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13/958,524	08/02/2013	Frank C. Cicio JR.	16-1373	9821

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EXAMINER	
CHOY, PAN G	

ART UNIT	PAPER NUMBER
3624	

NOTIFICATION DATE	DELIVERY MODE
01/09/2020	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 13/958,524	Applicant(s) Cicio, Frank C.	
	Examiner PAN G CHOY	Art Unit 3624	AIA (FITF) Status No

-- 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 MONTHS 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 23 September 2019.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☑ This action is **FINAL.** 2b) ☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ 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*

5) ☑ Claim(s) 1-4,8,10-19 and 21-24 is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-4,8,10-19 and 21-24 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ 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).

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).

Certified copies:

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)).

** 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) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

DETAILED ACTION

Notice of Pre-AIA or AIA Status

1. The present application is being examined under the pre-AIA first to invent provisions.

Introduction

2. The following is a **Final** Office action in response to Applicant's communications received on September 23, 2019. Claims 5-7, 9 and 20 have been canceled.

Currently, Claims 1-4, 8, 10-19 and 21-24 are pending, claims 1, 17 and 23 are independent.

Response to Amendments

3. Applicant made no amendment to the claims in this response. Therefore, **the 35 U.S.C. § 101 rejection** to claims 1-4, 8, 10-19 and 21-24 has been maintained.

4. **The 35 U.S.C. § 103** rejection to the claims has been withdrawn during the pre-brief conference on 10/22/2018.

Response to Arguments

5. Applicant's arguments filed on September 23, 2019 have been fully considered but they are not persuasive.

6. In the Remarks, on page 9, Applicant's arguments regarding the 35 U.S.C. § 101 rejection that the instant claims recite novel and non-obvious computer-implemented processes which are patent-eligible under existing precedent.

In response to Applicant's arguments, the Examiner respectfully disagrees. Neither a finding of novelty nor a non-obviousness determination automatically leads to the conclusion that the claimed subject matter is patent-eligible. Although the second step in the *Mayo/Alice* framework is termed a search for an "inventive concept," the analysis is not an evaluation of novelty or non-obviousness, but rather, a search for "an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'" *Alice*, 573 U.S. at 217-18. "Groundbreaking, innovative, or event brilliant discovery does not by itself satisfy the § 101 inquiry." *Ass'n for Molecular Pathology*, 569 U.S. at 591. A novel and non-obvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible. *See Mayo,* 566 U.S. at 90; *See also Diamond,* 450 U.S. at 188-89 ("The 'novelty' of any element or steps in a process, or even of the process itself, is of no relevance in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter."). Also, the Federal Circuit has "previously explained that merely reciting an abstract idea by itself in a claim—even if the idea is novel and non-obvious—is not enough to save it from ineligibility." *Solutran, Inc. v. Elavon, Inc.,* 931 F.3d 1161, 1169 (Fed. Cir. 2019); *See also Ultramercial, Inc., v.*

Hulu, LLC, 772 F.3d 709, 716 (Fed. Cir. 2014) ("That some of the eleven steps were not previously employed in this art is not enough—standing alone—to confer patent eligibility upon the claims at issue."). Thus, this argument is not persuasive.

7. In the Remarks, on page 11, Applicant's arguments regarding the 35 U.S.C. § 101 rejection that Applicant's invention is not associated with a judicial exception just as the inventions in *Trading Techs* and *Enfish.*

In response to Applicant's arguments, the Examiner respectfully disagrees. Here, Applicant relies on *Trading Techs. Int'l, Inc., v. CQG, Inc. et al.,* No. 2016-1616, 675 Fed. Appx. 1001 (Fed. Cir. 2017). Let alone *Trading Techs* is non-precedential, and even if it was precedential, the claims in *Trading Techs* recited "dynamically displaying a second indicator in one of a plurality of location s in an ask display region, each location in the ask display region corresponding to a price level along the common static price axis." As such, *Trading Techs* claimed an improvement to the technology of graphical user interface for trading purposes with has specific structure and concordant functionality. *Id.* at 1004.

With respect to *Enfish,* the claims in *Enfish* focused not on asserted advances in uses to which existing computer capabilities could be put, but on a specific improvement—a particular database technique—in how computers could carry out one of their basic functions of storage and retrieval of data. *Enfish, 822 F.3d at 1335-36; See Bascom,* 2016 WL 3514158, at *5; *cf. Alice,* 134 S. Ct. at 2360 (noting basic storage function of generic computer).

In contrast, the claims here merely address a business challenge through the use

of generic computer, such as "receiving, by a system comprising a processor and memory, job data, assessing, by the system, a match between the person and the job, evaluating, by the system, a performance of the person on the job, computing a weighting factor for the at least one possessed proficiency level of the person based on the associated verification source, and etc.," none of these limitations reflects an improvement to the functioning of the processor itself, or another technology or technical filed, and no indication in the Specification that the claimed invention effects a transformation or reduction of a particular article to a different state or thing. The claimed concept of a method that allows for users to access and update skill information is a method of managing relationships or interactions between people, which falls within the Certain Methods of Organizing Human Activity grouping. Thus, the claims recite an abstract idea.

