

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on 07/08/2011, and the references cited therewith.

Claims 1, 2, 6, 7, 9, and 11 – 22 are amended. As a result, claims 1 – 25 remain pending in this application.

§101 Rejection of the Claims

Claims 1 – 10 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Independent claims 1 and 7 have been amended to recite an electronic device. Applicant submits that claims 1 and 7 and consequently their dependent claims 2 – 6 and 8 – 10 are now directed to statutory subject matter. Applicant respectfully requests that the 35 U.S.C. §101 rejections of claims 1 – 10 be withdrawn.

Claims 11 – 20 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The specification has been amended to distinguish between machine-readable storage media and machine-readable signal medium. The distinction is supported by the originally filed specification, and no new matter has been added. The machine-readable storage medium does not encompass a propagated signal or energy. The machine-readable signal medium encompasses a propagated signal or energy. The claims have been amended to limit the claims to a machine-readable storage medium. Applicant's representative respectfully requests that the 35 U.S.C. §101 rejections of claims 11 – 20 be withdrawn.

§112 Rejection of the Claims

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. Applicant has amended claims 9 and 19 to provide antecedent basis for claims 9 and 19. Accordingly, Applicant submits that claims 9 and 19 over the 35 U.S.C. §112, second paragraph rejection and respectfully requests that the rejections be withdrawn.

§103 Rejection of the Claims

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

Discussion of claims 1 – 6, 11 – 16, and 21 – 25

The Examiner asserts that Riley teaches the elements of claim 1. Applicant has amended claim 1. The basis for the amendments to claim 1 is in paragraphs [0015], [0022], and [0031]. The Examiner argues that it would have been obvious to one of ordinary skill in the art that Riley discloses a dynamic social network database which is based on data collected about a service request and the personnel handling the personnel request, and that this information is used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier. See Office Action at page 11 lines 5 – 10. Applicant respectfully disagrees. Applicant submits that Riley does not teach or suggest a social network database that comprises personal information about each of the support personnel and interpersonal relationships between the support personnel. Moreover, Applicant submits that Riley does not teach the following elements of claim 1, as amended:

- ... determining, using the electronic device, that the first support person of the first customer support level cannot resolve the customer problem;
- determining that the first support person should work in conjunction with one of a plurality of personnel of a second customer support level to resolve the problem;
- determining, based on accessing a dynamic social network database via the electronic device, information associated with the first support person and the plurality of personnel of the second customer support level;
- determining a relationship score that indicates a strength of a relationship between the first support person and each of the plurality of personnel of the second customer support level;
- determining that the relationship score between the first support person and a first of the plurality of personnel of the second customer support level is the highest relationship score; and

prompting the first support person to work in conjunction with the first of the plurality of personnel of the second customer support level to resolve the customer problem.

Based on the foregoing discussion, Applicant submits that Riley does not teach or suggest each and every element of claim 1. Consequently, Riley also fails to disclose claims 2 – 6 that depend on claim 1. Furthermore, because claims 11 and 21 have been amended to recite similar elements as claim 1, Applicant submits that the Riley fails to teach/suggest each and every element of claims 11 and 21. Consequently, Riley also fails to teach/suggest claims 12 – 16 and 22 - 25 that depend on one of claim 11 and 21. Applicant respectfully requests that the 35 USC §103 rejection of claims 1 – 6, 11 – 16, and 21 – 25 be withdrawn and the claims indicated be made allowable over the art of record.

Discussion of claims 7 – 10 and 17 – 20

In rejecting claim 7, the Examiner asserts that it would have been obvious to one of ordinary skill in the art that Riley discloses a dynamic social network database which is based on data collected about a service request and the personnel handling the personnel request, and that this information is used in order to determine if the support personnel is able to perform the necessary tasks for their assigned tier. See Office Action at page 16 lines 9 – 13. Applicant respectfully disagrees. Although Riley discloses a central service desk repository that comprises solutions to customer problems, Riley does not teach or suggest a social network database that comprises interests of the customers and the support personnel of the first customer support level. Applicant submits that Riley does not teach or suggest claim 7's process of selecting a support person that shares common interests with the customer. In other words, Riley does not teach or suggest claim 7's, "searching, using the electronic device, a dynamic social network database that comprises interests of the plurality of support persons of the first customer support level and the customer 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 that has common interests with the customer." Based on the foregoing discussion, Applicant submits that Riley does not teach or suggest each and every element of claim 7. Consequently, Riley also fails to disclose claims 8 –

10 that depend on claim 7. Furthermore, because claim 17 has been amended to recite similar elements as claim 7, Applicant submits that the Riley fails to teach/suggest each and every element of claim 17. Consequently, Riley also fails to teach/suggest claims 18 – 20 that depend on claim 17. Applicant respectfully requests that the 35 USC §103 rejection of claims 7 – 10 and 17 – 20 be withdrawn and the claims indicated be made allowable over the art of record

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). To do that the Examiner must show that some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Reservation of Rights

Applicant does not admit that documents cited under 35 U.S.C. §§ 102(a), 102(e), 103/102(a), or 103/102(e) are prior art, and reserves the right to swear behind them at a later date. Arguments presented to distinguish such documents should not be construed as admissions that the documents are prior art. Applicant also reserves the right to pursue canceled and originally filed claims in a continuation application. Furthermore, Applicant does not acquiesce to any of the Examiner's assertions about the claims or the cited documents and reserves the right to argue these assertions in the future.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Andrew DeLizio at 281-758-0025 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0447.

Respectfully submitted,

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