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IBM AUSTIN IPLAW (DG) C/O DELIZIO GILLIAM, PLLC 15201 MASON ROAD, SUITE 1000-312 CYPRESS, TX 77433			ARAQUE JR, GERARDO	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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

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

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Office Action Summary	Application No. 12/254,092	Applicant(s) CASES ET AL.	
	Examiner GERARDO ARAQUE JR	Art Unit 3689	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 October 2008.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/20/2008.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 9 and 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. **Claims 9 and 19** recite the limitation "**logged off a chat window**" in the **last line of the claim**. The Examiner asserts that the claims have failed to set forth any limitation that discloses that the customer was logged into a chat window and are too broad to distinguish whether or not the claimed invention was being performed on a computer system and using a electronic chat service. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

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

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

5. **Claims 1 – 10** are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Based upon consideration of all of the relevant factors with respect to the claims as a whole, **claims 1 – 10** are held to claim an abstract idea, and are therefore rejected as ineligible subject matter under 35 U.S.C. 101. The rationale for this finding is explained below:

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Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to an examiner is that one clue to patent eligibility under 35 USC § 101 is whether or not the process is (1) be tied to a particular machine or apparatus or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

The claim should recite the particular machine or apparatus to which it is tied, for example by identifying the machine or apparatus that accomplishes the method steps, or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent-eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

Here, applicant's method steps fail the first prong of the new test because there is not tie to any kind of machine or any of the claimed steps. The Examiner asserts that the claims are broad enough to encompass that a user and not a computer or, at the

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very least, a user using a computer are performing the various steps of claimed invention. Specifically, the Examiner asserts that the steps of determining a problem ticket, searching for a support person, and routing the problem ticket to support personnel are being performed by a user and not a particular machine. Although there is a use of a database the Examiner asserts that a database is nothing more than a collection of data and is not equivalent to a storage medium. Further still, even if one were to argue that a storage medium is required the Examiner asserts that 1) the claims fails to explicitly disclose that a particular machine is performing the actual searching and 2) the argued storage medium is simply directed towards an insignificant extra solution activity since the mere act of data gathering, i.e. storage, is not sufficient to pass the machine or transformation test. The claims do not pass the first test of Bilski to providing a tie to a particular machine.

Further, applicant's method steps fail the second prong of the test because there is no transformation of the data. It is asserted that the data has not been transformed into another state or into another object.

The applicant is reminded that:

"Purported transformation or manipulations simply of public or private legal obligations or relationships, business risks, or other such abstractions cannot meet the test because they are not physical objects or substances, and they are not representative of physical objects or substances.

(In re Bernard L. Bilski and Rand A. Warsaw Page 28)"

Moreover, the "transformation must be central to the purpose of the claimed process.

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Additionally, other factors and considerations in addition to the machine/transformation test also point to a finding that the claims are directed to a mere abstract idea. The claims seem to be a mere statement of a general concept of speaking with a customer service representative. The claims if allowed would appear to effectively grant a monopoly on the concept of searching for the appropriate customer service representative and having a problem resolved. The process of determining a problem ticket, searching for a support personnel, and routing the problem ticket to the appropriate support personnel could be performed by any currently known or future manner of customer service, or even done by human beings because no machine is recited explicitly or implied in the claims, which has been programmed to perform this step. Although it is implied that a computer storage medium is being used to store the database, it is asserted that the machine is merely directed to an insignificant extra solution activity. The claims seem to be directed to a general business concept of speaking with a customer service representative. When viewing these factors and the claims as whole, it is concluded that the claims are directed to a mere abstract idea and are not patent eligible under 35 USC 101.

Dependent **claims 2 – 6 and 8 – 10** when analyzed as a whole are held to be patent ineligible under 35 U.S.C. 101 because the additional recited limitation(s) fail(s) to establish that the claims are not directed to an abstract idea, for the same reasoning as set forth with respect to **claims 1 and 10**. The dependent claims do not act to remedy the problem with **claims 1 and 10** by reciting (explicitly or implied) the use of any particular machine and/or any significant transformation.

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6. **Claims 11 – 20** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer-readable medium as described in the specification is defined as being communication connection that comprises of a wireless signal and at this time, signals are currently considered forms of energy and therefore are non-statutory. In order to remedy the rejection, the Examiner suggests amending the claims to disclose that the computer readable medium is non-transitory.