8. In the Remarks, on page 13, Applicant's arguments regarding the 35 U.S.C. § 101 rejection that as the invention in *DDR Holdings* "overcome a problem specifically arising in the realm of computer networks." Applicant's invention on review overcomes a problem with employment and staffing databases and computing system where these older systems wasted costs in hiring and staffing, among other disadvantages. But also, just as in *McRO, Inc.*, Applicant's invention improved on existing technological processes of hiring and staffing through computer systems by making the process faster and more integrated.

In response to Applicant's arguments, the Examiner respectfully disagrees. Applicant's claims do not adhere to the same fact pattern seen in *DDR Holdings* and *McRO, Inc.* In *DDR Holdings,* the court held that the claimed invention did not simply use computers to serve a conventional business purpose, instead, the invention was "necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer network". *See DDR Holdings, LLC v. Hotels.com L.P.*, 773 F.3d 1245 (Fed. Cir. 2014). In *McRO,* the improvement accounted for "rules that define output morph weight set stream as a function of phoneme sequence and time of said phoneme sequence" that "adjust for the fact that a phoneme may look different when spoken depending on the phonemes preceding and/or following it" varying by character as, for example, "a swamp monster will use different rules than a tight-lipped cat". The claimed improvement [was] allowing computers to produce 'accurate and realistic lip synchronization and facial expressions in animated characters' that previously could only be produced by human animators." *See McRO, Inc. v. Bandai Namco Games America Inc.*, 120 USPQ2d 1091 (Fed. Cir. 2016). Here, Applicant's claims recite an abstract idea, and the recited additional elements including "a system comprising a processor and memory", for receiving/delivering data from/to the employer device or the client device over a network. These additional elements are recited at a high level of generality, when considered individually and as an ordered combination, do not integrate the abstract idea into a practical application because they do not impose any meaningful limits on practicing the abstract idea.

9. In the Remarks, on page 13, Applicant lastly argues that its invention would be patent eligible because it recites an "inventive concept." Applicant's inventions "provides...additional elements that favor[] eligibility" just like the invention in *DDR Holdings*. Drawing a scary similarity to the invention in DDR Holdings where that invention "modified conventional Internet hyperlink protocol to dynamically produce a due-source hybrid webpage, which differed from the conventional operation of Internet hyperlink protocol".

In response to Applicant's arguments, the Examiner respectfully disagrees. As discussed above, Applicant's invention does not adhere to the same fact pattern seen in *DDR Holdings,* just as pointed by the Applicant, the claims in *DDR Holdings* drawing to a solution that "modified conventional Internet hyperlink protocol to dynamically produce a dual-source hybrid webpage." The solution was found necessarily rooted in computer technology, because it could have not been performed otherwise, as there was "[...] *no possibility that by walking up to this kiosk, the customer will be suddenly and completely transported outside the warehouse store and relocated to a separate physical venue associated with the third-party - the analog of what ordinarily occurs in "cyberspace" after the simple click of a hyperlink - where that customer could purchase a cruise package without any indication that they were previously browsing the aisles of the warehouse store, and without any need to "return" to the aisles of the store after completing the purchase"* (see *DDR Holdings, LLC v. Hotelsn.com, LP* 113 USPQ2d 1097, No. 2013-1505, 2014 BL 342453, 773 F.3d 1245 page 1106 mid-¶4). Here, Applicant's claims seek to address a problem that existed and continues to exist outside of the realm of the technology associated with the additionally recited elements. The

proposed solution is one that could have been implemented directly by a human performing analogous functions by hand and/or with the assistance of a general purpose computer (i.e., processor and memory) applied to facilitate the functions (e.g., receiving job data from an employer device over a network) at a high level of generality or with the assistance of additional elements performing well-known, conventional functions. See MPEP 2106.05(d)(II) (Receiving or transmitting data over a network, e.g., using the Internet to gather data, Symantec, 838 F.3d at 1321, 120 USPQ2d at 1362 (utilizing an intermediary computer to forward information); *TLI Communications LLC v. AV Auto. LLC,* 823 F.3d 612-13, 118 USPQ2d 1744, 1747-48 (Fed. Cir. 2016) (Gathering and analyzing information using conventional techniques and displaying the result); *buySAFE, Inc. v. Google, Inc.,* 765 F.3d 1350, 1355, 112 USPQ2d 1093, 1096 (Fed. Cir. 2014) (computer receives and sends information over a network). The specification supports the view of Applicant's invention requires no more than a generic computer that can be implemented the program instructions, such as "the skill collaboration system 101 of the disclosure have been described in the general context of computer-executable instructions, such as routines executed by a general-purpose computer, a personal computer, a server, and/or other computer systems." (See Spec ¶ 66). Thus, generic computers performing generic computer functions to apply an abstract idea do not amount to significantly more than the abstract idea, and the type of information (job data, capability data, skill data, and etc.) being manipulated by the generic computer does not impose meaningful limitations or render the idea less abstract.

Claim Rejections - 35 USC § 101

10. 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.

11. Claims 1-4, 8, 10-19 and 21-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea without significantly more.

As per Step 1 of the subject matter eligibility analysis, it is to determine whether the claim is directed to one of the four statutory categories of invention, i.e., process, machine, manufacture, or composition of matter.

