



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/103,256	12/11/2013	Geoff Massanek	058407/438912	2289
826	7590	03/19/2020	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			TOKARCZYK, CHRISTOPHER B	
			ART UNIT	PAPER NUMBER
			3622	
			NOTIFICATION DATE	DELIVERY MODE
			03/19/2020	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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

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

usptomail@alston.com



## **DETAILED ACTION**

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

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

### ***Status of Application***

2. This action is in reply to the reply submitted February 19, 2020 (hereinafter "Reply") and the accompanying request for continued examination.
3. Claims 1-3, 6-8, 11, 12, 14, 20, and 39 are amended.
4. Claims 4, 5, 9, 10, 16, 17, 21-38, and 40-57 are canceled.
5. Claims 58 and 59 are new.
6. Claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59 are pending.

### ***Continued Examination Under 37 CFR 1.114***

7. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 19, 2020 has been entered.

### ***Claim Rejections - 35 U.S.C. § 101***

8. 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.

9. **Claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59** are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-3, 6-20, and 39 are directed to an abstract idea without significantly more as required by the *Alice* test as discussed below.

**Step 1**

Claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59 are directed to a process, machine, manufacture, or composition of matter.

**Step 2A**

Claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59 are directed to abstract ideas, as explained below.

Prong one of the Step 2A analysis requires identifying the specific limitation(s) in the claim under examination that the examiner believes recites an abstract idea; and determining whether the identified limitation(s) falls within at least one of the groupings of abstract ideas of mathematical concepts, mental processes, and certain methods of organizing human activity.

The claims recite the following limitations. **Claims 1, 20, and 39** recite receiving at least one promotion from among one or more promotions, each promotion being electronic media that upon purchase or acceptance results in a promotional value that, upon, redemption, goes toward at least a purchase of a particular good, service, or experienced defined by the promotion; determining, subsequent to a search of a promotion database, that the at least one promotion from among the one or more promotions is not present in a current inventory and is unavailable for purchase; subsequently, due to at least one promotion not being present in the current inventory, both (1) populating a consumer specific demand list, the consumer specific demand list comprised of each of one or more requested promotions that (a) were previously searched for, (b) determined not to be present in the current inventory at the time of the previous searching and (c) not yet available in the current inventory, and (2) updating an aggregated list of consumer searched promotions, the aggregated list comprising each of one or more requested promotions from each of a plurality of consumers, each of the one or more requested

promotions from the plurality of consumers being associated with one geographic location of a plurality of geographic locations; deriving a total demand for a particular geographic region, for the one or more requested promotions, from the amount of instances that the one or more requested promotions are requested, in which each of the one or more requested promotions are associated, according to a defined hierarchy or taxonomy, with one or more categories, sub-categories, and services, that identifies a service or product, a price, and at least one geographic region; ranking, for the particular geographic region, the aggregated list of the at least one of the one or more requested promotions in accordance with the total demand; generating one or more ranked lists, each specific to the particular geographic region, and each of the one or more ranked lists comprising (1) a portion of the one or more requested promotions for the particular geographic region and (2) a merchant identified as capable of fulfilling the at least a portion of the total demand; determining an availability of the at least one promotion, subsequent to the distribution of the one or more ranked lists; and upon a determination of the at least one promotion, dynamically modifying the one or more previously distributed ranked lists in accordance with updated demand, the dynamic modification comprising removing elements of the ranked lists associated with the at least one promotion now determined to be available. **Claim 11** further specifies how the aggregated list is generated. **Claims 12 and 13** further specify how the aggregated list is ranked. **Claim 14** further specifies how the ranked lists are caused to be distributed. **Claims 15 and 18** further specify how the one or more ranked lists are allocated. **Claim 19** further specifies considerations used for dynamically modifying the one or more ranked lists. **Claims 59** recites receiving suggested redemption parameters and a deal structure for generating the at least one promotion.

These limitations describe abstract ideas that correspond to concepts identified as abstract ideas by the courts as mental processes—such as concepts performed in the human mind (including an observation, evaluation, judgment, or opinion)—because the claimed receiving, searching, utilizing to populate and generate, ranking, causing, modifying, and identifying, as well as the other claim features identified above, are concepts performed in the human mind (including an observation, evaluation, judgment, or opinion).

