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***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.

1. Applicant's amendment filed 04/14/2021 is entered. Claims 1-16, and 18 are amended and a new independent system claim 21 is added. Claim 17 is canceled. Currently claims 1-16, 18-21 are pending for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 2.1. Claims 18-20 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, "generating a price model utilizing one or more algorithms, for the first tradeable item based on a set of historical item listings and a set of barter data for the set of historical item listings and the another set of barter data; and generating a first price and a second price for the first tradeable item based on the price model", which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the

inventor or a joint inventor, or for applications subject to pre-AIA 35 U.S.C. 112, the inventor(s), at the time the application was filed, had possession of the claimed invention. Since dependent claims 19-20 inherit this deficiency, they are rejected for the same reasons.

Note: During interview on 03/11/2021 the above cited limitations were included in a suggested amendment for claim 2. However, at that time issues related to 112 rejections were not discussed. These limitations are now analyzed by the Examiner on receiving the Applicant's formal Amendment and on review of the Specification Examination could not find the support for this disclosure. If the Applicant thinks that there is support for these limitations then he should point out.

2.2. Claim 21 is rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, "accessing a set of historical item listings, each historical item listing of the set of historical item listings having a category, a set of historical characteristics, and a set of barter data, the set of barter data being indicative of barter values and relationships among barterers placed for each historical item listing, accessing another set of barter data between another set of prices collected for the first tradeable item, and generating a price model for the first tradeable item based on the set of historical item listings and the set of barter data for the set of historical item listings, and the another set of barter data, and to generate a first price and a second price for the first tradeable item based on the price model" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for applications subject to pre-AIA 35 U.S.C. 112, the inventor(s), at the time the application was filed, had possession of the claimed invention. On reviewing the Specification Examination could not find the support for this disclosure. If the Applicant thinks that there is support for these limitations then he should point out.

***Claim Rejections - 35 USC § 101***

3. 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.

Claims 1—16, 18-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to **an abstract idea** without significantly more, when analyzed per “2019 PEG”.

**Step 1 analysis:**

Claims 1-16, and 21 are to a system /apparatus, and claims 18-20 are to process comprising a series of steps, which are statutory (Step 1: Yes).

**Step 2A Analysis:**

Claim 1 recites:

1. An electronic bartering system comprising:

a computing system having a non-transitory computer-readable medium comprising code, the computing system having one or more processors coupled to one or more databases over a network, the one or more processors implementing steps of:

**receiving a first image of a first item from a first user** on a first computing device, wherein the first image is stored in the one or more databases and **associated with image information data and profile data of the first user;**

**classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented** on a second computing device **as available for a bartering transaction;**

**receiving a second image of a second item from a second user** on the second computing device, wherein the second image is stored in the one or more databases and **associated with image information data and profile data of the second user;**

**classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented** on the second computing device **as available for a bartering transaction;**

displaying on the first computing device a selectable input graphical user interface, the selectable input graphical user interface having images of tradeable items available for a bartering transaction;

**receiving** from the first computing device, **request data for a request to receive the second tradeable item in exchange for the first tradeable item** and storing the request data in the one or more databases;

**transmitting the request to the second computing device as an offer for a bartering transaction;**

**receiving from the second computing device, acceptance data for the request to receive the first tradable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases;**

**recording the barter transaction for the exchange of the first tradeable item and the second tradeable item;**

**updating the association of the profile data in the one or more databases associated with the first image and image information from the first user to the second user; and**

**updating the association of the profile data in the one or more databases associated with the second image and image information from the second user to the first user.**

Step 2A Prong 1 analysis: **Claims 1-16, 18-21 recite abstract idea.**

The claimed invention is directed to bartering transaction between two available trading items from two users, which is a commercial transaction. While evaluating the limitations recited in claim 1 as per 2019 PEG, prong one, the highlighted limitations comprising receiving a first image of a first item from a first user wherein the first image is associated with image information data and profile data of the first user; classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented as available for a bartering transaction; receiving a second image of a second item from a second user, wherein the second image is associated with image information data and profile data of the second user; classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented as available for a bartering transaction; receiving request data for a request to receive the second tradeable item in exchange for the first tradeable item transmitting the request as an offer for a bartering transaction; receiving acceptance data for the request to receive the first tradable item in exchange for the second tradeable item; recording the barter transaction for the exchange of the first tradeable item and the second tradeable item; updating the association of the profile data associated with the first image and image information from the first user to the second user; and updating the association of the profile data associated with the second image and image

information from the second user to the first user, when interpreted under their broadest reasonable interpretation are directed to steps involved in a bartering transaction for two available tradeable items from two users if the barter is acceptable to them, which falls within “Certain methods of Organizing Human Activity” abstract idea. The use of generic computer components does not preclude these steps being implemented manually for a bartering transaction, a technique of trading known much earlier than the applicant’s invention date. Accordingly, claim 1 recites an abstract idea. Dependent claims 2-16 depend from claim 1, and accordingly recite abstract idea.

Since the limitations of the other independent claim 18 and 21 are similar to the limitations of claim 1, they are analyzed on the same basis as established for claim 1 above. Accordingly, claim 18 and its dependent claims 19-20, and claim 21 similar to claim 1 recite abstract idea.

**Thus all pending claims 1-16, 18-21 recite abstract idea falling within “Certain Methods of Organizing Human Activity”, see “2019 PEG”.**

**Step 2A Prong 2 analysis:**

**Claims 1—16, 18-21: The judicial exception is not integrated into a practical application.**

Claim 1 recites the additional limitations of using generic computer components comprising a computing system having a non-transitory computer-readable medium comprising code, the computing system having one or more processors coupled to one or more databases over a network, the one or more processors implementing the steps of receiving a first image of a first item from a first user on a first computing device, wherein the first image is stored in the one or more databases and associated with image information data and profile data of the first user, classifying the first image and the image information data to a first tradeable item wherein

the first tradeable item is presented on a second computing device as available for a bartering transaction, receiving a second image of a second item from a second user on the second computing device, wherein the second image is stored in the one or more databases and associated with image information data and profile data of the second user, classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented on the second computing device as available for a bartering transaction, displaying on the first computing device a selectable input graphical user interface, the selectable input graphical user interface having images of tradeable items available for a bartering transaction; receiving from the first computing device, request data for a request to receive the second tradeable item in exchange for the first tradeable item and storing the request data in the one or more databases; transmitting the request to the second computing device as an offer for a bartering transaction; receiving from the second computing device, acceptance data for the request to receive the first tradable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases; recording the barter transaction for the exchange of the first tradeable item and the second tradeable item; updating the association of the profile data in the one or more databases associated with the first image and image information from the first user to the second user; and updating the association of the profile data in the one or more databases associated with the second image and image information from the second user to the first user. The computing components are recited at a very high level of generality [See Specification paras 0008—0015 which disclose that the recited computing components are generic computer devices communicating via well-known means of communication such as LAN, Wi-Fi, and WAN and generic database implementing generic computer functions of receiving and transmitting data, classifying/associating images to corresponding items, displaying data/information, recording/storing data/information, and updating stored data/profiles], such that they amount merely using a computer to perform an abstract idea—see MPEP 2016.05(f) and generally



linking the use of judicial exception to a particular technological environment or field of use-see MPEP2106.05 (h) without imposing any meaningful limitations on practicing the abstract idea..

