the vendor system is being transacted using the program account". Thus, Applicants' method requires that the program account is connected to the program and hidden from the participant. Accordingly, the participant does not provide credit card information to the program, and the participant is not aware that the transaction is actually being transacted using the credit card. (Specification, page 6, 1st complete paragraph). In contrast, Chien et al. teaches that the participant is aware

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of the credit card. Therefore, because Chien et al. does not disclose a shadow credit card and teach away from the recited invention, Chien et al. cannot not anticipate claim 5.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5. Claims 2-9, which depend directly or indirectly from claim 5, are submitted as patentable for the same reasons as set forth above with respect to claim 5.

#### CLAIM REJECTIONS - 35 USC §103

Reconsideration of the rejection of claims 1-4, 6-8, 10-14, and 16-17 under 35 U.S.C. §103(a) as being unpatentable over Chien et al. (U.S. Pub. No. 2001/0054003 A1) and Rouston et al. (U.S. Pub. No. 2001/0037243 A1) is respectfully requested. As explained above, Chien et al. discloses that the participant knows and enters credit card information for use in currency transactions.

Rouston et al. teaches that an employer/client may subscribe to a third-party system to encourage employees/members to use frequent flier mile for business travel. (Rouston et al., FIG. 5, Paragraph 17) The employer/client has a client account and may create member accounts for the employer's employees. (Rouston et al., FIG. 2, Paragraph 31) Employees/members earn credits in their member accounts when they use frequent flier miles for business travel. (Rouston et al., FIG. 3, Paragraph 35) However, the employer's account is not used by the system when employee redeems his credits.

In paragraph 25, Rouston et al. teaches away from the present invention and discloses that "central server also interacts with a credit card processing server, which

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processes member credit card information" (member is the employee not employer, see Rouston et al., paragraph 17). Furthermore, Rouston et al. does not even mention a currency or credit account when the member/employee redeems credits for goods or services. (Rouston et al., FIG. 4, Paragraph 42).

In paragraphs 47 and 48, Rouston et al. teaches that the employer/client is billed a fee to the third-party for each active member/client. This employer/client account is not a currency or credit card account, but the third-party client account. Additionally, the employer/client account is billed by the third-party for program participation, not used to transact a credit redemption for goods or services between the member/employee and vender. Thus, Rouston et al. does not teach or suggest using a program account hidden from the participant connected to the loyalty program for currency transaction as recited by claims 1, 10, and 14. Further, Rouston does not teach a "program account hidden from the participant whereby the participant is not aware that the purchase transaction with the vendor system is being transacted using the program account" as recited by claim 1. Claims 10 and 14 include similar recitals.

Therefore, because Chien et al. and Rouston et al. do not disclose every element of claims 1, 10 and 14, they can not render claims 1, 10 and 14 obvious.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 10, and 14. Claims 2-4, 6-8, 11-13, and 16-17 which depend directly or indirectly from claims 1, 10, and 14, are submitted as patentable for the same reasons as set forth above with respect to claims 1, 10, and 14.

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Applicants believe that no fee is due. If, however, the Commissioner determines otherwise, such fees may be charged to Deposit Account No. 19-1345.

Respectfully submitted,



Frank R. Agovino, Reg. No. 27,416

SENNIGER POWERS

One Metropolitan Square, 16th Floor

St. Louis, Missouri 63102

314-231-5400

FRA/BAW/cjl

# PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

10/117309

## CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	minus 20=	
INDEPENDENT CLAIMS	minus 3=	
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

\* If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	10/25/05	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total	16	Minus	20
Independent	4	Minus	4
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	150.00
X\$ 25=	
X100=	
+180=	
TOTAL	

RATE	FEE
BASIC FEE	300.00
X\$50=	
X200=	
+360=	
TOTAL	

SMALL ENTITY

OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$50=	
X200=	
+360=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	3/9/06	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total	19	Minus	20
Independent	4	Minus	4
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$50=	
X200=	
+360=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total		Minus	
Independent		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 25=	
X100=	
+180=	

RATE	ADDITIONAL FEE
X\$50=	
X200=	
+360=	



# CLAIMS ONLY

SERIAL NO.