These limitations describe abstract ideas that correspond to concepts identified as abstract ideas by the courts as certain methods of organizing human activity—such as fundamental economic principles or practices (including hedging, insurance, mitigating risk), commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations), managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions)—for the following reasons. First, the claimed features identified above are commercial or legal interactions including advertising, marketing or sales activities or behaviors and business relations. Second, these feature are manage personal behavior or relationships or interactions between people including social activities and following rules or instructions.

Thus, the concepts set forth in claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59 recite abstract ideas.

Prong two of the Step 2A requires identifying whether there are any additional elements recited in the claim beyond the judicial exception(s), and evaluating those additional elements to determine whether they integrate the exception into a practical application of the exception. “Integration into a practical application” requires an additional element or a combination of additional elements in the claim to apply, rely on, or use the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the exception. Further, “integration into a practical application” uses the considerations laid out by the Supreme Court and the Federal Circuit to evaluate whether the judicial exception is integrated into a practical application, such as considerations discussed in M.P.E.P. § 2106.05(a)-(h).

The claims recite the following additional elements beyond those identified above as being directed to an abstract idea. **Claims 1, 20, and 39** recites that the request is *received* from a *user interface*, causing the one or more ranked lists to be *electronically distributed* to at least one sales resource, and causing *display* of a notification, at the *user interface*, indicating that the at least one promotion associated with the at least one consumer request is available. **Claim 20** further recites least

one *processor* coupled to at least one *memory*. **Claim 39** further recites a *computer program product* comprising at least one *non-transitory computer-readable storage medium*. **Claims 2, 3, 6, and 58** recite *providing* information to or *receiving* information from a consumer. **Claims 7** recites adding an item to the list via a *link*, a *button*, an *icon*, or a *request form*. **Claim 8** recites adding an item to the list via a *thumbs up icon*. **Claim 59** recites providing an *interface* directly to a provider for soliciting input for the redemption parameters and deal structure.

The identified judicial exception(s) are not integrated into a practical application for the following reasons.

First, evaluated individually, the additional elements do not integrate the identified abstract ideas into a practical application. The additional computer elements identified above—the *memory*, *processor*, *non-transitory computer-readable storage medium*, and the *input mechanisms/interfaces* (e.g. link, button, icon, etc.)—are recited at a high level of generality (see at least ¶¶ [0115]-[0118] of applicant's specification). Inclusion of these elements amounts to mere instructions to implement the identified abstract ideas on a computer. See M.P.E.P. § 2106.05(f). The use of conventional computer elements to *provide*, *receive*, and *display* data is the insignificant, extra-solution activity of mere data gathering and outputting in conjunction with a law of nature or abstract idea. See M.P.E.P. § 2106.05(g). To the extent that the claims transform data, the mere manipulation of data is not a transformation. See M.P.E.P. § 2106.05(c). Inclusion of computer system in the claims (whether for implementation of the features in claims 20 are 39 or simply the tangential reference to an interface in claim 1) amounts to generally linking the use of the judicial exception to a particular technological environment or field of use. See M.P.E.P. § 2106.05(h). Thus, taken alone, the additional elements do not amount to significantly more than a judicial exception.

Second, evaluating the claim limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually. There is no indication that the combination of elements improve the functioning of a computer or improves any other technology. See M.P.E.P. § 2106.05(a). Their collective functions merely provide an implementation of the identified

abstract ideas on a computer system in the general field of use of online advertising. See M.P.E.P. § 2106.05(h).

Thus, claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59 recite mathematical concepts, mental processes, or certain methods of organizing human activity without including additional elements that integrate the exception into a practical application of the exception.

Accordingly, claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59 are directed to abstract ideas.

### **Step 2B**

Claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59 do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements, when considered both individually and as an ordered combination, do not amount to significantly more than the abstract idea.

The analysis above describes how the claims recite the additional elements beyond those identified above as being directed to an abstract idea, as well as why identified judicial exception(s) are not integrated into a practical application. These findings are hereby incorporated into the analysis of the additional elements when considered both individually and in combination. Additional features of these analyses are discussed below.