The steps being performed by the generic computer components do not rise to a level of a computer-related improvement or improves a technical field, but instead executing the recited steps relate to interactions for a commercial transaction such as and do not necessitate inextricable tie to computer technology because these steps can be carried out manually and is just performing the disembodied concept on a general purpose computer. **Accordingly, the combination of additional limitations in claim 1 does not integrate the judicial exception into a practical application and therefore it is directed to an abstract idea.**

Dependent claims 2 and 6 recite that one or more processors utilizing artificial intelligence and machine learning to ascertain consumer habits and trends from the barter transaction, and generate a performance score for a barter transaction. The use of artificial intelligence and machine learning are well-understood and well-known techniques to analyze large amount of data which amounts to merely using a known tool to analyze data and does not impose any meaningful limits on practicing the abstract idea. As an evidence that using artificial intelligence and machine learning in analyzing data, Examiner cites the following two evidences:

Hong et al. [US 20190259499 A1, see para 0010] teaches use of Artificial learning in analyzing data was a well-known process at the time of the Applicant's invention, "[0010] ***Machine learning is an application of artificial intelligence that automates the development of an analytical model by using algorithms that iteratively learn patterns from data without explicit indication of the data patterns. Machine learning is commonly used in pattern recognition, computer vision, email filtering and optical character recognition and enables the construction of algorithms that can accurately learn from data to predict model target outputs thereby making data-driven predictions or decisions.***"; and

WO 2004/102350 A2, see para 0062] teaches use of Artificial learning in analyzing data was a well-known process at the time of the Applicant's invention, " Text-mining tool 101 may employ any now known or later developed methodologies for text mining electronic or other data. For example, text-mining tool 101 may use either a rule-based approach or a machine learning approach, each of which are well-known forms of Artificial Intelligence.

Claims 3-5 are directed to determining a performance score based on available data and a trend data from collected historical data, generating customized plan for the user based on available data including a performance score for the user and his profile data, which cover performance under mental process using a pen and paper from available data and data and does not impose any meaningful limits on practicing the abstract idea.

Claim 7 recites s 6-7 recites creating one or more contingency barter transactions where a plurality of barter transactions occur simultaneously given a certain criterion, which does not necessitate a computer functioning, but can be implemented as a part of commercial activity manually and therefore does not impose any meaningful limits on practicing the abstract idea.

Claims 8-9 are directed to filtering images of items based on geographical location of the tradeable items, finding a similarity between the barter tradeable items, and generating a similarity score based on similarities. These are the steps which do not necessitate a computer functioning, but can be implemented as a part of commercial activity and mental process and therefore do not impose any meaningful limits on practicing the abstract idea.

Claims 10 recites using a generic graphical interface to input items which can be scrolled. Populating an interface with items such that the items can be scrolled down is a generic computer function and does not impose any meaningful limits on practicing the abstract idea.

Claims 11-12 and 15 are directed to displaying data and storing data which are insignificant extra solution activity. As regards using blockchain to record data was also well-known process at the time of the Applicant's invention and does not purport to be an improvement in a computer function and therefore these steps do not impose any meaningful limits on practicing the abstract idea.

Claims 13-14 recite the steps of presenting shipping options through the selectable input graphical user interface on the first computing device, the shipping options including a shipping service and a shipping insurance for receiving the second tradeable item, and performing a financial transaction for the shipping options selected between the first user receiving the second tradeable item and a delivery agent, and subtracting, a value from the financial transaction for a referral fee, initiating a bidding process to determine which one of a plurality of bidding eligible delivery agents will deliver the second tradeable item to the first user, and connecting the first user to one of the plurality of delivery agents based on an the outcome of the bidding process., which all are directed to steps that can be done manually as part of the commercial activity directed to barter transaction including bidding for items. The GUI recited here is a generic computer component which is used for merely displaying, inputting and selecting data, which do not impose any meaningful limits related to an improvement in a computer function or practicing the abstract idea.

Claim 16 is directed to receiving data which is insignificant extra solution activity directed to gathering data from a user and does impose any meaningful limits on practicing the abstract idea.

The other independent claim 18 recites the additional steps of "generating a price model utilizing one or more algorithms, for the first tradeable item based on a set of historical item listings and a set of barter data for the set of historical item listings and the another set of barter data; and generating a first price and a second price for the first tradeable item based on the

price model “, besides all other limitations similar to claim 1. First the applicant’s Specification is does not provide support for these limitations and secondly they merely represent analyzing available data on certain basis using formulas to arrive at certain results, which does not necessitate inextricable tie to computer function, but instead such exercise can be done manually using mind, pen and paper based on collected data and applying formula/algorithm. These limitations fail to impose any meaningful limits on practicing the abstract idea. Accordingly, claim 18 on the basis of same rationale as established for claim 1 is directed to an abstract idea.

Dependent claims 19-20 have been reviewed the steps of collecting market data from an external source, , determining market values of tradeable items based on received data from external sources, calculating barter scores from received and available data, presenting barter value, are generic steps which can be implemented manually and do not require essentially computer functions. Also the steps of receiving and presenting are insignificant extra-solution activities. Accordingly limitations of claims 19-20 do not impose any meaningful limitations on practicing the abstract idea. They are directed to an abstract idea.

**Accordingly, all pending claims 1-16, 18-21 are directed to an abstract idea. Step 2A=Yes.**

**Step 2B analysis: The claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception.**

Since claims 1-16, 18-21 as per Step 2A are directed to an abstract idea, they have to be analyzed per Step 2B, if they recite an inventive step, i.e., the claim recite additional elements or a combination of elements that amount to “Significantly More” than the judicial exception in the claim.

As discussed above with respect to Step 2A Prong Two, the additional elements in the claim amounts to no more than mere instructions to apply the exception using a generic computer components and generally linking the use of the judicial exception to a particular technological environment or field of use. The same analysis applies here in 2B, *i.e.*, mere instructions to apply an exception using a generic computer components and generally linking the use of the judicial exception to a particular technological environment or field of use cannot integrate a judicial exception into a practical application at Step 2A or provide an inventive concept in Step 2B.

Under 2019 PEG, a conclusion that certain elements comprising the steps of receiving, acquiring, transmitting, displaying, storing steps and using machine learning and artificial intelligence were considered are extra-solution activity, or are well-understood, conventional and routine activity activities in step 2A and thus it is re-evaluated in step 2B to determine if it is more than what is well-understood, routine, conventional activity in the field.