In Step 1: Claims 1-4, 8, 10-16 and 24 are directed to a method for skill collaboration, which falls in the statutory category of a process; Claims 17-19 and 21-22 are directed to a system comprising a processor and a memory, which falls within the statutory category of a machine; and Claim 23 is directed to a non-transitory computer readable media, which falls within the statutory of a product/article. Thus, Step 1 is satisfied.

In Step 2A of the subject matter eligibility analysis, it is to "determine whether the claim at issue is directed to a judicial exception (i.e., an abstract idea, a law of nature, or a natural phenomenon). Under this step, a two-prong inquiry will be performed to determine if the claim recites a judicial exception (an abstract idea enumerated in the 2019 PEG), then determine if the claim recites additional elements that integrate the exception into a practical application of the exception. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50, 54-55 (January 7, 2019).

In Prong One, it is to determine if the claim recites a judicial exception (an

abstract idea enumerated in the 2019 PEG, a law of nature, or a natural phenomenon).

Taking claims 1-4, 8, 10-16 and 24 as representative, the claims recite limitations of: receiving data..., generating skills data..., assessing a match between the person and the job..., evaluating..., updating..., computing a weighting factor..., adjusting at least one possessed proficiency level..., determining whether the person possesses each required skill associated with the job..., identifying the person's initial possessed proficiency level..., comparing the initial possessed proficiency level and the subsequent possessed proficiency level. As described in the claims, the claimed concept of a method that allows for users to access and update skill information is a method of managing relationships or interactions between people. This concept falls within the Certain Methods of Organizing Human Activity grouping. The performance of the claim limitations using a generic computer components (e.g., a system comprising a processor and memory) does not preclude the claim limitations from being in the certain method of organizing human activity grouping. Besides, the specification supports the view of human activity, such as "comparing a skills blueprint 601 for a job with each skills portfolio 401 for a prospective employee; allows an employee who has set up a skills portfolio 401 to receive a list of matching job postings, as long as the employee has satisfied certain requirements, such as being sufficiently engaged by the employers (e.g., a minimum employment length) and providing sufficient feedback to the skills collaboration system; allows the employer to further filter the list of prospective employees; requires that the employer finalize the nature of the employment as paid or unpaid, full-time or part-time commercial project...based on the interview or survey

result." (See ¶ 56-58). Thus, the claims recite an abstract idea. Accordingly, the analysis proceed to Prong Two.

In Prong Two, it is to determine if the claim recites additional elements that integrate the exception into a practical application of the exception.

Beyond the abstract idea, the claims recite the additional elements including a system comprising a processor and memory, for receiving data from an employer device over a network, delivering graphical user interfaces to the employer device or client device, and sending a result of the assessing to the employer device. These additional elements are recited at a high level of generality and the broadest reasonable interpretation that the system comprising a processor and memory for gathering data from the employer device over a network, which is a form of insignificant extra-solution activity. Further, the additional limitations of a system for performing the steps is no more than mere instructions to apply the exception using the generic computer components (processor). Accordingly, even in combination, these additional elements do not integrate the abstract idea into a practical application because they do not impose any meaningful limits on practicing the abstract idea. The claim is directed to the abstract idea.

In Step 2B of *Alice,* it is "a search for an 'inventive concept'—i.e., an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept' itself.'" *Id.* (alternation in original) (*quoting Mayo Collaborative Servs. v. Prometheus Labs., Inc.,* 132 S. Ct. 1289, 1294 (2012)).

The claim as described in Prong Two above, nothing in the subject matter

claimed that transforms the abstract idea into an inventive concept.

The method of claim 1 sets out eight steps for "skill collaboration" including the additional elements of a system comprising a processor and a memory for performing the steps of: receiving [] job data..., receiving [] capability data..., generating skills data..., assessing a match between the person and the job..., evaluating [] a performance of a person on the job, updating [] the second set of skills..., computing a weighting factor..., and adjusting the possessed proficiency level by multiplying the proficiency level by the computed weighting factor. When the additional elements are taken individually, at best, the processor and memory may perform the steps of "receiving job data from an employer device over a network", and "receiving capability data from a client device of the person over the network" because these operations are required to perform over a network; however, receiving or transmitting data over a network has been recognized by the courts as merely well-understood, routine, and conventional functions of generic computers. See MPEP 2106.05(d)(II) (Receiving or transmitting data over a network, e.g., using the Internet to gather data, *Symantec,* 838 F.3d at 1321, 120 USPQ2d at 1362 (utilizing an intermediary computer to forward information); *TLI Communications LLC v. AV Auto. LLC,* 823 F.3d 612-13, 118 USPQ2d 1744, 1747-48 (Fed. Cir. 2016) (Gathering and analyzing information using conventional techniques and displaying the result); *OIP Techs., Inc., v. Amazon.com, Inc.,* 788 F.3d 1359, 1363, 115 USPQ2d 1090, 1093 (Fed. Cir. 2015) (sending messages over a network); *buySAFE, Inc. v. Google, Inc.,* 765 F.3d 1350, 1355, 112 USPQ2d 1093, 1096 (Fed. Cir. 2014) (computer receives and sends information over a network). The specification supports the view of Applicant's invention requires no more than a generic