Evaluated individually, the additional elements do not amount to significantly more than a judicial exception. In addition to the factors discussed regarding **Step 2A**, prong two, these additional computer elements also provide conventional computer functions that do not add meaningful limits to practicing the abstract idea. Generic computer components recited as performing generic computer functions that are well-understood, routine and conventional activities amount to no more than implementing the abstract idea with a computerized system. The use of generic computer components to *provide, send, or receive* information and *display* it is the well-understood, routine, and conventional computer functions of receiving or transmitting data over a network, e.g., the Internet, and does not impose any meaningful limit on the computer implementation of the identified abstract ideas. See

M.P.E.P. § 2106.05(d)(II). The inclusion of the language directed to modifying a display amounts to simply appending well-understood, routine and conventional activities previously known to the industry, specified at a high level of generality, to the identified judicial exceptions. See, e.g., Argue et al. (U.S. Pub. No. 2014/0180865 A1) at ¶ [0001] (“miniaturized handheld computing devices, commonly known as ‘mobile devices’ or ‘smart phones,’ a shopping trip can be made significantly more convenient to consumers by using a shopping list software application (commonly known as an ‘app’) installed on a smart phone. A user may enter specific desired products into a shopping list app to build a shopping list, and may later refer back to the shopping list while shopping.” Modifying items on a shopping list app is dynamically modifying a dynamic display. See also, e.g., Durand at ¶¶ [0061] (“Various systems and methods for creating content, such as multimedia files and objects, are known and are contemplated as suitable for implementing the embodiments of the invention”). Further, this language generally linking the use of the judicial exception to a particular technological environment or field of use. Thus, taken alone, the additional elements do not amount to significantly more than a judicial exception.

Evaluating the claim limitations as an ordered combination adds nothing that is not already present when looking at the elements taken individually. In addition to the factors discussed regarding **Step 2A**, prong two, there is no indication that the combination of elements improves the functioning of a computer or improves any other technology. Their collective functions amount to mere instructions to implement the identified abstract ideas on a computer.

Thus, claims 1-3, 6-8, 11-15, 18-20, 39, 58, and 59, taken individually and as an ordered combination of elements, are not directed to eligible subject matter since they are directed to an abstract idea without significantly more.

### ***Response to Arguments***

10. Applicant’s arguments filed February 19, 2020 have been fully considered. The amendments obviate the rejections under § 103. The remaining arguments are not persuasive.

**Arguments Regarding Rejections Under 35 U.S.C. § 101**

11. Applicant argues that the claims are directed to statutory subject matter, are not directed to a judicial exception, is integrated into a practical application, and includes elements that constitute significantly more than any alleged abstract idea to which the claimed invention may be directed, but fails to explain why or how. Reply, pp. 16-17. Examiner disagrees because the claims are not directed to eligible subject matter since they are directed to an abstract idea without significantly more as explained in the rejections above.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Tokarczyk whose telephone number is (571) 272-9594. The examiner can normally be reached on M-H 5:30 AM-4:00 PM.

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, Peter Choi can be reached at (469) 295-9171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer

Application/Control Number: 14/103,256  
Art Unit: 3622

Page 10

Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER B TOKARCZYK/  
Examiner, Art Unit 3622

Amendments to the Claims:

1. (Currently Amended) A method for ascertaining a demand for particular content by utilizing one or more consumer requests for the content that are unable to be fulfilled due to lack of inventory of the content, and subsequently, after adding the content to inventory, and upon determination of inventory able to meet a consumer request for content, providing notification to an original requestor that content subject of a previously unfulfilled consumer request is now able to be fulfilled, the method comprising:

providing, via a user interface, each of one or more promotions, each of the one or more promotion displayed with a link or a selectable button, that when selected provides a search request;

receiving, via the user interface, the search request, the search request being ~~from a user interface, a search request~~ indicative of at least one promotion from among one or more promotions, each promotion being electronic media that upon purchase or acceptance results in a promotional value that, upon redemption, goes toward a least a portion of a purchase of a particular good, service, or experienced defined by the promotion;

performing ~~determining, subsequent to a search of a promotion database for the at least promotion;~~

determining, subsequent to the search of the promotion database, that the at least one promotion from among the one or more promotions is not present in a current inventory and is unavailable for purchase;

subsequently, due to the at least one promotion not being present in the current inventory, both (1) updating, in the promotion database, populating a consumer specific demand list, the consumer specific demand list comprised of each of one or more requested promotions that (a) were previously searched for, (b) determined not to be present in the current inventory at the time of the previous searching and (c) not yet available in the current inventory, wherein the consumer specific demand list is configured for display, at the user interface, wherein an indication of each of the one or

more requested promotions is displayed in conjunction with an associated icon configured to remove the associated requested promotion from the consumer specific demand list, and (2) updating, in the promotion database, an aggregated list of consumer searched promotions, the aggregated list comprising each of one or more requested promotions from each of a plurality of consumers, each of the one or more requested promotions from the plurality of consumers being associated with one geographic location of a plurality of geographic locations;