The background of the example does not provide any indication that the computer components are anything other than a generic, off the shelf computer component and the *Symantec*, *TLI*, *OIP Techs*, *Versata* court decisions cited in MPEP 2106.05(d) (ii) indicate that mere receiving, acquiring, transmitting, and displaying steps, processing data including comparing data and determining results from compared data, using a generic computer are well-understood, routine, conventional function when they are claimed in a merely generic manner (as it is here). Further, the use of artificial intelligence and machine learning are well-understood and well-known techniques to analyze large amount of data which amounts to merely using a known tool to analyze data and does not impose any meaningful limits on practicing the abstract idea. As an evidence that using artificial intelligence and machine learning in analyzing data, Examiner cites the following two evidences:

Hong et al. [US 20190259499 A1, see para 0010] teaches use of Artificial learning in analyzing data was a well-known process at the time of the Applicant's invention, "[0010] **Machine learning is an application of artificial intelligence that automates the development of an analytical model by using algorithms that iteratively learn patterns from data without explicit indication of the data patterns. Machine learning is commonly used in pattern recognition, computer vision, email filtering and optical character recognition and enables the construction of algorithms that can accurately learn from data to predict model target outputs thereby making data-driven predictions or decisions.**"; and

WO 2004/102350 A2, see para 0062] teaches use of Artificial learning in analyzing data was a well-known process at the time of the Applicant's invention, " Text-mining tool 101 may employ any now known or later developed methodologies for text mining electronic or other data. For example, text-mining tool 101 may use either a rule-based approach or a machine learning approach, each of which are well-known forms of Artificial Intelligence.

Accordingly, a conclusion that the receiving, acquiring, transmitting, and displaying steps, processing data including comparing data and determining results from compared data steps are well-understood, routine conventional activities are supported under *Berkheimer* Option 2.

**Step 2B** = No, the claims 1-17, 18-21 do not provide an inventive concept (significantly more than the abstract idea). The claims 1-17, 18-21 are **patent ineligible**.

4. Prior art discussion:

The prior art of record, alone or combined, neither teaches nor renders obvious the limitations, as a whole, comprising one or more processors implementing the steps of receiving a first image of a first item from a first user, wherein the first image is stored in the one or more

databases and associated with image information data and profile data of the first user, the first image stored by one or more computing devices that include one or more programs containing instructions associated with the electronic bartering system, classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented to a second user as available for a bartering transaction, receiving a second image of a second item from a second user, wherein the second image is stored in the one or more databases and associated with image information data and profile data of the second user; the second image stored by the one or more computing devices, classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented as available for a bartering transaction, displaying a selectable input graphical user interface, the selectable input graphical user interface having images of tradeable items available for a bartering transaction wherein the images of tradeable items available are filterable by user or tradeable item, receiving request data for a request to receive the second tradeable item in exchange for the first tradeable item and storing the request data in the one or more databases, transmitting the request to the second user as an offer for a bartering transaction; receiving acceptance data for the request to receive the first tradable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases, recording the barter transaction for the exchange of the first tradeable item and the second tradeable item, updating the association of the profile data in the one or more databases associated with the first image and image information from the first user to the second user, and updating the association of the profile data in the one or more databases associated with the second image and image information from the second user to the first user [see independent claims 1, 18 and 21].

***Response to Arguments***

5. Applicant's arguments filed 04/14/2021, see pages 15-22 have been fully considered but they are not persuasive, because the currently amended claims, when analyzed per "2019 PEG", they are directed to abstract idea and do not include additional elements that are sufficient to amount to significantly more than the judicial exception.

Examiner does not agree with the Applicant's arguments, see pages 17-18 with respect to Step 2A, prong one analysis that the claims do not recite an abstract idea and that the bartering transaction does not fall under "Certain Methods of Organizing Human Activity", because the bartering transaction is a very old and well-known commercial transaction wherein goods are exchanged one for another. The mere nominal recitation of generic computer components do not take the claim limitations in implementing a barter transaction out of the "Certain Methods of Organizing Human Activity", which has been practiced manually. These Applicant's arguments are a general discussion instead referring to specific claims or limitations and therefore Examiner has considered, for example, independent claim 1 for response to Applicant's arguments for Step 2A, prong one analysis.

While evaluating the limitations recited in claim 1 as per 2019 PEG, prong one, the highlighted limitations comprising receiving a first image of a first item from a first user wherein the first image is associated with image information data and profile data of the first user; classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented as available for a bartering transaction; receiving a second image of a second item from a second user, wherein the second image is associated with image information data and profile data of the second user; classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented as available for a bartering transaction; receiving request data for a request to receive the second tradeable item in exchange for the first tradeable item transmitting the request as an offer for a bartering transaction; receiving acceptance data for the request to



receive the first tradable item in exchange for the second tradeable item; recording the barter transaction for the exchange of the first tradeable item and the second tradeable item; updating the association of the profile data associated with the first image and image information from the first user to the second user; and updating the association of the profile data associated with the second image and image information from the second user to the first user, when interpreted under their broadest reasonable interpretation are directed to steps involved in a bartering transaction for two available tradeable items from two users if the barter is acceptable to them, which falls within "Certain methods of Organizing Human Activity" abstract idea. Therefore claim 1 recites an abstract idea.

Examiner does not agree with the Applicant's arguments, see pages 18-22 with respect to Step 2A, prong two analysis that the claims are not directed to an abstract idea, because as analyzed above in paragraph 3 the limitations of claim 1 do not integrate the abstract idea into a practical application as the combination of elements do not impose any meaningful limits on practicing the abstract idea, as per "2019 PEG".

As regards to Applicant's arguments, see pages 18-19, making comparisons to Diehr, Diehr does not stand for the general proposition that a claim implemented on a computer elevates an otherwise ineligible claim into a patent-eligible improvement. Rather, Diehr involved a 'well-known' mathematical equation and used in a process designed to solve a technological problem in 'conventional foundry industry practice.'" Just as Diehr could not save the claims in Alice case, which were directed to "implement[ing] the abstract idea of intermediated settlement on a generic computer, it cannot save the limitations of claim 1 of the instant Application directed to implementing the abstract idea of a barter transaction on a generic computer.