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1 – 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Riley et al. (US PGPub 2002/0123983 A1)**.

9. In regards to **claim 1**, **Riley** discloses a method comprising:

determining a problem ticket for a customer, wherein the problem ticket indicates a problem and information about the customer (**Page 2 ¶ 29; Page 4 ¶ 57; Page 5 ¶ 79; Page 6 ¶ 94; Page 7 ¶ 98, 105, 107, 109 wherein a problem ticket is determined for a customer and includes information about the problem and the customer**);

searching for a first customer support level, and the information about the customer, wherein said searching yields a first support person of the first customer support level (**Page 5 ¶ 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein a problem ticket is categorized and prioritized for**

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assignment to the appropriate support person in the appropriate tier, e.g. initially assigning the problem ticket to a tier 1 personnel);

routing the problem ticket to the first support person **(see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a first support person in Tier 1);**

searching for a second customer support level, and the information about the customer, wherein said searching yields a second support person of the second support level, wherein the second customer support level corresponds to a greater amount of one or more of skills, knowledge, and experience **(Page 5 ¶ 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein in the event that the first tier support personnel is unable to resolve the problem ticket a second personnel in a second (or third) tier, who has a greater amount of skill, knowledge, and/or experience, is determined and assigned the problem ticket);**

and

routing the problem ticket to the second support person when the first support person fails to resolve the problem **(see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a second support person in tier 2/3 if the previous tier, e.g. tier 1, is unable to resolve the problem).**

Riley teaches a multi-tier support system that categorizes and prioritizes problem tickets and determines the appropriate personnel from a specific tier level for the problem ticket. **Riley** further discloses that the system includes an automatic call distribution to allow for the routing of problem tickets to the appropriate personnel, which

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is based on the nature and problem of the ticket and the skill level, knowledge, and/or experience of the personnel. Although **Riley** discloses that this is being performed automatically and that personnel are notified electronically of the problem tickets, **Riley** does not explicitly disclose a customer support personnel database that allows for the searching of the personnel.

To be more specific, **Riley** fails to explicitly disclose:

searching a set of one or more *customer support personnel databases* based, at least in part, on the problem, a first customer support level, and the information about the customer, wherein said searching yields a first support person of the first customer support level;

searching the set of one or more *customer support personnel databases* based, at least in part, on the problem, a second customer support level, and the information about the customer, wherein said searching yields a second support person of the second support level, wherein the second customer support level corresponds to a greater amount of one or more of skills, knowledge, and experience.

However, the Examiner asserts that one of ordinary skill in the art looking upon the teachings of **Riley** would have found that the routing process, i.e. call distribution, is being performed automatically (**Page 5 ¶ 78**) and that the system automatically notifies personnel electronically regarding a problem ticket (**Page 9 ¶ 137**). With that said, the Examiner asserts that it would have been obvious to one of ordinary skill in the art that **Riley** must use some type of customer support personnel database in order to allow the system to automatically search, distribute, and notify personnel of identified problem

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tickets. That is to say, it would have been obvious for **Riley** to have a database that includes information about support personnel so that the system can properly perform a look up process to determine which of the plurality of personnel from the various tiers would be assigned the problem ticket as well as providing contact information in order to notify the support personnel of a problem ticket that has been assigned to them.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for **Riley** to include a customer support personnel database so that the system would be able to automatically route, assign, and notify support personnel of problem tickets and to ensure that the problem tickets are being correctly assigned.

10. In regards to **claim 2**, **Riley** discloses wherein said searching the set of one or more customer support personnel databases based, at least in part, on the problem, the first customer support level, and the information about the customer further comprises also searching a dynamic social network database based, at least in part, on the problem and the information about the customer (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186 as discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of**

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service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier.

As a result, it would have been obvious to one of ordinary skill in the art that Riley also discloses a dynamic social network database, or its equivalent, which is based on data collected about a service request and the personnel handling the personnel request, and that this information used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier.)

11. In regards to **claim 3**, Riley discloses wherein said searching the dynamic social network database is also based on information about the first support person (**see at least Page 11 ¶ 154 – 172 wherein ¶ 157 – 171 are examples of the types of questions about the service that was provided by the support personnel**).