deriving a total demand for a particular geographic region, for the one or more requested promotions, from the amount of instances that the one or more requested promotions are requested, wherein each of the one or more requested promotions are associated, according to a defined hierarchy or taxonomy, with one or more categories, sub-categories, and services, that identifies a service or product, a price, and at least one geographic region;

ranking, for the particular geographic region, the aggregated list of the at least one of the one or more requested promotions in accordance with the total demand;

generating one or more ranked lists, each specific to the particular geographic region, and each of the one or more ranked lists comprising (1) a portion of the one or more requested promotions for the particular geographic region and (2) a merchant identified as capable of fulfilling at least a portion of the total demand;

~~causing the one or more ranked lists to be electronically distributed to at least one sales resource;~~

subsequent to the generation of the one or more ranked lists, determining an availability of the at least one promotion ~~subsequent to the distribution of the one or more ranked lists;~~

upon ~~a~~ the determination of the availability of the at least one promotion, dynamically modifying (1) the consumer specific demand list, in the promotion database, and (2) the one or more previously distributed ranked lists in accordance with updated demand, the dynamic modification comprising removing elements of the ranked list associated with the at least one promotion now determined to be available; and

subsequent to the determination of the availability of the at least one promotion, updating display, at the user interface, of the consumer specific demand list to now comprise an icon or link to purchase the at least one promotion, and causing display of a notification, at the user interface, indicating that the at least one promotion associated with the at least one consumer request is available.

2. (Previously Presented) The method of Claim 1, further comprising: providing an indication, via the user interface, of the at least one promotion or a provider in response to the search request.

3. (Previously Presented) The method of Claim 2, wherein the notification is defined by at least one of a communication, a text message, a link, an icon, or a button.

4. (Canceled)

5. (Canceled)

6. (Currently Amended) The method of Claim 2, wherein the at least one promotion is not returned in response to the search request, the method further comprising prompting a request to add ~~the~~ the at least one promotion to the consumer specific demand list.

7. (Previously Presented) The method of Claim 1, wherein the at least one promotion is added to a consumer demand list via at least one of a link, a button, an icon, a request form, a communication, or a text.

8. (Previously Presented) The method of Claim 1, wherein the at least one promotion is added to a consumer demand list via a thumbs up icon.

9. (Canceled)

10. (Canceled)

11. (Previously Presented) The method of Claim 1, wherein generating the aggregated list comprises:  
receiving the at least one promotion associated with the consumer request; and  
aggregating the at least one promotion and previously requested and unavailable promotions.

12. (Previously Presented) The method of Claim 1, wherein ranking the aggregated list comprises:  
assigning a promotion score to each of the one or more requested promotions, the promotion score comprising at least one of a promotion availability score, consumer request score, or a seasonality score;  
and  
generating one or more ranked lists.

13. (Previously Presented) The method of Claim 12, wherein generating the one or more ranked lists comprises:  
calculating the promotion score or the provider score assigned to each of the one or more requested promotions; and  
ranking each of the at least one of the one or more requested promotions.

14. (Previously Presented) The method of Claim 1, wherein causing the one or more ranked lists to be distributed to the at least one sales resource comprises:  
receiving the one or more ranked lists;  
allocating the one or more ranked lists to at least one first sales resource; and  
deallocating the one or more ranked lists from the at least one first sales resource.

15. (Original) The method of Claim 14, further comprising:  
reallocating the one or more ranked lists to a second sales resource.

16. (Canceled)

17. (Canceled)

18. (Original) The method of Claim 1, wherein the one or more ranked lists is dynamically allocated to the at least one sales resource based on at least one of current resources, need, or business objectives.

19. (Original) The method of Claim 1, wherein the one or more ranked lists is dynamically modified based on at least one of a current resource, a need, or a business objective.

20. (Currently Amended) An apparatus for ascertaining a demand for particular content by utilizing one or more consumer requests for the content that are unable to be fulfilled due to lack of inventory of the content, and subsequently, after adding the content to inventory, and upon determination of inventory able to meet a consumer request for content, providing notification to an original requestor that content subject of a previously unfulfilled consumer request is now able to be fulfilled, the apparatus comprising at least one processor coupled to at least one memory including computer program code, the at least one memory and the computer program code configured to, with the processor, cause the processor to at least:

provide, via a user interface, each of one or more promotions, each of the one or more promotion displayed with a link or a selectable button, that when selected provides a search request;