In the instant case, Claim 1 recites the additional limitations of using generic computer components comprising a computing system having a non-transitory computer-readable medium comprising code, the computing system having one or more processors coupled to one or more databases over a network, the one or more processors implementing the steps of

receiving a first image of a first item from a first user on a first computing device, wherein the first image is stored in the one or more databases and associated with image information data and profile data of the first user, classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented on a second computing device as available for a bartering transaction, receiving a second image of a second item from a second user on the second computing device, wherein the second image is stored in the one or more databases and associated with image information data and profile data of the second user, classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented on the second computing device as available for a bartering transaction, displaying on the first computing device a selectable input graphical user interface, the selectable input graphical user interface having images of tradeable items available for a bartering transaction; receiving from the first computing device, request data for a request to receive the second tradeable item in exchange for the first tradeable item and storing the request data in the one or more databases; transmitting the request to the second computing device as an offer for a bartering transaction; receiving from the second computing device, acceptance data for the request to receive the first tradable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases; recording the barter transaction for the exchange of the first tradeable item and the second tradeable item; updating the association of the profile data in the one or more databases associated with the first image and image information from the first user to the second user; and updating the association of the profile data in the one or more databases associated with the second image and image information from the second user to the first user. The computing components are recited at a very high level of generality [See Specification paras 0008—0015 which disclose that the recited computing components are generic computer devices communicating via well-known means of communication such as LAN, Wi-Fi, and WAN and generic database implementing generic computer functions of receiving and transmitting data,

classifying/associating images to corresponding items, displaying data/information, recording/storing data/information, and updating stored data/profiles], such that they amount merely using a computer to perform an abstract idea—see MPEP 2016.05(f) and generally linking the use of judicial exception to a particular technological environment or field of use—see MPEP2106.05 (h) without imposing any meaningful limitations on practicing the abstract idea..

The steps being performed by the generic computer components do not rise to a level of a computer-related improvement or improves a technical field, but instead executing the recited steps relate to interactions for a commercial transaction such as and do not necessitate inextricable tie to computer technology because these steps can be carried out manually and is just performing the disembodied concept on a general purpose computer. **Accordingly, the combination of additional limitations in claim 1 does not integrate the judicial exception into a practical application and therefore it is directed to an abstract idea.**

**Accordingly, Diehr does not apply in the instant case.**

Applicant refers to Ex parte Kamath, Appeal No. 2018-000030 (Feb. 5, 2019), see pages 19-20, and compares with its decision that the limitations of claim 1 integrate the abstract idea in to a practical application. Examiner respectfully disagrees because first this appeal decision is not precedential and secondly it does not apply in the instant case because the combination of elements in claim 1 of the instant application, as analyzed above by the Examiner following the “2019 PEG” in paragraph 3, do not impose any meaningful limits in practicing the abstract idea. Claim is directed to an abstract idea.

Examiner does not agree with the Applicant's that Examiner did not analyze all the limitations of claim 1 and that Examiner did not explain as the well-understood, routine conventional activities are supported under *Berkheimer* Option 2, because Examiner has considered all the limitations of claim 1, see above, while analyzing the claim under Step 2A, prong 2 analysis and also all the limitations of other independent claims 18 and 21 and

dependent claims. Further under Step 2B analysis. Examiner further explained as how the well-understood, routine conventional activities are supported under *Berkheimer* Option 2 by citing the MPEP and providing references as evidences for the use of well-known machine learning with Artificial intelligence in analyzing large data with respect to human behavior, etc.

Examiner has considered the Applicant's arguments, see page 21-22 "*Applicant also submits that various claimed elements are not widely prevalent or common use in the relevant industry, which includes the bartering or trading industry. At least paragraphs [0002] and [0003] of the as-filed specification expressly discuss "conventional" functions and problems within the existing auction industry: Conventionally, estimating prices for bartering items is generally performed by analyzing the average of previous prices paid for comparable items. However, it is often difficult to estimate the price for unique items in live bartering or trading sessions due to the lack of comparable items. As a result, sellers of unique items are often hesitant to utilize live trading for bartering items because of uncertainty related to the eventual bartering price of the item. Live trading proceeds at a fast and often irregular pace. Bartering times on items sold on the platform may vary based on competition between potential buyers, interest in the item, the number of potential users, and other factors. Because of the uncertainty in timing for when trading may commence on a specific item, users interested in a single item, among a large set of items being traded on the platform, may feel they are wasting their time. Further, due to the fast and irregular pacing of live trades, users often lose out on successfully trading on an item. A barterer must know what items a person has before an offer is made, and the barterer must have sufficient knowledge of the value of the goods and services in order to make an offer for goods or services of equal or near equal value. The internet has made making barter transaction easier, allowing users to easily connect and make bartering transactions. However, these transactions are still very time extensive and costly as users must research the value of items if they desire the transactions to be fair to both parties. Further, many bartering websites do not take into account the net value of items or seasonal demand of items and other consumer trends. At least paragraphs [0037] of the as-filed specification describe the non-conventional functions for the trading industry: analyzing the recorded barter transactions on the distributed computer network for consumer habits and trends information. As indicated above, the trad includes conventional price estimation functions by computing the average of previous prices paid for comparable items and various embodiments are directed to generating bid data and a price guidance model, which improves upon conventional price estimations because it provides insight into bartering on an item with regards to bidding habits of a potential buyer and competitiveness of price, among other things. The claims address each of these conventional industry shortcomings and thus include non-conventional features that improve the conventional features within the trading*

*industry—bid historical listings and the present item listing are utilized for generating a price guidance model.* “, but are not persuasive. Applicant is trying to emphasize the use of generic computers using Internet to carry out the various aspects of a barter transaction, which however, are not directed as how under the principals of “2019 PEG” are not directed to an abstract idea or recite “Significantly more”. Since, the Examiner has analyzed the claims in paragraph 3 above as per “2019 PEG” and found them to be directed to an abstract idea and do not recite “Significantly More”, the claims are patent ineligible. Further, the claims, as drafted, do not recite that the bartering transaction is carried out in a distributed computer network.

Applicant’s remarks, “Applicant has also amended the language of claim 2 and 6 in accordance with the examiners suggestions from the conducted meeting. Therefore, Applicant requests that the Examiner withdraw this rejection.” are not persuasive, because first the independent claims have not been amended as discussed during the interview, and secondly the new subject matter added in claims 2 and 6 is using well-understood techniques which do not impose any meaningful limits on practicing the abstract idea.

In view of the foregoing, rejection of claims 1-16, 18-21 under 35 USC 101 is sustainable and maintained.

### ***Conclusion***

6. 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 YOGESH C GARG whose telephone number is (571)272-6756. The examiner can normally be reached on Max-Flex.

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, Jeffrey A Smith can be reached on 571-272-6763. 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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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.

/YOGESH C GARG/  
Primary Examiner, Art Unit 3625

**REMARKS/ARGUMENTS**

Applicant respectfully requests reconsideration of the claims in view of the above amendments and the following remarks.

**Disposition of the Claims**

Claims 1-20 were previously pending. Claims 1-21 are currently pending. Claims 1, 2, 3, 16 and 18 are amended herein.