12. In regards to **claim 4**, Riley discloses further comprising searching the set of one or more databases and the dynamic social network database based, at least in part on the problem, the first customer support level, and the information about the customer when the first support person fails to resolve the problem, wherein said searching yields a second support person of the first customer support level (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186 wherein in the event that the first tier support personnel is unable to resolve the problem ticket a second personnel in a second**

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(or third) tier, who has a greater amount of skill, knowledge, and/or experience, is determined and assigned the problem ticket.

Additionally, and as discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier.

As a result, it would have been obvious to one of ordinary skill in the art that Riley also discloses a dynamic social network database, or its equivalent, which is based on data collected about a service request and the personnel handling the personnel request, and that this information used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier.).

13. In regards to **claim 5**, Riley discloses wherein the customer support personnel databases comprise any one or more of a personnel experience database, a personnel knowledge and skill set database, a personnel location database, a personnel success rate database, and a personnel availability database (**Page 5 ¶ 71 – 75, 78; Page 6 ¶**

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94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186 wherein in the event that the first tier support personnel is unable to resolve the problem ticket a second personnel in a second (or third) tier, who has a greater amount of skill, knowledge, and/or experience, is determined and assigned the problem ticket and wherein support personnel are evaluated on their performance towards resolving a problem ticket. See also the discussion for claim 1 regarding the support personnel database.)

14. In regards to **claim 6**, **Riley** discloses wherein information in the dynamic social network database comprises personnel language, interests, one or more collaborating colleagues, number of chat conversations initiated, and number of emails exchanged (Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155, 173 – 175; Page 12 ¶ 176 – 186 as discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier.

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In addition to asking questions about the support personnel's ability to resolve the problem ticket, Riley also discloses that other factors are analyzed in order to determine the quality of service that is being provided. For example, Riley discloses that an analysis is performed in order to determine the percentage rate of problem tickets that were successfully resolved, abandonment rates, wait time, request handling rate, complaints, and etc. Moreover, because the problem tickets are being handled over the phone and because the calls can be routed to other support personnel it would have been obvious to include the personnel language (in order to ensure that the personnel can communicate with the caller), contact information of other colleagues, and etc.).

15. In regards to **claim 7**, Riley discloses a method comprising:

determining a problem ticket for a customer, wherein the problem ticket indicates a problem and information about the customer (**Page 2 ¶ 29; Page 4 ¶ 57; Page 5 ¶ 79; Page 6 ¶ 94; Page 7 ¶ 98, 105, 107, 109 wherein a problem ticket is determined for a customer and includes information about the problem and the customer**);

searching for a first customer support level, and the information about the customer, wherein said searching yields a plurality of support persons of the first customer support level (**Page 5 ¶ 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein a problem ticket is categorized and prioritized for assignment to the appropriate support person in the appropriate tier, e.g. initially assigning the problem ticket to a tier 1 personnel**); and

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routing the problem ticket to the first of the plurality of support persons (**see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a first support person in Tier 1**).

Riley teaches a multi-tier support system that categorizes and prioritizes problem tickets and determines the appropriate personnel from a specific tier level for the problem ticket. **Riley** further discloses that the system includes an automatic call distribution to allow for the routing of problem tickets to the appropriate personnel, which is based on the nature and problem of the ticket and the skill level, knowledge, and/or experience of the personnel. Although **Riley** discloses that this is being performed automatically and that personnel are notified electronically of the problem tickets, **Riley** does not explicitly disclose a customer support personnel database that allows for the searching of the personnel.

To be more specific, **Riley** fails to explicitly disclose:

searching a set of one or more **customer support personnel databases** based, at least in part, on the problem, a first customer support level, and the information about the customer, wherein said searching yields a plurality of support person of the first customer support level.

However, the Examiner asserts that one of ordinary skill in the art looking upon the teachings of **Riley** would have found that the routing process, i.e. call distribution, is being performed automatically (**Page 5 ¶ 78**) and that the system automatically notifies personnel electronically regarding a problem ticket (**Page 9 ¶ 137**). With that said, the Examiner asserts that it would have been obvious to one of ordinary skill in the art that

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Riley must use some type of customer support personnel database in order to allow the system to automatically search, distribute, and notify personnel of identified problem tickets. That is to say, it would have been obvious for **Riley** to have a database that includes information about support personnel so that the system can properly perform a look up process to determine which of the plurality of personnel from the various tiers would be assigned the problem ticket as well as providing contact information in order to notify the support personnel of a problem ticket that has been assigned to them.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for **Riley** to include a customer support personnel database so that the system would be able to automatically route, assign, and notify support personnel of problem tickets and to ensure that the problem tickets are being correctly assigned.

