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| 90/019,476          | 04/09/2024  | 11455678             | DKR678              | 4924             |
| 75120               | 7590        | 09/18/2024           | EXAMINER            |                  |
| Maulin Shah         |             |                      | WORJLOH, JALATEE    |                  |
| Envision IP LLC     |             |                      | ART UNIT            |                  |
| 2020 Progress Court |             |                      | PAPER NUMBER        |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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



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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,476 .

PATENT UNDER REEXAMINATION 11455678 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

|                                                |                                    |                                               |                                 |
|------------------------------------------------|------------------------------------|-----------------------------------------------|---------------------------------|
| <b>Office Action in Ex Parte Reexamination</b> | <b>Control No.</b><br>90/019,476   | <b>Patent Under Reexamination</b><br>11455678 |                                 |
|                                                | <b>Examiner</b><br>JALATEE WORJLOH | <b>Art Unit</b><br>3992                       | <b>AIA (FITF) Status</b><br>Yes |

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

- a. ☐ Responsive to the communication(s) filed on \_\_\_\_\_.  
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.

b. ☐ This action is made FINAL.

c. ☒ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter.  
Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**  
If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

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

- |                                                                              |                                                         |
|------------------------------------------------------------------------------|---------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input type="checkbox"/> Information Disclosure Statement, PTO/SB/08.     | 4. <input type="checkbox"/> _____.                      |

**Part II SUMMARY OF ACTION**

- 1a. ☒ Claims 1-6 and 8-20 are subject to reexamination.
- 1b. ☒ Claims 7 are not subject to reexamination.
2. ☐ Claims \_\_\_\_\_ have been canceled in the present reexamination proceeding.
3. ☐ Claims \_\_\_\_\_ are patentable and/or confirmed.
4. ☒ Claims 1-6 and 8-20 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ The drawings, filed on \_\_\_\_\_ are acceptable.
7. ☐ The proposed drawing correction, filed on \_\_\_\_\_ has been (7a) ☐ approved (7b) ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the certified copies have  
1 ☐ been received.  
2 ☐ not been received.  
3 ☐ been filed in Application No. \_\_\_\_\_.  
4 ☐ been filed in reexamination Control No. \_\_\_\_\_.  
5 ☐ been received by the International Bureau in PCT application No. \_\_\_\_\_.

\* See the attached detailed Office action for a list of the certified copies not received.

9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate 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.
10. ☐ Other: \_\_\_\_\_

cc: Requester (if third party requester)

### **NON-FINAL ACTION**

This is the *ex parte* reexamination of claims 1-6 and 8-20 of U.S. Patent No. 11,455,678 ('678 patent) for which a substantial new question of patentability has been deemed to exist.

#### ***Patent Owner Statement***

No Patent Owner Statement was filed.

#### ***Notice of Pre-AIA or AIA Status***

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

#### ***References Cited in Request***

- U.S. Patent No. 9,747,621 to Kuruvila ("Kuruvila");
- U.S. Patent No. 8,260,687 to Chang et al. ("Chang"); and
- U.S. Patent No. 8,468,099 to Heading et al. ("Heading").

#### ***Other***

- Declaration of Bruce McNair.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective

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filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-20 are rejected under 35 U.S.C. 103 as being unpatentable over Kuruvila in view and Chang and Headings.

**1. A system for distributing multimedia content over a network, comprising:**

See Kuruvila at:

col. 2, ll. 38-44: “payment service system 140 that can be invoked to complete purchase transactions from merchant sites... The payment service system 140, a customer computer device 110, a merchant system 130, and a customer computing device 110 are interconnected by a network”

col. 8, ll. 24-32: “The merchant is prompted by the payment service 340 to enter information regarding the item the merchant wants to make available using the payment service 340.... The merchant may be prompted to enter the price of the item, the description of the item... other information related to the item, such as a graphical image of the item, is also provided by the merchant.