**35 U.S.C. §101 Rejections**

**Claims 1-20**

Claims 1-20 stand rejected for allegedly being directed to a judicial exception (i.e., a law of nature, natural phenomenon, or abstract idea) without significantly more. Following *Alice Corporation. Pty. Ltd. v. CLS Bank International, et al.* ("Alice Corp."), the United States Patent and Trademark Office published the Interim Guidance on Subject Matter Eligibility ("Interim Guidance").<sup>1</sup> The Interim Guidance describes a two-step analysis for determining eligibility under 35 USC 101: "[T]he claimed invention (Step 1) 'must be directed to one of the four statutory categories' and (Step 2) 'must not be wholly directed to subject matter encompassing a judicially recognized exception.'<sup>1</sup> Applicant respectfully posits the pending claims do recite patent-eligible subject matter, particularly in light of *Enfish, LLC v. Microsoft Corp.* (Fed. Circ. May 12, 2016), *McRo, Inc v. Bandai Namco Games America* (Fed. Circ. Nov 1, 2016), *Amdocs Limited v. Openet Telecom, Inc* (Fed. Cir. Nov. 1, 2016)

The examiner must first determine whether the claims are wholly directed to a judicially recognized exception (i.e., a law of nature, a natural phenomenon, or an abstract idea). The Office argues that the pending claims "recite receiving user identification, authorizing a user at a level of



authorization based on their identification, receiving conveyance information, identifying a conveyance type, retrieving archived parameters, generating maintenance information, and storing the maintenance information. " Office Action, p. 2. Applicant has amended initial Claims 1, 18 and 21 to overcome this rejection.

Although the decision is non-precedential, the Federal Circuit in *Trading Technologies International, Inc. v. CQG, Inc.*, No. 2016-1616 (Fed. Cir. Jan. 18, 2017) (NEWMAN, J.), issued a decision affirming the district court's holding that claims directed to "[a] method for displaying market information relating to and facilitating trading of a commodity being traded in an electronic exchange" are patent-eligible subject matter. First, under step 1, they determined that the asserted claims were not directed to an abstract idea because they are not "directed to solely 'setting, displaying, and selecting' data or information that is visible on the GUI device." Instead, the court found the claims recite a method of "solving a problem that existed with prior art GUIs," namely that rapid fluctuations of ask and bid prices in the market sometimes caused traders to miss trades or to execute trades at unintended prices. Thus, because the claims specifically address a problem in the prior art GUIs and improve their capability, they are not directed to an ineligible concept under Section 101.

Similar to this case, amended claim 1 now focuses on an improvement to prior art GUIs in the field of online buying and selling. A common problem is that most transactions for an online marketplace are not fluid in that traders on are not presented with multiple contingency options for a transaction and if neither wishes to proceed the transaction is terminated or disregarded by one of the parties for another user. This leads to multiple transactions that could have been accomplished with a slight modification and acceptance on behalf of the parties. The embodiments described in claim 1 provide an improvement by allowing a first user to receive a communication for a bartering transaction for one of their goods that they have stored on the one or more databases.

In previous systems the first user would see this transaction and if unsatisfied would deny the transaction or message the user to bypass the rules of safe marketplace to force a sale. Now with this improvements described in the embodiments of the user interface presents a screen for a counter offer proposal thereby transmitting the library of tradeable items of the second user where such that the first user may then select one of these tradeable items to add to the transaction causing the bartering\_transaction to be updated with this new data. The counter offer selection screens allows barterers the ability to more efficiently and accurately placed updated transactions on the online marketplaces thus constituting significantly more than an ineligible concept

**Conclusion**

Applicant believes that these amendments place this application in condition for favorable allowance. It is respectfully urged that the subject application is patentable and is now in condition for allowance. The Examiner is invited to call the undersigned attorney at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Date: 06/06/2021

Respectfully submitted,

/Christopher Mayle /

Christopher Mayle

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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) An electronic bartering system comprising:
  - a computing system having a non-transitory computer-readable medium comprising code, the computing system having one or more processors coupled to one or more databases over a network, the one or more processors implementing steps of:
    - receiving a first image of a first item from a first user on a first computing device, wherein the first image is stored in the one or more databases and associated with image information data and profile data of the first user;
    - classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented on a second computing device as available for a bartering transaction;
    - receiving a second image of a second item from a second user on the second computing device, wherein the second image is stored in the one or more databases and associated with image information data and profile data of the second user;
    - classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented on the second computing device as available for the ~~the~~ [[a]] bartering transaction;
    - displaying on the first computing device a selectable input graphical user interface, the selectable input graphical user interface having ~~the~~ the one or more tradeable items available for the ~~the~~ [[a]] bartering transaction;

transmitting results of only a subset of the one or more tradeable items in response to a location of the first computing device;

receiving from the first computing device, request data for a request to receive the second tradeable item in exchange for the first tradeable item and storing the request data in the one or more databases;

transmitting the request to the second computing device as an offer for the [[a]] bartering transaction;

receiving from the second computing device, acceptance data for the request to receive the first tradeable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases;

recording the bartering transaction for the exchange of the first tradeable item and the second tradeable item;

updating an the association of the profile data in the one or more databases associated with the first image and image information from the first user to the second user;  
**and**

updating an the association of the profile data in the one or more databases associated with the second image and the image information from the second user to the first user;

utilizing artificial intelligence and machine learning to ascertain consumer habits and trends from the bartering transaction; and

generating a virtual map with one or more indicators with the first image of the first tradeable item displayed as an indicator corresponding to a location of the first tradeable item.

2. (Cancelled)

3. (Currently Amended) The electronic bartering system of claim 1[[2]], the one or more processors further implementing the steps of:

determining a performance score for the first user based on a plurality of similarity scores.

4. (Currently Amended) The electronic bartering system of claim 3, the one or more processors further implementing the steps of:

determining trend data from a set of barter data for a set of historical item listings and ~~the~~ another set of barter data, the trend data being indicative of tradeable items that are more valuable over a predetermined period of time.

5. (Currently Amended) The electronic bartering system of claim 3, the one or more processors further implementing the steps of:

generating a customized plan for the first user from the performance score for the first user and one or more settings of the profile data of the first user.

6. (Currently Amended) The electronic bartering system of claim 1, the one or more processors further implementing the steps of:

utilizes artificial intelligence and machine learning to generate a performance score and barter score for a particular bartering transaction.

7. (Currently Amended) The electronic bartering system of claim 1, the one or more processors further implementing the steps of:

creating one or more contingency bartering transactions where a plurality of bartering transactions occur simultaneously given a certain criterion.

8. (Currently Amended) The electronic bartering system of claim 1, the one or more

processors further implementing the steps of:

filtering the images of tradeable items available for the ~~[[a]]~~ bartering transaction by one or more filtering criteria; and

determining a similarity between the first tradeable item and a set of barter data; generating a similarity score based on ~~the one or more~~ similarities.

9. (Currently Amended) The electronic bartering system of claim 8, wherein the one or more filtering criteria is comprised of at least one of geographic location or type of the second tradeable item.

10. (Currently Amended) The electronic bartering system of claim 1, the one or more processors further implementing the steps of:

populating the selectable input graphical user interface with new items available for trade as a list is scrolled down.

11. (Currently Amended) The electronic bartering system of claim 9, the one or more processors further implementing the steps of:

displaying a performance score of the bartering transaction and one or more ranking indicators, the one or more ranking indicators displayed based on a percentile of the performance score of the bartering transaction in comparison to the performance score of all ~~of the scores of multiple~~ bartering transactions.