10117309

FILING DATE

APPLICANT(S)

## CLAIMS

	AS FILED		AFTER 1st AMENDMENT		AFTER 2nd AMENDMENT			*		*		*	
	IND.	DEP.	IND.	DEP.	IND.	DEP.		IND.	DEP.	IND.	DEP.	IND.	DEP.
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46							96						
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50							100						
TOTAL IND.	43		4				TOTAL IND.						
TOTAL DEP.	113		12				TOTAL DEP.						
TOTAL CLAIMS	156		16				TOTAL CLAIMS						

\* MAY BE USED FOR ADDITIONAL CLAIMS OR AMENDMENTS

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U.S. DEPARTMENT OF COMMERCE  
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\*U.S. GPO: 1998-443-503/89152

## EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	53	(715/962).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:08
L2	1945	((715/733) or (715/748) or (715/751) or (715/764)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:08
L3	99143	(point\$1 or coupon\$1 or promot\$6) same account\$2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:09
L4	42	2 and 3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:09
L5	249	sale\$1 and 2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:09
L6	7941	((705/14) or (705/26) or (705/68) or (705/69) or (705/65)).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:10
L7	440	3 and 6	USPAT	OR	OFF	2006/03/17 15:10
L8	1519	3 and 6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:10

## EAST Search History

L9	10363	(point\$1 near4 account\$2)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:11
L10	10363	3 and 9	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:12
L11	376	9 and 6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:12
L12	10363	(point\$1 near4 account\$2)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:12
L13	293	interface\$1 same L12	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:13
L14	293	9 and 13	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:12
L15	0	13 and 2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:12
L16	2957	interface\$1 same 3	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:13

## EAST Search History

L17	5	16 and 2	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:13
L18	218	16 and 6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 15:14

## EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	127	hidden near4 account\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 14:09
L2	529	shadow\$5 near4 (account\$1 card\$1)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 14:10
L3	178	shadow\$5 near4 card\$1	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2006/03/17 14:10

## EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	7	(point\$1 and (user\$1 participant\$1) and account\$1 and program\$1 and (hidden shadow\$4) and (interface\$1 GUI\$1)).clm.	US-PGPUB; USPAT	OR	OFF	2006/03/17 15:18

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16TH FLOOR  
ST LOUIS, MO 63102

EXAMINER

VU, KIEU D

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 03/23/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/117,309	04/05/2002	Thomas R. Bushold	MRZ 9239	2271

TITLE OF INVENTION: SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH VENDOR USING POINTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	06/23/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

000321 7590 03/23/2006

**SENNIGER POWERS**  
**ONE METROPOLITAN SQUARE**  
**16TH FLOOR**  
**ST LOUIS, MO 63102**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/117,309	04/05/2002	Thomas R. Bushold	MRZ 9239	2271

**TITLE OF INVENTION: SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH VENDOR USING POINTS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	06/23/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
VU, KIEU D	2173	715-764000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/117,309	04/05/2002	Thomas R. Bushold	MRZ 9239	2271
000321	7590	03/23/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 03/23/2006				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 602 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 602 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/117,309	BUSHOLD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kieu D. Vu	2173	

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 03/09/06.
2. ☒ The allowed claim(s) is/are 1-5, 7-14 and 16-17 (renumbered as 1-15).
3. ☐ 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 the:
  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)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Applicant's Representative Frank Agovino on 03/17/06.