In regards to:

searching a dynamic social network database based, at least in part on the information about the customer, the problem, and indications of the plurality of support persons of the first customer support level, wherein said searching yields a first of the plurality of support persons;

the Examiner asserts that this is obviously included. As discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets, as well as providing information to allow the system to reassign a problem ticket to another support personnel of the same tier or a higher tier. In addition to this, Riley further discloses that

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problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186**).

Therefore, it would have been obvious to one of ordinary skill in the art that Riley also discloses a dynamic social network database, or its equivalent, which is based on data collected about a service request and the personnel handling the personnel request, and that this information used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier.

16. In regards to **claim 8**, Riley discloses further comprising:

determining that the first of the plurality of support persons resolved the problem (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 8 ¶ 110; Page 9 ¶ 137 – 139; Page 10 ¶ 142 wherein a plurality of support persons at various different tiers are provided and the system automatically routes, assigns, and notifies the appropriate support personnel for resolving the problem ticket**); and

updating both the dynamic social network database and at least one of the set of customer support personnel databases to reflect the first of the plurality of support persons resolving the problem (**Page 10 ¶ 148; Page 11 – 12 ¶ 154 – 186 (wherein ¶**

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157 – 171, 174 – 184 are the various metrics that are analyzed for determining the quality of the service that was provided by the support personnel); Page 15 ¶ 239 wherein any information about a service request, including solutions, common trends, information about the support personnel’s ability to resolve an issue, is updated and analyzed as what one of ordinary skill in the art of customer service would have found obvious to be a continued effort to increase the reliability and service quality of resolving service requests).

17. In regards to **claim 9**, Riley discloses wherein the determining that the first of the plurality of support persons resolved the problem comprises one or more of detecting that the customer has disconnected a phone call and detecting that the customer has logged off a chat window (**see at least Page 2 ¶ 32, 33; Page 3 ¶ 50; Page 4 ¶ 56; Page 12 ¶ 173 – 182 wherein the quantity of resolved problems is determined and is comprised of determining the amount of disconnected phone calls by the customer).**

18. In regards to **claim 10**, Riley discloses wherein the first of the plurality of support persons shares, with the customer, any one of a common language, common cultural background, common interests, and common location (**Page 4 ¶ 57 the system supports telephone communication between the customer and the support personnel. As a result, it would have been obvious that the customer and the support personnel would share, at least, a common language so that they will understand each other.**).

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19. In regards to **claim 11**, **Riley** discloses one or more machine-readable media having stored therein a program product, which when executed a set of one or more processors causes the set of one or more processors to perform operations that comprise:

determining a problem ticket for a customer, wherein the problem ticket indicates a problem and information about the customer (**Page 2 ¶ 29; Page 4 ¶ 57; Page 5 ¶ 79; Page 6 ¶ 94; Page 7 ¶ 98, 105, 107, 109 wherein a problem ticket is determined for a customer and includes information about the problem and the customer**);

searching for a first customer support level, and the information about the customer, wherein said searching yields a first support person of the first customer support level (**Page 5 ¶ 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein a problem ticket is categorized and prioritized for assignment to the appropriate support person in the appropriate tier, e.g. initially assigning the problem ticket to a tier 1 personnel**);

routing the problem ticket to the first support person (**see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a first support person in Tier 1**);

searching for a second customer support level, and the information about the customer, wherein said searching yields a second support person of the second support level, wherein the second customer support level corresponds to a greater amount of one or more of skills, knowledge, and experience (**Page 5 ¶ 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein in the event that**

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the first tier support personnel is unable to resolve the problem ticket a second personnel in a second (or third) tier, who has a greater amount of skill, knowledge, and/or experience, is determined and assigned the problem ticket);
and

routing the problem ticket to the second support person when the first support person fails to resolve the problem (**see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a second support person in tier 2/3 if the previous tier, e.g. tier 1, is unable to resolve the problem**).