12. (Currently Amended) The electronic bartering system of claim 1, the one or more processors further implementing the steps of:

recording the bartering transaction on a blockchain wherein the data for the bartering transaction for an item are available to one or more users.

13. (Currently Amended) The electronic bartering system of claim 1, the one or more

processors further implementing the steps of:

presenting shipping options through the selectable input graphical user interface on the first computing device, the shipping options including a shipping service and a shipping insurance for receiving the second tradeable item;

performing a financial transaction for the shipping options selected between the first user receiving the second tradeable item and a delivery agent; and

subtracting, a value from the financial transaction for a referral fee.

14. (Currently Amended) The electronic bartering system of claim 13, the one or more processors further implementing the steps of:

initiating a bidding process to determine which one of a plurality of bidding eligible delivery agents will deliver the second tradeable item to the first user; and

connecting the first user to one of the plurality of eligible delivery agents based on an ~~the~~ outcome of the bidding process.

15. (Currently Amended) The electronic bartering system of claim 14, the one or more processors further implementing the steps of:

displaying a location of the second tradeable item[[s]] being delivered to the first user by the one of the plurality of eligible delivery agents overlaid on a virtual map corresponding to their real world location along with ~~the~~ one or more interactive markers.

16. (Currently Amended) The electronic bartering system of claim 5, the one or more processors further implementing the steps of:

receiving a goal, the goal selected by the first user for a desired performance barter score, the desired performance barter score calculated from a ~~the~~ sum or average of one or more bartering transactions for tradeable items associated with the profile data of the

first user over a predetermined time period.

17. (Cancelled)

18. (Currently Amended) A computer implemented method for implementing an electronic bartering system, the computer implemented method comprising steps executed by one or more processors:

receiving a first image of a first item from a first user, wherein the first image is stored in one or more databases and associated with image information data and profile data of the first user, the first image stored by one or more computing devices that include one or more programs containing instructions associated with the electronic bartering system;

classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented to a second user as available for a bartering transaction;

receiving a second image of a second item from the [[a]] second user, wherein the second image is stored in the one or more databases and associated with image information data and profile data of the second user; the second image stored by the one or more computing devices;

classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented as available for the [[a]] bartering transaction;

displaying a selectable input graphical user interface, the selectable input graphical user interface having images of tradeable items available for the [[a]] bartering transaction wherein the images of tradeable items available are filterable by user or tradeable item;



transmitting results of only a subset of the one or more tradeable items in response to a location of the first computing device;

receiving request data for a request to receive the second tradeable item in exchange for the first tradeable item and storing the request data in the one or more databases;

transmitting the request to the second user as an offer for the [[a]] bartering transaction;

receiving acceptance data for the request to receive the first tradeable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases;

recording the bartering transaction for the exchange of the first tradeable item and the second tradeable item;

updating an the association of the profile data in the one or more databases associated with the first image and image information from the first user to the second user;

updating an the association of the profile data in the one or more databases associated with the second image and image information from the second user to the [[a]] first user;

~~generating a price model, utilizing one or more algorithms, for the first tradeable item based on a set of historical item listings and a set of barter data for the set of historical item listings and the another set of barter data; and~~

~~generating a first price and a second price for the first tradeable item based on the price model, based on a set of historical item listings and a set of barter data for the set of historical item listings and another set of barter data;~~

utilizing artificial intelligence and machine learning to ascertain consumer habits

and trends from the bartering transaction; and

generating a virtual map with one or more indicators with the first image of the first tradeable item displayed as an indicator corresponding to a location of the first tradeable item.

19. (Currently Amended) The computer implemented method of claim 18 further comprising:

collecting real time market value data for determining a market value for the first tradeable item and the second tradeable item, the real time market value data collected from one or more online marketplaces;

storing the real time market value data collected from the one or more online marketplaces in the one or more databases;

determining the market value of the first tradeable item by retrieving a current price of the first tradeable item from the one or more online marketplaces;

determining the market value of the second tradeable item by retrieving the current price of the second tradeable item from the one or more online marketplaces;

determining a barter value for the first tradeable item by a combined determined market value of tradeable items that have been exchanged for the first tradeable item over a predetermined time period;

calculating a barter score, the barter score calculated from subtracting the market value of the first tradeable item from the market value of the second tradeable item exchanged for the first tradeable item; and

presenting through the user interface, the barter value, the market value, and the barter score of the first tradeable item, the barter value of the first tradeable item presented

to a subset of users with profile data associated with the first tradeable item.

20. (Currently Amended) The computer implemented method of claim 19, further comprising:

calculating a total barter value of the one or more tradeable items of the first user; the total barter value calculated from a sum of the barter value of the one or more tradeable items associated with the profile data of the first user;

calculating a total market value of the one or more tradeable items of the first user; the total market value calculated from a sum of the market value of the one or more tradeable items associated with the profile data of the first user; and

presenting through the user interface, the total barter value and the total market value of the one or more tradeable items associated with the profile data of the first user.

21. (Currently Amended) An electronic bartering system comprising:

a computing system having a non-transitory computer-readable medium comprising code, the computing system having one or more processors coupled to one or more databases over a network, the one or more processors implementing steps of:

receiving a first image of a first item from a first user on a first computing device, wherein the first image is stored in the one or more databases and associated with image information data and profile data of the first user;

classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented on a second computing device as available for a bartering transaction;

receiving a second image of a second item from a second user on the second computing device, wherein the second image is stored in the one or more databases and

associated with image information data and profile data of the second user;

classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented on the second computing device as available for the [[a]] bartering transaction;

transmitting images of tradeable items available for the [[a]] bartering transaction to the first computing device;

displaying on the first computing device a selectable input graphical user interface, the selectable input graphical user interface having the images of the one or more tradeable items available for the [[a]] bartering transaction;

transmitting results of only a subset of the one or more tradeable items in response to a location of the first computing device;

receiving from the first computing device, request data for a request to receive the second tradeable item in exchange for the first tradeable item and storing the request data in the one or more databases;

transmitting the request to the second computing device as an offer for a the [[a]] bartering transaction;

receiving from the second computing device, acceptance data for the request to receive the first tradeable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases;

recording the bartering transaction for the exchange of the first tradeable item and the second tradeable item;

updating an ~~the~~ association of the profile data in the one or more databases associated with the first image and image information from the first user to the second user;

updating ~~an~~ the association of the profile data in the one or more databases associated with the second image and image information from the second user to the first user;

accessing a set of historical item listings, each historical item listing of the set of historical item listings having a category, a set of historical characteristics, and a set of barter data, the set of barter data being indicative of barter values and relationships among barterers placed for each historical item listing;

accessing another set of barter data between another set of prices collected for the first tradeable item; ~~and~~

~~generating a price model for the first tradeable item based on the set of historical item listings and the set of barter data for the set of historical item listings, and the another set of barter data, and to generate a first price and a second price for the first tradeable item based on the price model.~~

generating a first price and a second price for the first tradeable item based on the set of historical item listings and the set of barter data for the set of historical item listings and the another set of barter data;

utilizing artificial intelligence and machine learning to ascertain consumer habits and trends from the bartering transaction; and

generating a virtual map with one or more indicators with the first image of the first tradeable item displayed as an indicator corresponding to a location of the first tradeable item.