receive, via the user interface, the search request, the search request being ~~from a user interface, a search request~~ indicative of at least one promotion from among one or more promotions, each promotion being electronic media that upon purchase or acceptance results in a promotional value that, upon redemption, goes toward a least a

portion of a purchase of a particular good, service, or experienced defined by the promotion;

perform ~~determine~~, subsequent to a search of a promotion database for the at least promotion:

determine, subsequent to the search of the promotion database, that the at least one promotion from among the one or more promotions is not present in a current inventory and is unavailable for purchase;

subsequently, due to the at least one promotion not being present in the current inventory, both (1) update, in the promotion database, ~~populate~~ a consumer specific demand list, the consumer specific demand list comprised of each of one or more requested promotions that (a) were previously searched for, (b) determined not to be present in the current inventory at the time of the previous searching and (c) not yet available in the current inventory, wherein the consumer specific demand list is configured for display, at the user interface, wherein an indication of each of the one or more requested promotions is displayed in conjunction with an associated icon configured to remove the associated requested promotion from the consumer specific demand list, and (2) update, in the promotion database, an aggregated list of consumer searched promotions, the aggregated list comprising each of one or more requested promotions from each of a plurality of consumers, each of the one or more requested promotions from the plurality of consumers being associated with one geographic location of a plurality of geographic locations;

derive a total demand for a particular geographic region, for the one or more requested promotions, from the amount of instances that the one or more requested promotions are requested, wherein each of the one or more requested promotions are associated, according to a defined hierarchy or taxonomy, with one or more categories, sub-categories, and services, that identifies a service or product, a price, and at least one geographic region;

rank, for the particular geographic region, the aggregated list of the at least one of the one or more requested promotions in accordance with the total demand;

generate one or more ranked lists, each specific to the particular geographic region, and each of the one or more ranked lists comprising (1) a portion of the one or more requested promotions for the particular geographic region and (2) a merchant identified as capable of fulfilling at least a portion of the total demand;

~~cause the one or more ranked lists to be electronically distributed to at least one sales resource;~~

subsequent to the generation of the one or more ranked lists, determine an availability of the at least one promotion subsequent to the distribution of the one or more ranked lists;

upon ~~a~~the determination of the availability of the at least one promotion, dynamically modify (1) the consumer specific demand list, in the promotion database, and (2) the one or more previously distributed ranked lists in accordance with updated demand, the dynamic modification comprising removing elements of the ranked list associated with the at least one promotion now determined to be available; and

subsequent to the determination of the availability of the at least one promotion, updating display, at the user interface, of the consumer specific demand list to now comprise an icon or link to purchase the at least one promotion, and cause display of a notification, at the user interface, indicating that the at least one promotion associated with the at least one consumer request is available.

21-38. (Canceled)

39. (Currently Amended) A computer program product for ascertaining a demand for particular content by utilizing one or more consumer requests for the content that are unable to be fulfilled due to lack of inventory of the content, and subsequently, after adding the content to inventory, and upon determination of inventory able to meet a consumer request for content, providing notification to an original requestor that content subject of a previously unfulfilled consumer request is now able to be fulfilled, the computer program product comprising at least one non-transitory computer-readable storage medium having computer-executable program

code instructions stored therein, the computer-executable program code instructions comprising program code instructions to:

provide, via a user interface, each of one or more promotions, each of the one or more promotion displayed with a link or a selectable button, that when selected provides a search request;

receive, via the user interface, the search request, the search request being ~~from a user interface, a search request~~ indicative of at least one promotion from among one or more promotions, each promotion being electronic media that upon purchase or acceptance results in a promotional value that, upon redemption, goes toward a least a portion of a purchase of a particular good, service, or experienced defined by the promotion;

perform ~~determine, subsequent to a search of a promotion database~~ for the at least promotion;

determine, subsequent to the search of the promotion database, that the at least one promotion from among the one or more promotions is not present in a current inventory and is unavailable for purchase;

subsequently, due to the at least one promotion not being present in the current inventory, both (1) update, in the promotion database, ~~populate~~ a consumer specific demand list, the consumer specific demand list comprised of each of one or more requested promotions that (a) were previously searched for, (b) determined not to be present in the current inventory at the time of the previous searching and (c) not yet available in the current inventory, wherein the consumer specific demand list is configured for display, at the user interface, wherein an indication of each of the one or more requested promotions is displayed in conjunction with an associated icon configured to remove the associated requested promotion from the consumer specific demand list, and (2) update, in the promotion database, an aggregated list of consumer searched promotions, the aggregated list comprising each of one or more requested promotions from each of a plurality of consumers, each of the one or more requested