3. The claims have been amended as follows:

Claim 5: In a computer having a user interface including a display, a method for use by a plurality of participants of a program which awards points to each participant, wherein the awarded points are maintained in a point account for each participant, said method permitting each participant to transact a purchase using the awarded points with a vendor system which transacts purchases in currency, said method comprising the steps of:

providing a program account hidden from the participant connected to the program for use in currency transactions;

providing an interface between the participant and the vendor system, said interface having access to information regarding the program account hidden from the participant;

converting a purchase request from a participant based in whole or in part on points into a corresponding purchase request provided to the vendor system based on

the program account information if the participant's point account has sufficient points to cover the purchase request;

causing the points for the purchase request to be deducted from the participant's point account in response to a received vendor purchase confirmation of the corresponding purchase request whereby the participant is not aware that the purchase request provided to the vendor system is being transacted using the program account;

wherein the interface comprises a graphical user interface (GUI) and an application programming interface (API) for the vendor system and:

wherein said GUI includes instructions for receiving participant-related information from each participant and providing the received participant-related information to the API;

wherein said API is adapted to receive the participant-related information from the GUI and to provide the received participant-related information to the vendor system;

wherein said API is adapted to receive vendor-related information from the vendor system and provide the received vendor-related information to the GUI; and

wherein said GUI includes instructions for receiving vendor-related information from the API and providing the received vendor-related information to the participant;

such that from the perspective of each participant, the participant uses the GUI to conduct a purchase transaction with the vendor system based on the points in each participant's point account; and

Art Unit: 2173

such that from the perspective of the vendor system, the vendor system conducts the purchase transaction with each participant based as a currency transaction on the program account.

Claim 6: canceled.

Claim 7 : line 1, replace "claim 6" with "claim 5"

4. Claims 1-5, 7-14, and 16-17 are allowed.

The Examiner has carefully considered the independent claims 1, 5, 10, and 14.

The prior art does not teach that the interface has access information regarding program account "hidden from the participant" "whereby the participant is not aware that the purchase request provided to the vendor system is being transacted using the program account" in specific combinations recited in claims 1, 5, 10, and 14.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

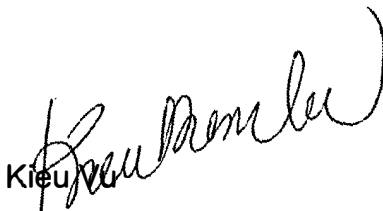
571-273-8300

Art Unit: 2173


and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kieu Vu  
Primary Examiner



<b>Issue Classification</b> 	<b>Application/Control No.</b> 10/117,309	<b>Applicant(s)/Patent under Reexamination</b> BUSHOLD ET AL.
	<b>Examiner</b> Kieu D. Vu	<b>Art Unit</b> 2173

ISSUE CLASSIFICATION													
ORIGINAL				INTERNATIONAL CLASSIFICATION									
CLASS		SUBCLASS		CLAIMED				NON-CLAIMED					
715		764		G	06	F	3	/00	G	06	F	3	/00
CROSS REFERENCES								/					/
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)							/					/
715	962							/					/
705	14							/					/
								/					/
								/					/
								/					/
								/					/
(Assistant Examiner) (Date) <i>[Signature]</i> 3/21/06 (Legal Instruments Examiner) (Date)				<i>[Signature]</i> <b>KIEU D. VU</b> <b>PRIMARY EXAMINER</b> (Primary Examiner) (Date) 03-17-06				<b>Total Claims Allowed: 15</b>  O.G. Print Claim(s) 1 O.G. Print Fig. 2					

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant				<input type="checkbox"/> CPA				<input type="checkbox"/> T.D.				<input type="checkbox"/> R.1.47			
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		31		61		91		121		151		181		
2	2		32		62		92		122		152		182		
3	3		33		63		93		123		153		183		
4	4		34		64		94		124		154		184		
5	5		35		65		95		125		155		185		
	6		36		66		96		126		156		186		
6	7		37		67		97		127		157		187		
7	8		38		68		98		128		158		188		
8	9		39		69		99		129		159		189		
9	10		40		70		100		130		160		190		
10	11		41		71		101		131		161		191		
11	12		42		72		102		132		162		192		
12	13		43		73		103		133		163		193		
13	14		44		74		104		134		164		194		
	15		45		75		105		135		165		195		
14	16		46		76		106		136		166		196		
15	17		47		77		107		137		167		197		
	18		48		78		108		138		168		198		
	19		49		79		109		139		169		199		
	20		50		80		110		140		170		200		
	21		51		81		111		141		171		201		
	22		52		82		112		142		172		202		
	23		53		83		113		143		173		203		
	24		54		84		114		144		174		204		
	25		55		85		115		145		175		205		
	26		56		86		116		146		176		206		
	27		57		87		117		147		177		207		
	28		58		88		118		148		178		208		
	29		59		89		119		149		179		209		
	30		60		90		120		150		180		210		

**Search Notes**

Application/Control No.