computer that can be implemented the program instructions, such as "the skill collaboration system 101 of the disclosure have been described in the general context of computer-executable instructions, such as routines executed by a general-purpose computer, a personal computer, a server, and/or other computer systems." (See ¶ 66). Thus, generic computers performing generic computer functions to apply an abstract idea do not amount to significantly more than the abstract idea, and the type of information (job data, capability data, skill data, and etc.) being manipulated by the generic computer does not impose meaningful limitations or render the idea less abstract. The addition of a processor and the inherent functions (i.e., receiving, delivering, and sending) are insufficient to transform the abstract idea of skill collaboration into an inventive concept. *Cf. Alice*, 134 S. Ct. at 2358 ("[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention. Stating an abstract idea 'while adding the words 'apply it' is not enough for patent eligibility.") Further, claims for instructing one to "apply" an abstract idea and reciting no more than generic computer elements performing generic computer tasks do not make an abstract idea patent-eligible. *See Alice*, 134 S. Ct. at 2359-60 (holding patent-ineligible claims that "amount to nothing significantly more than an instruction to apply the abstract idea...using some unspecified, generic computer" and in which "each step does no more than require a generic computer to perform generic computer functions"; *Ultramercial*, 772 F.3d at 716 ("Adding routine[,] additional steps do not transform an otherwise abstract idea into patent-eligible subject matter."); *Bancorp*, 687 F.3d at 1274, 1278 (appending generic computer components does not "salvage an otherwise patent-ineligible process"); *CyberSource*, 654 F.3d at 1375

("[T]he incidental use of a computer to perform the [claimed process] does not impose a sufficiently meaningful limitation on the claim's scope."). Looking the elements as a combination does not add anything more than the elements analyzed individually, these elements fail to yield and improvement to the computer itself or to another technology or technical field.

For the foregoing reasons, claims 1-4, 8, 10-16 and 24 cover subject matter that is judicially-excepted from patent eligibility under § 101 as discussed above. The other independent claims – system claims 17-19 and 21-22 and product claim 23 parallel claim 1 – similarly cover claimed subject matter that is judicially excepted from patent eligibility under § 101.

Therefore, the claim as a whole, viewed individually and as a combination, do not provide meaningful limitations to transform the abstract idea into a patent eligible application of the abstract idea such that the claims amount to significantly more than the abstract idea itself. The claim is not patent eligible.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). 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 date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAN G CHOY whose telephone number is (571)270-7038. The examiner can normally be reached on 5/4/9 compressed work schedule.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at http://www.uspto.gov/interviewpractice.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christine Behncke can be reached on 571-272-8103. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

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). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAN G CHOY/
Primary Examiner, Art Unit 3624

REMARKS

Claims 14, 8, 10-19, and 21-24 remain pending in the present application. Claims 1, 2, 4, 8, 11, 12, 17, 18, 19, 21-23 have been amended. Support for these amendments can be found, throughout Applicant's disclosure, and, for example, within paragraphs [0027], [0045], and Figure 10 (Integration Module 1008). Reconsideration is requested in response to the following remarks.

35 USC § 101

Claims 1-4 and 8, 10-19, and 21-24 were rejected under 35 U.S.C. § 101 ("101") because the claimed invention is allegedly directed towards a judicial exception.

Applicant respectfully submits that the current amended claims place the application in condition for allowance by amending claims in response to objections made in the final office action. As such, Applicant's claims should be allowable after the Examiner's final rejection.

Methods of Organizing Human Activity Grouping Response

On page 10 of the Office Action, the Examiner states that Applicant's invention is directed to the "Methods of Organizing Human Activity" grouping, wherein such grouping is delineated and described within the January 2019 PEG, making such invention not patent eligible.

In compliance with the requirements of After Final Consideration Pilot 2.0 (AFCP), Applicant only chooses to focus this response on "amendment[s] that can be determined to place the application in condition for allowance by adding new limitation(s) which require only a limited amount of further consideration or search." However, Applicant reserves the right to traverse any rejections. See Guidelines for Consideration of Responses After Final Rejection under 37 CFR 1.116(b) under the After Final Consideration Pilot 2.0 (AFCP 2.0); https://www.uspto.gov/sites/default/files/patents/init_events/afcp_guidelines.pdf.

Notwithstanding, even if Applicant's invention is deemed to be within the abstract idea grouping of "Methods of Organizing Human Activity," such invention would still be patent eligible under 101 because the current amendments result in a "practical application." This would at least satisfy Step 2A-Prong 2, of the revised 101 analysis, under the 2019 PEG, in favor of eligibility.

As a part of the January 2019 PEG, the USPTO has delivered additional examples (37-42) to illustrate claims which are patent eligible under 101 in a document named "Subject Matter Eligibility Examples: Abstract Ideas" (Patentable Examples). Attached to this submission, as Exhibit A.