Riley teaches a multi-tier support system that categorizes and prioritizes problem tickets and determines the appropriate personnel from a specific tier level for the problem ticket. **Riley** further discloses that the system includes an automatic call distribution to allow for the routing of problem tickets to the appropriate personnel, which is based on the nature and problem of the ticket and the skill level, knowledge, and/or experience of the personnel. Although **Riley** discloses that this is being performed automatically and that personnel are notified electronically of the problem tickets, **Riley** does not explicitly disclose a customer support personnel database that allows for the searching of the personnel.

To be more specific, **Riley** fails to explicitly disclose:

searching a set of one or more **customer support personnel databases** based, at least in part, on the problem, a first customer support level, and the information about the customer, wherein said searching yields a first support person of the first customer support level;

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searching the set of one or more ***customer support personnel databases*** based, at least in part, on the problem, a second customer support level, and the information about the customer, wherein said searching yields a second support person of the second support level, wherein the second customer support level corresponds to a greater amount of one or more of skills, knowledge, and experience.

However, the Examiner asserts that one of ordinary skill in the art looking upon the teachings of **Riley** would have found that the routing process, i.e. call distribution, is being performed automatically (**Page 5 ¶ 78**) and that the system automatically notifies personnel electronically regarding a problem ticket (**Page 9 ¶ 137**). With that said, the Examiner asserts that it would have been obvious to one of ordinary skill in the art that **Riley** must use some type of customer support personnel database in order to allow the system to automatically search, distribute, and notify personnel of identified problem tickets. That is to say, it would have been obvious for **Riley** to have a database that includes information about support personnel so that the system can properly perform a look up process to determine which of the plurality of personnel from the various tiers would be assigned the problem ticket as well as providing contact information in order to notify the support personnel of a problem ticket that has been assigned to them.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for **Riley** to include a customer support personnel database so that the system would be able to automatically route, assign, and notify support personnel of problem tickets and to ensure that the problem tickets are being correctly assigned.

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20. In regards to **claim 12**, **Riley** discloses wherein said operation of searching the set of one or more customer support personnel databases based, at least in part, on the problem, the first customer support level, and the information about the customer further comprises searching a dynamic social network database based, at least in part, on the problem and the information about the customer (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186 as discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier.**

As a result, it would have been obvious to one of ordinary skill in the art that Riley also discloses a dynamic social network database, or its equivalent, which is based on data collected about a service request and the personnel handling the personnel request, and that this information used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier.)

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21. In regards to **claim 13**, **Riley** discloses wherein said operation of searching the dynamic social network database is also based on information about the first support person (**see at least Page 11 ¶ 154 – 172 wherein ¶ 157 – 171 are examples of the types of questions about the service that was provided by the support personnel**).

22. In regards to **claim 14**, **Riley** discloses wherein the operations further comprise searching the set of one or more databases and the dynamic social network database based, at least in part on the problem, the first customer support level, and the information about the customer when the first support person fails to resolve the problem, wherein said searching yields a second support person of the first customer support level (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186 wherein in the event that the first tier support personnel is unable to resolve the problem ticket a second personnel in a second (or third) tier, who has a greater amount of skill, knowledge, and/or experience, is determined and assigned the problem ticket**).

Additionally, and as discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of

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service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier.

As a result, it would have been obvious to one of ordinary skill in the art that Riley also discloses a dynamic social network database, or its equivalent, which is based on data collected about a service request and the personnel handling the personnel request, and that this information used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier.).

23. In regards to **claim 15**, Riley discloses wherein the customer support personnel databases comprise any one or more of a personnel experience database, a personnel knowledge and skill set database, a personnel location database, a personnel success rate database, and a personnel availability database (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186 wherein in the event that the first tier support personnel is unable to resolve the problem ticket a second personnel in a second (or third) tier, who has a greater amount of skill, knowledge, and/or experience, is determined and assigned the problem ticket and wherein support personnel are evaluated on their performance towards resolving a problem ticket. See also the discussion for claim 1 regarding the support personnel database.**)

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24. In regards to **claim 16**, **Riley** discloses wherein information in the dynamic social network database comprises personnel language, interests, one or more collaborating colleagues, number of chat conversations initiated, and number of emails exchanged (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155, 173 – 175; Page 12 ¶ 176 – 186** as discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier.