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NOTICE OF ALLOWANCE AND FEE(S) DUE

120407 7590 06/17/2021
Bold IP, PLLC
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Table with 2 columns: EXAMINER (GARG, YOGESH C), ART UNIT (3625), PAPER NUMBER (1010)

DATE MAILED: 06/17/2021

Table with 5 columns: APPLICATION NO. (16/732,319), FILING DATE (01/01/2020), FIRST NAMED INVENTOR (Michael Christian Smeltzer), ATTORNEY DOCKET NO. (Smeltzer\_NPA\_001), CONFIRMATION NO. (1010)

TITLE OF INVENTION: METHOD AND SYSTEM OF ELECTRONIC BARTERING

Table with 7 columns: APPLN. TYPE (nonprovisional), ENTITY STATUS (MICRO), ISSUE FEE DUE (\$300), PUBLICATION FEE DUE (\$0.00), PREV. PAID ISSUE FEE (\$0.00), TOTAL FEE(S) DUE (\$300), DATE DUE (09/17/2021)

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(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/732,319	01/01/2020	Michael Christian Smeltzer	Smeltzer_NPA_001	1010

TITLE OF INVENTION: **METHOD AND SYSTEM OF ELECTRONIC BARTERING**

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	MICRO	\$300	\$0.00	\$0.00	\$300	09/17/2021

EXAMINER	ART UNIT	CLASS-SUBCLASS
GARG, YOGESH C	3625	705-027200

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 03-09 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, \_\_\_\_\_ 1
- (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 must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). 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. Fees submitted:  Issue Fee  Publication Fee (if required)  Advance Order - # of Copies \_\_\_\_\_

4b. Method of Payment: (Please first reapply any previously paid fee shown above)

- Electronic Payment via EFS-Web  Enclosed check  Non-electronic payment by credit card (Attach form PTO-2038)
- The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. \_\_\_\_\_

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

- Applicant certifying micro entity status. See 37 CFR 1.29
- Applicant asserting small entity status. See 37 CFR 1.27
- Applicant changing to regular undiscounted fee status.

**NOTE:** Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

**NOTE:** If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

**NOTE:** Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

**NOTE:** This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

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

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
Row 1: 16/732,319, 01/01/2020, Michael Christian Smeltzer, Smeltzer\_NPA\_001, 1010
Row 2: 120407, 7590, 06/17/2021, (Empty), (Empty)
Row 3: Bold IP, PLLC, 6100 219th Street SW, Suite #480, Mountlake Terrace, WA 98043
Row 4: (Empty), (Empty), (Empty), EXAMINER, (Empty)
Row 5: (Empty), (Empty), (Empty), GARG, YOGESH C, (Empty)
Row 6: (Empty), (Empty), (Empty), ART UNIT, PAPER NUMBER
Row 7: (Empty), (Empty), (Empty), 3625, (Empty)

DATE MAILED: 06/17/2021

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

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

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.



## OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B 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 30 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.** Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

### Privacy Act Statement

**The Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

<b>Notice of Allowability</b>	<b>Application No.</b> 16/732,319	<b>Applicant(s)</b> Smeltzer, Michael Christian	
	<b>Examiner</b> YOGESH C GARG	<b>Art Unit</b> 3625	<b>AIA (FITF) Status</b> Yes

**-- 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 06/07/2021.  
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.
2.  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.
3.  The allowed claim(s) is/are 1,3-16 and 18-21. As a result of the allowed claim(s), 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](http://www.uspto.gov/patents/init_events/pph/index.jsp) or send an inquiry to [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).
4.  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)).

\* 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.**

5.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
 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)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 2. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____.          | 6. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 3. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material _____. | 7. <input checked="" type="checkbox"/> Other <u>PTO- 2323</u> .                      |
| 4. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date. _____.                           |  |

/YOGESH C GARG/  
Primary Examiner, Art Unit 3625

***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.

1. Applicant's Certification and Request for consideration under the After Final Consideration Pilot Program 2.0 filed 06/07/2021 is accepted. Claims 1, 3-16, 18-21 are currently amended. Claims 2 and 17 were previously canceled. Claims 1, 18, and 21 are independent claims. Claims 3-16 depend from claim 1, claims 19-20 depend from claim 18. Claims 1, 3-16, 18-21 are pending for examination.

This AFCP filing is subsequent to a telephone interview with the Applicant's representative Mr. Christopher Mayle on 05/05/2021. Amended claims include limitations as discussed during the interview.

In view of the current amendments to claims 18-20 and 21, rejection of claims 18-2021 under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement are now moot and overcome. These rejections are now withdrawn.

***Response to Arguments***

2. Applicant's arguments, see pages 13-15, filed 06/07/2021, with respect to rejection of independent claims 1, 18, and 21 under 35 USC 101 as being directed to a judicial exception without "Significantly More" have been fully considered and are persuasive in view of the current amendments to independent claims 1, 18, and 21. The rejection of independent claims 1, 18, and 21 and under 35 USC 101 has been withdrawn.

Claims 1, 3-16, 18-21 are patent eligible.

When the current amended claims 1, 18, and 21 are analyzed per Step 2A, prong one analysis, they, as analyzed in the Final Rejection mailed 04/23/2021, see pages 4-6, recite an

abstract idea of a bartering transaction which falls within "Certain Methods of Organizing Human Activity".

However, when the current amended independent claims 1, 18, and 21 are analyzed per Step 2A, prong 2, the additional elements of one or more processors coupled to one or more data bases over a network implementing the steps of receiving a first image of a first item from a first user on a first computing device, wherein the first image is stored in the one or more databases and associated with image information data and profile data of the first user, classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented on a second computing device as available for a bartering transaction, receiving a second image of a second item from a second user on the second computing device, wherein the second image is stored in the one or more databases and associated with image information data and profile data of the second user, classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented on the second computing device as available for the bartering transaction, displaying on the first computing device a selectable input graphical user interface, the selectable input graphical user interface having the images of the one or more tradeable items available for the bartering transaction, transmitting results of only a subset of the one or more tradeable items in response to a location of the first computing device, receiving from the first computing device, request data for a request to receive the second tradeable item in exchange for the first tradeable item and storing the request data in the one or more databases, transmitting the request to the second computing device as an offer for the bartering transaction, receiving from the second computing device, acceptance data for the request to receive the first tradeable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases, recording the bartering transaction for the exchange of the first tradeable item and the second tradeable item, updating an association of the profile data in the one or more databases associated with the first image and image