Specifically, Example 42 of Patentable Examples clearly illustrates how a claim which recites a method of organizing human activity, can be patent eligible due to a "practical application," thereby satisfying Step 2A-Prong 2 in favor of eligibility. Example 42 concerns a "Method for Transmission of Notifications When Medical Records Are Updated." Such examples describes the background of the example as:

> Patients with chronic or undiagnosed illnesses often must visit several different medical providers for diagnosis and treatment. These physicians may be physically separate from each other and unaware of each other. During a visit, each medical provider records information about the patient's condition in their own local patient records. These records are often stored locally on a computer in a non-standard format selected by whichever hardware or software platform is in use in the medical provider's local office. ***It is difficult for medical providers to share updated information about a patient's condition with other health care providers using current patient management systems, due to the above challenges. This can lead to problems with managing prescriptions or having patients duplicate tests, for example. Currently, medical providers must continually monitor a patient's medical records for updated information, which is often-times incomplete since records in separate locations are not timely or readily-shared or cannot be consolidated due to format inconsistencies as well as physicians who are unaware that other physicians are also seeing the patient for varying reasons.***
>
> ***To solve this problem, applicant has invented a network-based patient management method that collects, converts and consolidates patient information from various physicians and health-care providers into a standardized format, stores it in network-based storage devices, and***

> ***generates messages notifying health care providers or patients whenever that information is updated.*** The method provides a graphical user interface (GUI) by a content server, which is hardware or a combination of both hardware and software. A user, such as a health care provider or patient, is given remote access through the GUI to view or update information about a patient's medical condition using the user's own local device (e.g., a personal computer or wireless handheld device). When a user wants to update the records, the user can input the update in any format used by the user's local device. Whenever the patient information is updated, it will first be converted into the standardized format and then stored in the collection of medical records on one or more of the network-based storage devices. After the updated information about the patient's condition has been stored in the collection, the content server, which is connected to the network-based storage devices, immediately generates a message containing the updated information about the patient's condition. ***This message is transmitted in a standardized format over the computer network to all physicians and health-care providers that have access to the patient's information*** (e.g., to a medical specialist to review the updated information about the patient's medical condition) so that all users can quickly be notified of any changes without having to manually look up or consolidate all of the providers' updates. This ensures that each of a group of health care providers is always given immediate notice and access to changes so they can readily adapt their own medical diagnostic and treatment strategy in accordance with other providers' actions. The message can be in the form of an email message, text message, or other type of message known in the art.

(Emphasis added). The allowable claim 1 of this example recites "A method comprising: a) ***storing information in a standardized format*** about a patient's condition in a plurality of network-based non-transitory storage devices having a collection of medical records stored thereon; b) providing remote access to users over a network so any one of the users can update the information about the patient's condition in the collection of medical records in real time through a graphical user interface, wherein the one of the users provides the updated information in a non-standardized format dependent on the hardware and software platform used by the one

of the users; c) ***converting, by a content server, the non-standardized updated information into the standardized format***, d) storing the standardized updated information about the patient's condition in the collection of medical records in the standardized format; e) automatically generating a message containing the updated information about the patient's condition by the content server whenever updated information has been stored; and f) transmitting the message to all of the users over the computer network in real time, so that each user has immediate access to up-to-date patient information." (Emphasis added).

The USPTO, deeming such above claim allowable, stated that the "claim recites a combination of additional elements including storing information, providing remote access over a network, converting updated information that was input by a user in a non-standardized form to a standardized format, automatically generating a message whenever updated information is stored, and transmitting the message to all of the users. The claim as a whole integrates the method of organizing human activity into a practical application. Specifically, ***the additional elements recite a specific improvement over prior art systems by allowing remote users to share information in real time in a standardized format regardless of the format in which the information was input by the user. Thus, the claim is eligible because it is not directed to the recited judicial exception*** (abstract idea)." (Emphasis added).

Here, Applicant's invention also produces a "practical application" to the issue of job posting systems of the prior art, satisfying Step 2A-Prong 2 in favor of eligibility. For example, paragraph [0020] of Applicant's disclosure, states "[g]iven the hundreds of millions of people looking for work on a daily basis, these ***posting sites*** with their inability to address the 'real' employment challenges have delivered less than positive results for both the would-be employer as well as those looking for work. 'Indeed'. Simply Hired, LinkedIn, CareerBuilder, Monster, Craigslist, Glassdoor, Dice, Mediabistro, and TweetMyJobs are a few of the more popular posting sites. The single common denominator for these posting services ***is a standard 'resume' that in some cases may be enhanced by a somewhat unfocussed set of "experiences and skills". It is this casual, passive approach to "skills' that has created the severe engagement challenge for prospective employees as well as employers of all types***." (Emphasis added).

As such, prior to this invention, every job seeker has their own idiosyncratic resume format to describe that job seeker's experience, and every employer lists their own idiosyncratic job requirements describing that employer's job needs in their own words resulting in a needless

attempt at transformation and matching, of job seeker skills to employer requirements. In presenting a "practical application," Applicant's invention allows job requirements data of employers, and job skills of job seekers to be in one unified format, integrating and standardizing data from external applications and systems of both employers and job seekers, which employers and job seekers can understand on equal terms, analogous to the United States using feet (instead of meters) as its choice of measurement metrics where such metric term is understand nationally in the United States without confusion.