In addition to asking questions about the support personnel's ability to resolve the problem ticket, Riley also discloses that other factors are analyzed in order to determine the quality of service that is being provided. For example, Riley discloses that an analysis is performed in order to determine the percentage rate of problem tickets that were successfully resolved, abandonment rates, wait time, request handling rate, complaints, and etc. Moreover, because the problem tickets are being handled over the phone and because the calls can be routed to other support personnel it would have been obvious to include the

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personnel language (in order to ensure that the personnel can communicate with the caller), contact information of other colleagues, and etc.).

25. In regards to **claim 17**, **Riley** discloses one or more machine-readable media, wherein the operations comprise:

determining a problem ticket for a customer, wherein the problem ticket indicates a problem and information about the customer (**Page 2 ¶ 29; Page 4 ¶ 57; Page 5 ¶ 79; Page 6 ¶ 94; Page 7 ¶ 98, 105, 107, 109 wherein a problem ticket is determined for a customer and includes information about the problem and the customer**);

searching for a first customer support level, and the information about the customer, wherein said searching yields a plurality of support persons of the first customer support level (**Page 5 ¶ 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein a problem ticket is categorized and prioritized for assignment to the appropriate support person in the appropriate tier, e.g. initially assigning the problem ticket to a tier 1 personnel**); and

routing the problem ticket to the first of the plurality of support persons (**see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a first support person in Tier 1**).

Riley teaches a multi-tier support system that categorizes and prioritizes problem tickets and determines the appropriate personnel from a specific tier level for the problem ticket. **Riley** further discloses that the system includes an automatic call distribution to allow for the routing of problem tickets to the appropriate personnel, which is based on the nature and problem of the ticket and the skill level, knowledge, and/or

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experience of the personnel. Although **Riley** discloses that this is being performed automatically and that personnel are notified electronically of the problem tickets, **Riley** does not explicitly disclose a customer support personnel database that allows for the searching of the personnel.

To be more specific, **Riley** fails to explicitly disclose:

searching a set of one or more *customer support personnel databases* based, at least in part, on the problem, a first customer support level, and the information about the customer, wherein said searching yields a plurality of support persons of the first customer support level.

However, the Examiner asserts that one of ordinary skill in the art looking upon the teachings of **Riley** would have found that the routing process, i.e. call distribution, is being performed automatically (**Page 5 ¶ 78**) and that the system automatically notifies personnel electronically regarding a problem ticket (**Page 9 ¶ 137**). With that said, the Examiner asserts that it would have been obvious to one of ordinary skill in the art that **Riley** must use some type of customer support personnel database in order to allow the system to automatically search, distribute, and notify personnel of identified problem tickets. That is to say, it would have been obvious for **Riley** to have a database that includes information about support personnel so that the system can properly perform a look up process to determine which of the plurality of personnel from the various tiers would be assigned the problem ticket as well as providing contact information in order to notify the support personnel of a problem ticket that has been assigned to them.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for **Riley** to include a customer support personnel database so that the system would be able to automatically route, assign, and notify support personnel of problem tickets and to ensure that the problem tickets are being correctly assigned.

In regards to:

searching a dynamic social network database based, at least in part on the information about the customer, the problem, and indications of the plurality of support persons of the first customer support level, wherein said searching yields a first of the plurality of support persons

the Examiner asserts that this is obviously included. As discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets, as well as providing information to allow the system to reassign a problem ticket to another support personnel of the same tier or a higher tier. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page**

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7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186).

Therefore, it would have been obvious to one of ordinary skill in the art that Riley also discloses a dynamic social network database, or its equivalent, which is based on data collected about a service request and the personnel handling the personnel request, and that this information used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier.

26. In regards to **claim 18**, Riley discloses wherein the operations also comprise:

determining that the first of the plurality of support persons resolved the problem **(Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 8 ¶ 110; Page 9 ¶ 137 – 139; Page 10 ¶ 142 wherein a plurality of support persons at various different tiers are provided and the system automatically routes, assigns, and notifies the appropriate support personnel for resolving the problem ticket); and**

updating both the dynamic social network database and at least one of the set of customer support personnel databases to reflect the first of the plurality of support persons resolving the problem **(Page 10 ¶ 148; Page 11 – 12 ¶ 154 – 186 (wherein ¶ 157 – 171, 174 – 184 are the various metrics that are analyzed for determining the quality of the service that was provided by the support personnel); Page 15 ¶ 239 wherein any information about a service request, including solutions, common trends, information about the support personnel's ability to resolve an issue, is updated and analyzed as what one of ordinary skill in the art of customer service**

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would have found obvious to be a continued effort to increase the reliability and service quality of resolving service requests).