promotions from the plurality of consumers being associated with one geographic location of a plurality of geographic locations;

derive a total demand for a particular geographic region, for the one or more requested promotions, from the amount of instances that the one or more requested promotions are requested, wherein each of the one or more requested promotions are associated, according to a defined hierarchy or taxonomy, with one or more categories, sub-categories, and services, that identifies a service or product, a price, and at least one geographic region;

rank, for the particular geographic region, the aggregated list of the at least one of the one or more requested promotions in accordance with the total demand;

generate one or more ranked lists, each specific to the particular geographic region, and each of the one or more ranked lists comprising (1) a portion of the one or more requested promotions for the particular geographic region and (2) a merchant identified as capable of fulfilling at least a portion of the total demand;

~~cause the one or more ranked lists to be electronically distributed to at least one sales resource;~~

subsequent to the generation of the one or more ranked lists, determine an availability of the at least one promotion subsequent to the distribution of the one or more ranked lists;

upon ~~a~~the determination of the availability of the at least one promotion, dynamically modify (1) the consumer specific demand list, in the promotion database, and (2) the one or more previously distributed ranked lists in accordance with updated demand, the dynamic modification comprising removing elements of the ranked list associated with the at least one promotion now determined to be available; and

subsequent to the determination of the availability of the at least one promotion, updating display, at the user interface, of the consumer specific demand list to now comprise an icon or link to purchase the at least one promotion, and cause display of a notification, at the user interface, indicating that the at least one promotion associated with the at least one consumer request is available.

40-57. (Canceled)

58. (Previously Presented) The method of Claim 1, further comprising:  
receiving, from a user interface currently displaying an indication of an unavailability of one or more promotions associated with a previous search or browsing activity, a consumer request to be notified upon a later availability of the at least one promotion from among the one or more promotions.

59. (Previously Presented) The method of Claim 1, further comprising:  
providing an interface directly to a provider for generating the at least one promotion, individual selections of the interface comprising suggested redemption parameters and a deal structure.

## **REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application in condition for allowance.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-3, 6-9, 11-15, 17-20 and 39 are currently pending in this application. Claims 1, 20, and 39 are independent. No new matter has been added. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112 beyond the remarks herein.

Support for the amendments may be found at least in Figure 8, Paragraph [0048], which states, in part: "...The consumer may enter a consumer request for a promotion, provider, and/or the like, such as via the request module, which may result in an update to a consumer demand list. In some embodiments, a consumer may receive notifications via the promotional system, such as, when the promotion becomes available for purchase, the provider offers a promotion for purchase, and/or the like. For example, using the aforementioned sushi restaurant example, the promotional system may then update a consumer demand list when the sushi restaurant offers a promotion for purchase. Further, a consumer may receive notification when the sushi restaurant offers a promotion for purchase", and paragraphs [00113] and [00114].

### **II. REJECTIONS UNDER 35 USC § 101**

Claims 1-3, 6-8, 11-15, 18-20, 39, and 58-59 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Applicant submits that the claims are amended herein, obviating the rejection. In particular, Applicant submits that the claims, as amended, are directed to statutory subject matter, and in addition to being directed to statutory subject matter, the claims are not directed to a judicial exception (i.e. an abstract idea, as alleged by the Examiner). And even assuming *arguendo* that the Examiner finds that claims are directed to an abstract idea, Applicant submits

Appl. No.: 14/103,256  
Attorney Docket No.: 058407/438912  
Reply to Office Action of March 19, 2020

that the claimed invention (and any alleged abstract to which the claimed invention may be directed) is integrated into a practical application. And even assuming *arguendo* that the Examiner were to find that the claimed invention and/or an alleged abstract to which the claimed invention may be directed is not integrated into a practical application, Applicant submits that the claimed invention includes elements that when considered, either alone or in combination, constitute significantly more than any alleged abstract to which the claimed invention may be directed.

### **III. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims discussed above and are patentable for at least the same reasons. Applicants, therefore, respectfully submit that the rejections herewith are overcome and request that the rejections be withdrawn. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Appl. No.: 14/103,256  
Attorney Docket No.: 058407/438912  
Reply to Office Action of March 19, 2020

### CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims remaining in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments. It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Russell P. Blaise/

Russell P. Blaise  
Registration No. 66,567

**Customer No. 826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON August 19, 2020.**