As stated in paragraph [0027] of Applicant's detailed description "[t]he participants interact with a skills collaboration system 101 across networks 110 through their respective client devices, e.g. a mobile or desktop computer. Various embodiments show that the skills collaboration system 101 allows the employers 107 to post jobs which utilize skills, prospective employees 108 who possess skills to find jobs, and service providers 109 to offer education and training on skills." In addition, paragraph [0045] recites "the integration module 1008 provides an application programming interface (API) for integrating external applications into the skills collaboration system 101. The external applications can include Share Point, Google Docs, and the like to facilitate document storage and sharing. Some external applications, such as Lotus Notes and Outlook, can be incorporated to facilitate general communication with email, calendaring, etc. Additional external applications, such as Salesforce, can be incorporated to introduce business intelligence into the skills collaboration project environment."

Independent claim 1 has been amended to now recite : "storing in a collaboration system comprising a job database and a skills library, by a processor, job data in a standardized format regarding one or more jobs associated with one or more employers received from a plurality of employer devices of the one or more employers over a network; providing, by the processor, remote access to one or more platform independent client devices associated with a plurality of job seekers, through an application programming interface (API) associated with the client devices; receiving, by the processor, capability data regarding one or more skills associated with at least one job seeker from the one or more client devices of the plurality of job seekers over the network; in response to the received capability data: reading, by the processor, the capability data into the collaboration system integrated with the standardized job data; generating, by the processor, in the standardized format, skills data including a skills blueprint, the skills blueprint comprising a first set of skills related to a job offered by the one or more employers based on the

job data, and a skills portfolio comprising one or more second set of skills possessed by the at least one job seeker based on the capability data, wherein the first set of skills includes at least one required skill, wherein the skills blueprint indicates a required proficiency level corresponding to the at least one required skill, and wherein for each of the second set of skills, the skills portfolio indicates at least one possessed proficiency level and a verification source through which the at least one possessed proficiency has been verified; computing a weighting factor for the at least one possessed proficiency level of the job seeker based on the associated verification source; and adjusting the at least one possessed proficiency level by multiplying the proficiency level by the computed weighting factor; and wherein the associated verification source is at least one of: employer and academic verification, peer evaluation/recommendation, number of jobs with the same organization, and competitive comparison; assessing, by the processor, a match between the job seeker and the job based on the skills blueprint and the skills portfolio; evaluating, by the processor, after the job seeker is engaged for the job, a performance of the job seeker on the job; dynamically updating, by the processor, the job database and the skills library with the standardized information upon a match and the performance evaluation, and activating, in real-time, an engagement between the employer and the job seeker through the APIs associated with the platform of the employer device and the job seeker device."

The other independent claims also recite the same substance. Thus, it is explicitly made clear that employers and job seekers can share disparate job related data, from external applications and external systems, with each other, such that they can now talk "apples to apples." Because employer requirements are in a common format with job seekers' skills, employers and job seekers are paired substantially quicker in a more system automated process. This is a substantial improvement over the prior art traditional process of having a recruiter (1) go through an applicant's resume (2) go to different applications and systems to gather applicant data (SharePoint, Google Docs, etc.) (3) deciphering the applicant's skills from the resume(s)/systems/applications and (4) then mapping those applicant's skills, from multiple disparate sources, to the employer's own job requirements.

This prior process results in error due to a loss in translation because the recruiter mentally transcribes a job seeker's skills, from a myriad of places, where such recruiter will not always fully encompass an applicant's skills correctly or even, potentially worse, transcribe the employers' requirements incorrectly. This prior art process is flawed and faulty since it puts too

much dependency on a recruiter to decipher the right skills accurately and the right job requirements accurately, culling and pulling the pieces of a puzzle from different puzzle boxes that won't fit together.

Thus, as Example 42 "recite[d] a specific improvement over prior art systems by allowing remote users to share information in real time in a standardized format regardless of the format in which the information was input by the user," Applicant's inventive environment allows specific improvements over prior art job posting systems by allowing remote users, both employers and job seekers, to share job information in real time in a standardized "skills" format regardless of the format in which the information was input by either the employer or job seeker. This results in a "practical application."

Respectfully and as such, claims 1, 17, 23, and their respective dependent claims, are therefore considered to be eligible subject matter and the outstanding rejection under 101 is requested to be withdrawn.

Conclusion

Unless all of the outstanding grounds of rejection are withdrawn in light of the amendments and remarks herein, Applicant respectfully requests an Examiner-Initiated telephonic interview in accordance with MPEP § 713.01(IV) prior to the issuance of any further Office Actions by the USPTO in order to advance prosecution of this application in accordance with MPEP § 2173.06. The Examiner is respectfully requested to contact the undersigned directly at the Examiner's convenience, so that those matters may be resolved most efficiently.

In view of the foregoing amendment and remarks, Applicant submits that the present application is in condition for allowance.