27. In regards to **claim 19**, **Riley** discloses wherein said operation of determining that the first of the plurality of support persons resolved the problem comprises one or more of detecting that the customer has disconnected a phone call and detecting that the customer has logged off a chat window (**see at least Page 2 ¶ 32, 33; Page 3 ¶ 50; Page 4 ¶ 56; Page 12 ¶ 173 – 182 wherein the quantity of resolved problems is determined and is comprised of determining the amount of disconnected phone calls by the customer).**

28. In regards to **claim 20**, **Riley** discloses wherein the first of the plurality of support persons shares, with the customer, any one of a common language, common cultural background, common interests, and common location (**Page 4 ¶ 57 the system supports telephone communication between the customer and the support personnel. As a result, it would have been obvious that the customer and the support personnel would share, at least, a common language so that they will understand each other.**).

29. In regards to **claim 21**, **Riley** discloses an apparatus comprising:

a set of one or more processors (**Page 2 ¶ 33 wherein the method is performed over a computer network**);

a memory unit coupled with the set of one or more processors (**Page 2 ¶ 33 wherein the software, Service Desk, is used over a computer network, which include a database and memory storage device**); and

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an automated resource selection and allocation engine operable to **(see at least Page 2 ¶ 32; Page 5 ¶ 78 wherein software application for resolving the service request and automatic call distribution and call menu system is provided for routing service requests to the appropriate support personnel):**

determine a problem ticket for a customer, wherein the problem ticket indicates a problem and information about the customer **(Page 2 ¶ 29; Page 4 ¶ 57; Page 5 ¶ 79; Page 6 ¶ 94; Page 7 ¶ 98, 105, 107, 109 wherein a problem ticket is determined for a customer and includes information about the problem and the customer);**

search for a first customer support level, and the information about the customer, wherein the search yields a first support person of the first customer support level **(Page 5 ¶ 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein a problem ticket is categorized and prioritized for assignment to the appropriate support person in the appropriate tier, e.g. initially assigning the problem ticket to a tier 1 personnel);**

route the problem ticket to the first support person **(see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a first support person in Tier 1);**

search for a second customer support level, and the information about the customer, wherein the search yields a second support person of the second support level, wherein the second customer support level corresponds to a

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greater amount of one or more of skills, knowledge, and experience (**see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a first support person in Tier 1**); and

route the problem ticket to the second support person when the first support person fails to resolve the problem (**see at least Page 8 ¶ 110; Page 9 ¶ 138, 139; Page 10 ¶ 142 wherein the problem ticket is routed to a second support person in tier 2/3 if the previous tier, e.g. tier 1, is unable to resolve the problem**).

Riley teaches a multi-tier support system that categorizes and prioritizes problem tickets and determines the appropriate personnel from a specific tier level for the problem ticket. **Riley** further discloses that the system includes an automatic call distribution to allow for the routing of problem tickets to the appropriate personnel, which is based on the nature and problem of the ticket and the skill level, knowledge, and/or experience of the personnel. Although **Riley** discloses that this is being performed automatically and that personnel are notified electronically of the problem tickets, **Riley** does not explicitly disclose a customer support personnel database that allows for the searching of the personnel.

To be more specific, **Riley** fails to explicitly disclose:

searching a set of one or more **customer support personnel databases** based, at least in part, on the problem, a first customer support level, and the information about the customer, wherein said searching yields a first support person of the first customer support level;

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searching the set of one or more ***customer support personnel databases*** based, at least in part, on the problem, a second customer support level, and the information about the customer, wherein said searching yields a second support person of the second support level, wherein the second customer support level corresponds to a greater amount of one or more of skills, knowledge, and experience.

However, the Examiner asserts that one of ordinary skill in the art looking upon the teachings of **Riley** would have found that the routing process, i.e. call distribution, is being performed automatically (**Page 5 ¶ 78**) and that the system automatically notifies personnel electronically regarding a problem ticket (**Page 9 ¶ 137**). With that said, the Examiner asserts that it would have been obvious to one of ordinary skill in the art that **Riley** must use some type of customer support personnel database in order to allow the system to automatically search, distribute, and notify personnel of identified problem tickets. That is to say, it would have been obvious for **Riley** to have a database that includes information about support personnel so that the system can properly perform a look up process to determine which of the plurality of personnel from the various tiers would be assigned the problem ticket as well as providing contact information in order to notify the support personnel of a problem ticket that has been assigned to them.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for **Riley** to include a customer support personnel database so that the system would be able to automatically route, assign, and notify support personnel of problem tickets and to ensure that the problem tickets are being correctly assigned.