information from the first user to the second user, updating an the association of the profile data in the one or more databases associated with the second image and the image information from the second user to the first user, utilizing artificial intelligence and machine learning to ascertain consumer habits and trends from the bartering transaction, and generating a virtual map with one or more indicators with the first image of the first tradeable item displayed as an indicator corresponding to a location of the first tradeable item. **integrate the abstract idea of bartering transaction to a practical application, because** the in combination the elements of claims 1, 18, and 21 recite an improvement over prior art in the field of bartering transactions by allowing a first user to receive a communication for a bartering transaction for one of their goods that they have stored on the one or more databases, presenting on the user interface a screen for a counter offer proposal thereby transmitting the library of tradeable items of the second user where such that the first user may then select one of these tradeable items to add to the transaction causing the bartering transaction to be updated with this new data. As an improvement over the prior art system, the combination of elements enable the user interface presenting a screen for a counter offer proposal thereby transmitting the library of tradeable items of the second user where such that the first user may then select one of these tradeable items to add to the transaction causing the bartering transaction to be updated with this new data. This allows barterers the ability to more efficiently and accurately placed updated transactions on the online marketplaces thus constituting significantly more than an ineligible concept and also allows via a virtual map with one or more indicators with the first image of the first tradeable item displayed as an indicator corresponding to a location of the first tradeable item. Accordingly, claim 1 with its subsequent claims 3-16 are patent eligible.

Since the limitations of the other two independent claims 18 and 21 recite similar limitations, they are analyzed on the same basis as claim 1. Therefore, claim 18 with its dependent claims 19-20 and claim 21 are deemed patent eligible.

**Accordingly, pending claims 1, 3-16, 18-21 are patent eligible.**

***Allowable Subject Matter***

3.1. Claims 1, 3-16, 18-21 allowed.

Examiner has conducted Keyword Search in East for USPG-PUB, USPAT, USOCR, FPRS, EPO, JPO, Derwent, IBM\_TDB databases, searched Dialog database or NPL references.

Examiner believes that the record of the prosecution as a whole does make clear his or her reasons for allowing a claim or claims. The examiner's actions, Final Rejection mailed 04/23/2021, a telephone interview conducted on 05/05/2021 and the applicant's replies AFCP 2.0 filed 06/07/2021 with amendments to independent claims 1, 18, and 21 and Applicant's Remarks, see pages 13-51 make evident the reasons for allowance, satisfying the "record as a whole" proviso of the rule.

With regards to claims 1, 18, and 21, the prior art of record, alone or combined neither teaches nor renders obvious the limitations, as a whole, comprising one or more processors implementing the steps of receiving a first image of a first item from a first user, wherein the first image is stored in the one or more databases and associated with image information data and profile data of the first user, the first image stored by one or more computing devices that include one or more programs containing instructions associated with the electronic bartering system, classifying the first image and the image information data to a first tradeable item wherein the first tradeable item is presented to a second user as available for a bartering transaction, receiving a second image of a second item from a second user, wherein the second image is stored in the one or more databases and associated with image information data and profile data of the second user, the second image stored by the one or more computing devices, classifying the second image and the image information data to a second tradeable item wherein the second tradeable item is presented as available for a bartering transaction,

displaying a selectable input graphical user interface, the selectable input graphical user interface having images of tradeable items available for a bartering transaction wherein the images of tradeable items available are filterable by user or tradeable item, displaying on the first computing device a selectable input graphical user interface, the selectable input graphical user interface having the images of the one or more tradeable items available for the bartering transaction, transmitting results of only a subset of the one or more tradeable items in response to a location of the first computing device, receiving request data for a request to receive the second tradeable item in exchange for the first tradeable item and storing the request data in the one or more databases, transmitting the request to the second user as an offer for a bartering transaction, receiving acceptance data for the request to receive the first tradable item in exchange for the second tradeable item and storing the acceptance data in the one or more databases, recording the barter transaction for the exchange of the first tradeable item and the second tradeable item, updating the association of the profile data in the one or more databases associated with the first image and image information from the first user to the second user, and updating the association of the profile data in the one or more databases associated with the second image and image information from the second user to the first user, utilizing artificial intelligence and machine learning to ascertain consumer habits and trends from the bartering transaction, and generating a virtual map with one or more indicators with the first image of the first tradeable item displayed as an indicator corresponding to a location of the first tradeable item [[see independent claims 1,18 and 21].

The reasons for allowance for the dependent claims 3-16 and 19-20 are the same as established for their base claims 1 and 18 respectively.

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."

3.2. Best prior art of record:

One or more of the following references, cited in the Non-Final Rejection mailed 02/05/2021 may disclose one or more limitations related to bartering transactions but they, alone or combined, neither teach nor render obvious all the limitations, as a whole, recited in either independent claims 1 or independent claim 18 or independent claim 21.

(i) Spaulding [US20150294399 A1; see paras 0025, 0043, 0055, 0059] discloses techniques for conducting online bartering transactions including providing a GUI for barterers, facilitating by clicking icon 610 to upload an image of the item to be bartered to exchange website 110, an exchange generator module 308 generate possible barter transactions on finding an item matching an item a user wants.

(ii) Liu [US2013/0151372 A1; see abstract, paras 0024, 0054—0056] discloses conducting barter transactions and trade between two parties for tradeable matching items, wherein a device machine 110 is configured to receive requests for matching a tradeable item, and an item image 533 [see Fig.5E] actuates an information icon or button 534 in the matching results presentation screen 532 to present an item information screen 535 corresponding to that item. Fig.5F shows the item information screen 535 including the item image 533 and item information 536.

(iii) Narasimhan et al [US2015/0073942 A1; see paras 0024, 0028, 0067] discloses a database includes product information including name, image of the item, description, category, etc., display an image of the item on GUI for bartering goods.



(iv) Bocheck [US20080103986 A1] discloses methods and system for conducting bartering transactions, wherein a trade order can be sent by clicking on a button or link at the bottom of a web page sent by the server in response to selection of an item from the barter database. In another embodiment a trade offer can be created simply by dragging an image or description of one item on top of the other. On this web page, the trader describes an item that he owns and that he is willing to trade for trader B's item. Trader B can also receive trade offers from other traders and automatically from the barter system as "suggestions." Each trade offer indicates if it is a two-party or multiparty offer or if the offer closes the bartering circle. Each trade offer may be sent to the trader by email or by other means, for example by SMS.

(v) Lynde [US20200044856 A1; para 0018] discloses a server recording bartered transactions in a blockchain.

(vi) Hay et al. [US 2014/0195379 A1; see para 0030] conducting electronic bartering transactions.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH C GARG whose telephone number is (571)272-6756. The examiner can normally be reached on Max-Flex.

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, Jeffrey A Smith can be reached on 571-272-6763. 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 <https://ppair-my.uspto.gov/pair/PrivatePair>. 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.

/YOGESH C GARG/  
Primary Examiner, Art Unit 3625