Respectfully submitted,

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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 the claims:

1. (Currently Amended) A computer-implemented method, with at least one computing device, the method comprising:

storing in a collaboration system comprising a job database and a skills library ~~receiving~~, by ~~a system comprising~~ a processor ~~and memory~~, job data in a standardized format regarding one or more jobs associated with [[an]] one or more employers received from [[an]] a plurality of employer devices of the one or more employers over a network;

providing, by the processor, remote access to one or more platform independent client devices associated with a plurality of job seekers, through an application programming interface (API) associated with the client devices;

receiving, by the ~~system~~ processor, capability data regarding one or more skills associated with ~~a person~~ at least one job seeker from [[a]] the one or more client devices of the ~~person~~ plurality of job seekers over the network;

in response to the received capability data:

reading, by the processor, the capability data into the collaboration system integrated with the standardized job data;

generating, by the ~~system~~ processor, in the standardized format, skills data[[,]] including a skills blueprint, the skills blueprint comprising a first set of skills ~~associated with~~ related to a job offered by the one or more employers based on the job data, and a skills portfolio comprising one or more second set of skills possessed by the ~~person~~ at least one job seeker based on the capability data,

wherein the first set of skills includes at least one required skill,

wherein the skills blueprint indicates a required proficiency level corresponding to the at least one required skill, and

wherein for each of the second set of skills, the skills portfolio indicates at least one possessed proficiency level and a verification source through which the at least one possessed proficiency has been verified;

computing a weighting factor for the at least one possessed proficiency level of the ~~person~~ job seeker based on the associated verification source; and

adjusting the at least one possessed proficiency level by multiplying the proficiency level by the computed weighting factor; and

wherein the associated verification source is at least one of: employer and academic verification, peer evaluation/recommendation, number of jobs with the same organization, and competitive comparison[[.]] ;

assessing, by the ~~system~~ processor, a match between the ~~person~~ job seeker and the job based on the skills blueprint and the skills portfolio;

evaluating, by the ~~system~~ processor, after the ~~person~~ job seeker is engaged for the job, a performance of the ~~person~~ job seeker on the job;

dynamically updating, by the ~~system~~ processor, the ~~second set of skills possessed by the person based on the evaluation~~ job database and the skills library with the standardized information upon a match and the performance evaluation, and activating, in real-time, an engagement between the employer and the job seeker through the APIs associated with the platform of the employer device and the job seeker device.

2. (Currently Amended) The computer-implemented method of claim 1, wherein the ~~skills data include a~~ skills library containing a catalog of skills that may be acquired by any ~~person~~ job seeker.

3. (Previously Presented) The computer-implemented method of claim 2, wherein the skills library further contains, for a cataloged skill, a link to a catalog of one or more service sources who provide services for acquiring the cataloged skill.

4. (Currently Amended) The computer-implemented method of claim 1, further comprising:

receiving service data from a service source who provides services for acquiring a cataloged skill,

wherein the skills library ~~data include~~ includes a service source listing regarding the services offered by the service source based on the service data.

5-7. (Canceled)

8. (Currently Amended) The computer-implemented method of claim 1, wherein the assessing further comprises:

determining whether the ~~person~~ job seeker possesses each required skill associated with the job; and

when the ~~person~~ job seeker possesses each required skill associated with the job, comparing each required proficiency level to a corresponding possessed proficiency level to determine whether the ~~person~~ job seeker has sufficient proficiency in each required skill.

9. (Canceled).

10. (Previously Presented) The computer-implemented method of claim 1, further comprising:

delivering one or more graphical user interfaces to the employer device or the client device over the network; and

receiving the job data or the capability data from the employer device or the client device over the network; and

wherein the data is entered through the one or more graphical user interfaces.

11. (Currently Amended) The computer-implemented method of claim 1, wherein the evaluating further comprises:

identifying the ~~person's~~ job seeker's initial possessed proficiency level for each skill associated with the job when the job is begun;

identifying the ~~person's~~ job seeker's subsequent possessed proficiency level for each skill associated with the job at a later point in time; and

comparing the initial possessed proficiency level and the subsequent possessed proficiency level.

12. (Currently Amended) The computer-implemented method of claim 1, wherein the verification source is a service source who provides services for acquiring the skill, a representative of the service source, or the ~~person~~ job seeker.

13. (Previously Presented) The computer-implemented method of claim 2, wherein the updating includes revising the skills library based on the evaluation.

14. (Previously Presented) The computer-implemented method of claim 1, wherein the updating includes revising the skills blueprint or the skills portfolio based on the evaluation.

15. (Previously Presented) The computer-implemented method of claim 1, further comprising sending a result of the assessing to the employer device.

16. (Previously Presented) The computer-implemented method of claim 4, wherein the updating includes revising the service source listing based on the evaluation.

17. (Currently Amended) A system, comprising:

a processor and ~~memory~~ a memory coupled to the processor, wherein the memory comprises instructions that when executed by the processor implement to:

store in a collaboration system comprising a job database and a skills library, ~~receive~~ job data in a standardized format regarding one or more jobs associated with [[an]] one or more employers from [[an]] a plurality of employer devices of ~~an~~ the one or more employers over a network;

provide remote access to one or more platform independent client devices associated with a plurality of job seekers, through an application programming interface (API) associated with the client devices;

receive capability data regarding one or more skills associated with ~~a person~~ at least one job seeker from [[a]] the one or more client devices of the ~~person~~ plurality of job seekers over the network;

in response to the received capability data:

read the capability data into the collaboration system integrated with the standardized job data;