**a server configured to control a transaction processing service; and**

See Kuruvila at:

col. 3, ll. 1-3: “The payment service system 140 may be implemented as a computer system that includes one or more physical servers”

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col. 3, ll. 18-21: “A payment processing web service 146 can run on or more of the servers 142 and is called to process payments on behalf of the merchant in response to a request from the customer.”

**a storage resource communicatively coupled to the server and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata,**

Kuruvila discloses the item comprises an identifier, multimedia content, and metadata.

See col. 8, ll. 24-32: The merchant is prompted by the payment service 340 to enter information regarding the item the merchant wants to make available using the payment service 340.... The merchant may be prompted to enter the price of the item, the description of the item...other information related to the item, such as a graphical image of the item, is also provided by the merchant.

Col. 3, ll. 58-63: The catalog page displays various icons and information associated with items that are available for purchase, including the name 212 of each item, the price associated with each item, a graphical image 216 of each item, a user selectable shipping type 217 (e.g., ground or air) and a user-fillable quantity filed 218.

Col. 7, ll. 59-61: “information is sent between the components 330, 36, and 340 over a communications network such as the Internet.”

Kuruvila does not expressly disclose a storage resource.

Chang discloses a storage resource (item data store) communicatively coupled to the server and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata.

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See Chang at:

Col. 9, ll. 3-11 – “the user 101 may be prompted to provide details relating to the good or service for purchase. These item details, when entered, may then be posted along with the other item data for the good or service being sold... Item details may include: seller contact information, selling price information, condition of item information, time of same information, lowest bid price, or some other suitable information.

Col. 17, ll. 13-17 – “shown is an operation 2101 that, when executed, may compare a seller ID, item ID...a decisional operation 2102 may be executed that determines whether or not a seller ID, item ID...is valid...”

**wherein the server is configured to: receive the item from the storage resource;**

Chang at col. 4, ll.5-7: once the item page request 109 is received at the commerce server 110, item data may be retrieved from the item data store 11.

**execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button;**

Kuruville at:

Fig. 1, the payment gateway system 140 includes server(s) 142 that executes widget generator 148 that is configured to generate a widget code.

col. 8, ll. 24-32: “The merchant is prompted by the payment service 340 to enter information regarding the item the merchant wants to make available using the payment service 340.... The merchant may be prompted to enter the price of the item, the description of the item...other

information related to the item, such as a graphical image of the item, is also provided by the merchant.

Col. 8, ll. 36-42: “The payment service web site 344 receives the merchant-entered information related to the widget and, at event 4, passes the information to a widget generator 348 which may run on a server of the payment service 340. The widget generator 348...may be a software module or function which creates the widget coding based on the information provided by the merchant regarding the item.”

Col. 10, ll. 12-14 – “the widget code causes one or more “purchase” buttons (e.g. the checkout button 230 of Fig. 2A) to be displayed.”

Chang also discloses a product listing. See col. 2, ll. 58-64- “a system and method are shown that facilitate distributed commerce and/or viral marketing through the use of widgets embedded in web pages. These web pages may be associated with social networking web sites or web sites transacting commerce. These widgets may be used to sell good or services.” Also, see col. 3, ll. 18-21 – “these widgets may track a good or service for sale, and/or allow a person (e.g. a natural person or legal entity) to purchase the good or service using the widget.”).

As per the listing including a marketplace rule, Heading discloses this feature. See col. 2, l. 65- col. 3, l. 6 – “content suppliers can submit a media asset and associated business rules into a safe and secure platform depository and receive periodic royalty payments on the asset in accordance with their business rules. “Business rules” define the parameters (e.g. geographic location...price...time frame available for offering the media content to consumers) for using a particular media asset.