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30. In regards to **claim 22**, **Riley** discloses wherein the automated resource selection and allocation unit being operable to search the set of one or more customer support personnel databases based, at least in part, on the problem, the first customer support level, and the information about the customer further comprises the automated resource selection and allocation engine being operable to search a dynamic social network database based, at least in part, on the problem and the information about the customer (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186 as discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where improvements can be made and if the support personnel meets the required skill level for their assigned tier.**

As a result, it would have been obvious to one of ordinary skill in the art that Riley also discloses a dynamic social network database, or its equivalent, which is based on data collected about a service request and the personnel handling the personnel request, and that this information used in order to

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determine if the support personnel is able to perform the necessary tasks for their assigned tier.)

31. In regards to **claim 23, Riley** discloses further comprises the automated resource selection and allocation engine being operable to search the set of one or more databases and the dynamic social network database based, at least in part on the problem, the first customer support level, and the information about the customer when the first support person fails to resolve the problem, wherein the search yields a second support person of the first customer support level (**Page 5 ¶ 71 – 75, 78; Page 6 ¶ 94, 95; Page 7 ¶ 107; Page 8 ¶ 110; Page 9 ¶ 137, 138, 139; Page 10 ¶ 142; Page 11 ¶ 154, 155; Page 12 ¶ 185, 186** wherein in the event that the first tier support personnel is unable to resolve the problem ticket a second personnel in a second (or third) tier, who has a greater amount of skill, knowledge, and/or experience, is determined and assigned the problem ticket.

Additionally, and as discussed above, it would have been obvious that a database(s) is included in the system in order to store personnel information for the distribution and assignment of problem tickets. In addition to this, Riley further discloses that problem tickets are logged into the system and includes information pertaining to the service provided in to resolve the problem ticket and that quality review is performed in order to determine whether the quality of service was satisfactory, which includes the quality of service provided by the support personnel, and is later used as a to obviously determine where

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improvements can be made and if the support personnel meets the required skill level for their assigned tier.

As a result, it would have been obvious to one of ordinary skill in the art that Riley also discloses a dynamic social network database, or its equivalent, which is based on data collected about a service request and the personnel handling the personnel request, and that this information used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier).

32. In regards to **claim 24**, Riley discloses further comprising: a data collection and analysis engine operable to dynamically update a dynamic social network database based on any one or more of interactions between support personnel, the customers, interactions between the customers and the support personnel, and problem resolution (**Page 10 ¶ 148; Page 11 – 12 ¶ 154 – 186 (wherein ¶ 157 – 171, 174 – 184 are the various metrics that are analyzed for determining the quality of the service that was provided by the support personnel); Page 15 ¶ 239 wherein any information about a service request, including solutions, common trends, information about the support personnel's ability to resolve an issue, is updated and analyzed as what one of ordinary skill in the art of customer service would have found obvious to be a continued effort to increase the reliability and service quality of resolving service requests).**

33. In regards to **claim 25**, Riley discloses wherein the automated resource selection and allocation engine comprises one or more machine-readable media (**see at**

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least Page 2 ¶ 32; Page 5 ¶ 78 wherein software application for resolving the service request and automatic call distribution and call menu system is utilized in a computer network).

Conclusion

34. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

Wakamoto et al. (US Patent 5,107,500); Bushey et al. (US Patent 6,389,400 B1); Lee (US Patent 6,542,897 B2); Sullivan et al. (US Patent 6,615,240 B1); Busey et al. (US Patent 6,665,395 B1); Bernier (US PGPub 2007/0041562 A1); Joseph et al. (US Patent 7,349,534 B2); Gusler et al. (US Patent 6,973,620 B2) - which are directed towards customer service systems implementing a routing system in order to direct the customer to a customer service representative

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARDO ARAQUE JR whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 9:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Gerardo Araque Jr./
Primary Examiner, Art Unit 3689
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