generate, in the standardized format, skills data, including a skills blueprint regarding a first set of skills ~~associated with~~ related to a job offered by the one or more employers based on the job data, and a skills portfolio regarding a second set of skills possessed by the ~~person~~ at least one job seeker based on the capability data,

wherein the first set of skills includes a required skill,

wherein the skills blueprint indicates a required proficiency level corresponding to the required skill, and

wherein for each of the second set of skills, the skills portfolio indicates a possessed proficiency level and a verification source through which the possessed proficiency has been verified;

compute a weighting factor for one of the possessed proficiency levels of the ~~person~~ job seeker based on the associated verification source; and

adjust the possessed proficiency level by multiplying the proficiency level with the weighting factor in the skills portfolio associated with the ~~person~~ job seeker; and

wherein the associated verification source is at least one of: employer and academic verification, peer evaluation/recommendation, number of jobs with the same organization, and competitive comparison[[.]] ;

assess a match between the ~~person~~ job seeker and the job based on the skills blueprint and the skills portfolio;

evaluate, after the ~~person~~ job seeker is engaged for the job, a performance of the ~~person~~ job seeker on the job;

dynamically update the ~~skills portfolio associated with the person based on the evaluation;~~ job database and the skills library with the standardized information upon a match and the performance evaluation, and activating, in real-time, an engagement between the employer and the job seeker through the APIs associated with the platform of the employer device and the job seeker device.

18. (Currently Amended) The system of claim 17, further comprising instructions that when executed by the processor further implement to receive service data from a service source who provides services for acquiring a cataloged skill,

wherein the skills ~~data~~ library include a service source listing regarding the services offered by the service source based on the service data, and

wherein the updating includes revising the service source listing based on the evaluation.

19. (Currently Amended) The system of claim 17, further comprising instructions that when executed by the processor further implement to:

determine whether the ~~person~~ job seeker possesses each required skill associated with the job; and

compare, when the ~~person~~ job seeker possesses each required skill associated with the job, each required proficiency level to a corresponding possessed proficiency level to determine whether the ~~person~~ job seeker has sufficient proficiency in each required skill.

20. (Canceled)

21. (Currently Amended) The system of claim 17, further comprising instructions that when executed by the processor further implement to:

identify the ~~person's~~ job seeker's initial possessed proficiency level for each skill associated with the job when the job is begun;

identify the ~~person's~~ job seeker's subsequent possessed proficiency level for each skill associated with the job at a later point in time; and

compare the initial possessed proficiency level and the subsequent possessed proficiency level.

22. (Currently Amended) The system of claim 17, wherein the verification source is a service source who provides services for acquiring the skill, a representative of the service source, or the ~~person~~ job seeker.

23. (Currently Amended) One or more instances of a non-transitory computer-readable media collectively having contents capable of causing a system to perform a method, the method comprising:

storing in a collaboration system comprising a job database and a skills library ~~receiving~~, by ~~a system comprising~~ a processor ~~and memory~~, job data in a standardized format regarding one or more jobs associated with [[an]] one or more employers received from [[an]] a plurality of employer devices of the one or more employers over a network;

providing, by the processor, remote access to one or more platform independent client devices associated with a plurality of job seekers, through an application programming interface (API) associated with the client devices;

receiving, by the ~~system~~ processor, capability data regarding one or more skills associated with ~~a person~~ at least one job seeker from [[a]] the one or more client devices of the ~~person~~ plurality of job seekers over the network;

in response to the received capability data:

reading, by the processor, the capability data into the collaboration system integrated with the standardized job data;

generating, by the ~~system~~ processor, in the standardized format, skills data[[,]] including a skills blueprint, the skills blueprint comprising a first set of skills ~~associated with~~ related to a job offered by the one or more employers based on the job data, and a skills portfolio comprising one or more second set of skills possessed by the ~~person~~ at least one job seeker based on the capability data,

wherein the first set of skills includes at least one required skill,

wherein the skills blueprint indicates a required proficiency level corresponding to the at least one required skill, and

wherein for each of the second set of skills, the skills portfolio indicates at least one possessed proficiency level and a verification source through which the at least one possessed proficiency has been verified;

computing a weighting factor for the at least one possessed proficiency level of the ~~person~~ job seeker based on the associated verification source; and

adjusting the at least one possessed proficiency level by multiplying the proficiency level by the computed weighting factor; and

wherein the associated verification source is at least one of: employer and academic verification, peer evaluation/recommendation, number of jobs with the same organization, and competitive comparison[[.]] ;

assessing, by the ~~system~~ processor, a match between the ~~person~~ job seeker and the job based on the skills blueprint and the skills portfolio;

evaluating, by the ~~system~~ processor, after the ~~person~~ job seeker is engaged for the job, a performance of the ~~person~~ job seeker on the job;

dynamically updating, by the ~~system~~ processor, the ~~second set of skills possessed by the person based on the evaluation~~ job database and the skills library with the standardized information upon a match and the performance evaluation, and activating, in real-time, an engagement between the employer and the job seeker through the APIs associated with the platform of the employer device and the job seeker device.

24. (Previously Presented) The computer-implemented method of claim 12, wherein the weighting factor varies among different verification sources and a proficiency level value is determined by the weighting factor.