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**distribute the product listing to a web site or a distributed application, wherein the product listing is configured to be displayed on the web site or the distributed application based on the marketplace rule;**

Kuruvilla at col. 8, ll. 42-62: At event **5**, the widget generator passes the widget coding to a page generation module (not shown) of the payment service web site **344**, which incorporates the widget code into a web page or other document. This document is then returned to the web browser **338** of the merchant at event **6**... 4) At event **7**, the merchant integrates the widget coding into the appropriate web page coding of the merchant site... For example, in some embodiments the merchant can obtain the widget coding from the payment service **340** and simply cut and paste the widget coding into the appropriate location in an HTML or other document of a catalog page.

Heading at col. 2, l. 65-col. 3, l. 6 – “content suppliers can submit a media asset and associated business rules into a safe and secure platform depository and receive periodic royalty payments on the asset in accordance with their business rules. “Business rules” define the parameters (e.g. geographic location...price...time frame available for offering the media content to consumers) for using a particular media asset.

**receive an indication that the clickable buy button has been selected by a remote computing device; and**

Kuruvilla at col. 9, ll. 62-66 – “FIG. 3B illustrates a data flow diagram showing the transfer of information between a merchant system 330, customer computing device 310 and a payment service system 340...”

Col. 10, ll. 12-26 – “the widget code causes one or more “purchase” buttons (e.g. the checkout button 230 of Fig. 2A) to be displayed. At event 3, the customer elects to purchase an item or

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items represented on this web page (e.g., using the checkout button 230 of FIG. 2A)... The customer will then be presented with a payment form, such as the payment form 240 described above with respect to FIG. 2B, which is configured to receive payment information from the user.”

The payment service system is a remote computing device (see Fig. 1 and 3B). Also, col. 2, ll. 40-44 states that the “payment service system 140, a customer computer device 110, a merchant system 130, and a customer computing device 110 are interconnected by a network”

The payment service system is a remote computing device (see Fig. 1 and 3B).

**provide a checkout screen to the remote computing device, wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing, the purchase initiated from the checkout screen using the remote computing device.**

Kuruvila, col. 10:9-67: “...the widget code causes one or more “purchase” buttons (e.g. the checkout button 230 of Fig. 2A) to be displayed. At event 3, the customer elects to purchase an item or items represented on this web page (e.g., using the checkout button 230 of FIG. 2A)...

The customer will then be presented with a payment form, such as the payment form 240 described above with respect to FIG. 2B, which is configured to receive payment information from the user... a confirmation button selectable by the user, such as the “submit your order” button 250 of FIG. 2B, is also displayed on the web page. At event 4, the customer clicks the confirmation button and a request is received by a server of the payment service in response... As described above, a status message (e.g. “Your payment is being processed...”) may be presented to the customer while the payment processing service 346 is processing the payment

on behalf of the merchant, and a confirmation message...may be presented to the user upon successful completion of the purchase...”

It would have been obvious to one of ordinary skill in the art before the effective filing date of the invention to modify Kuruvila by including the features the data store of Chang to store “information regarding the item” such as the identifier and receiving the item from the storage resource and the marketing rules of Hearing. Doing so would allow for the transfer of items and corresponding information from the merchant to the server of the payment service system for generation of widgets. Also, it would allow for greater control over product listing based on availability. Applying the known technique of Chang and Hearing into the system of Kuruvilla would have been recognized by those of ordinary skill in the art as resulting in an improved system that would have yielded predictable results.

**2. The system of claim 1, wherein the metadata includes a title or textual description.**

Kuruvila at col. 8, ll. 27-30 – the description of the item

**3. The system of claim 1, wherein the remote computing device is a smartphone.**

Kuruvila states that a customer computing device “could generally be any computing device.”

Col. 3, ll. 51-53. Chang discloses the computing device is a smartphone (col. 3, ll. 57-59 – the cell phone).