10/117,309

Examiner

Kieu D. Vu

Applicant(s)/Patent under  
Reexamination

BUSHOLD ET AL.

Art Unit

2173

**SEARCHED**

Class	Subclass	Date	Examiner
715	962	3/17/2006	KV
705	14	3/17/2006	KV

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner
US PAT-USPGPUB (See Search History Printout)		3/17/2006	KV

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
East search (USPAT USPGPUB EPO JPO DERWENT IBM_TDB USOCR) (See Search History Printout)	3/17/2006	KV
Text search 715/733 715/748 715/751 715/764 705/26, 68, 69, 65	3/17/2006	KV
<a href="http://www.google.com">http://www.google.com</a>	3/17/2006	KV

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

000321 7590 03/23/2006

SENNIGER POWERS  
ONE METROPOLITAN SQUARE  
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ST LOUIS, MO 63102

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission **EFS**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Gina G. Barron (Depositor's name)  
*Gina G. Barron* (Signature)  
June 14, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/117,309 04/05/2002 Thomas R. Bushold MRZ 9239 2271

TITLE OF INVENTION: SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH VENDOR USING POINTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	06/23/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
VU, KIEU D	2173	715-764000			

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2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Senniger Powers

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Maritz Inc.

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Fenton, Missouri

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
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Authorized Signature *Frank R. Agovino*

Date June 13, 2006

Typed or printed name Frank R. Agovino

Registration No. 27,416

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which it is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**or Fax** **(571)-273-2885**

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Gina G. Barron	(Depositor's name)
<i>Gina G. Barron</i>	(Signature)
June 14, 2006	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/117,309	04/05/2002	Thomas R. Bushold	MRZ 9239	2271
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TITLE OF INVENTION: SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH VENDOR USING POINTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional	NO	\$1400	\$300	\$1700	06/23/2006
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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VU, KIEU D	2173	715-764000
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

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- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Maritz Inc.

Fenton, Missouri

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

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5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature Frank R. Agovino

Date June 13, 2006

Typed or printed name Frank R. Agovino

Registration No. 27,416

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## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	10117309			
<b>Filing Date:</b>	05-Apr-2002			
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH VENDOR USING POINTS			
<b>First Named Inventor:</b>	Thomas R. Bushold			
<b>Filer:</b>	Kurt F. James/Gina Barron			
<b>Attorney Docket Number:</b>	MRZ 9239			
Filed as Large Entity				
<b>Utility Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	1501	1	1400	1400
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1700

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	1077727
<b>Application Number:</b>	10117309
<b>Confirmation Number:</b>	2271
<b>Title of Invention:</b>	SYSTEM AND METHOD FOR TRANSACTING PURCHASES WITH A CASH VENDOR USING POINTS
<b>First Named Inventor:</b>	Thomas R. Bushold
<b>Customer Number:</b>	321
<b>Filer:</b>	Kurt F. James/Gina Barron
<b>Filer Authorized By:</b>	Kurt F. James
<b>Attorney Docket Number:</b>	MRZ 9239
<b>Receipt Date:</b>	14-JUN-2006
<b>Filing Date:</b>	05-APR-2002
<b>Time Stamp:</b>	10:27:58
<b>Application Type:</b>	Utility
<b>International Application Number:</b>	

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1	Issue Fee Payment Recorded	9239.pdf	97723	no	1

<b>Warnings:</b>					
<b>Information:</b>					
2	Fee Worksheet (PTO-875)	fee-info.pdf	8315	no	2
<b>Warnings:</b>					
<b>Information:</b>					
<b>Total Files Size (in bytes):</b>			106038		
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