**4. The system of claim 1, wherein the marketplace rule comprises one or more of: a price, sales campaign date, or geographic availability.**

Heading discloses this feature. See col. 2, l. 65-col. 3, l. 6 – “content suppliers can submit a media asset and associated business rules into a safe and secure platform depository and receive

periodic royalty payments on the asset in accordance with their business rules. “Business rules” define the parameters (e.g. geographic location...price...time frame available for offering the media content to consumers) for using a particular media asset.

**5. The system of claim 1, wherein the product listing includes a share link.**

Chang at col. 5, l. 66-col. 6, l. 4 – some example embodiments may include the item page with widget code 201 including a share button. This share button, when executed using an input device, may generate a prompt asking the user 201 where they would like to embed the widget code.

**6. The system of claim 5, wherein when the server receives an indication that the share link has been selected activated by the remote computing device, the server distributes the product listing to a social media network.**

Chang at col. 5, ll. 12-19 – widget code is distributed to social networking servers. Shown is the user 101, who utilizing the web interface 107, may be able to select a plurality of social networking servers reflecting a plurality of social networking sites. These social networking sites may have trade names including FACEBOOK, MYSPACE, LINKED-IN, or some other suitable networking site.

**8. The system of claim 1, wherein the server comprises one or more cloud-based servers.**

Kuruvilla at col. 3, ll. 1-5- “...the servers 142 can include servers that are co-located and/or geographically distributed. A web site hosted on one or more web servers of the payment service...a payment processing web service 146 can run on one ore more of the services...”

**9. A system for generating distributing multimedia content over a network, comprising: a server configured to control a transaction processing service; and a storage resource communicatively coupled to the server, and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata, wherein the server is**

**configured to: receive the item from the storage resource; execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button; distribute the product listing to a web site operated by the server or to a distributed application not operated by the server based on the marketplace rule; receive an indication that the clickable buy button has been selected by a remote computing device; and provide a checkout screen to the remote computing device, wherein the transaction processing service is configured to process a payment for a purchase of a product associated with the product listing, the purchase initiated from the checkout screen using the remote computing device.**

Claim 9 is rejected on the same rationale as claim 1. Also note that Kuruvila, Chang and Heading in combination teaches the server (server 142) is configured to distribute the product listing (widget code generated by widget generator 148) to a web site operated by the server or to a distributed application not operated by the server (to a social network) based on the marketplace rule (e.g. products are shown based on geographic location, price, price range, and time frame available).

**Claims 10-14 are rejected on the same rationale as claims 2-6 respectively above.**

**15. A system for generating distributing multimedia content over a network, comprising: a server configured to control a transaction processing service; and a storage resource communicatively coupled to the server and configured to store an item, wherein the item comprises an identifier, multimedia content, and metadata, wherein the server is configured to: receive the item from the storage resource; execute a widget builder resource configured to generate a product listing, wherein the product listing includes: (i) information associated with the item, (ii) a marketplace rule, and (iii) a clickable buy button; distribute the product listing to a web site or to a social media network based on the marketplace rule; receive an indication that the clickable buy button has been selected by a remote computing device; and provide a checkout screen to the remote computing device for purchasing a product associated with the product listing, wherein transaction processing service is configured to process a payment for a purchase of the product initiated from the checkout screen using the remote computing device.**

See claim 1 above. Also note that Kuruvila, Chang and Heading in combination teaches the server (server 142) is configured to distribute the product listing (widget code generated by widget generator 148) to a web site operated by the server to a social media network based on the

marketplace rule (e.g. products are shown based on geographic location, price, price range, and time frame available).

**Claims 16-20 are rejected on the same rationale as claims 2-6 respectively above.**

### ***Extension of Time***

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to “an applicant” and not to parties in a reexaminations proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

### ***Amendment in Reexamination Proceedings***

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR § 1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c).

### ***Service of Papers***

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550.

***Notification of Concurrent Proceedings***

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 11,455,678 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceedings throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

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

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For EFS-Web transmissions, 37 CFR 1.8(a)(1)(i) (C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4), and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

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Reexamination Specialist, Art Unit 3992

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