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16/029,483	07/06/2018	Paresh K. Patel	104402-5036-US	1065

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ART UNIT	PAPER NUMBER
3682	

NOTIFICATION DATE	DELIVERY MODE
04/27/2020	ELECTRONIC

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

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

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

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	Application No.	Applicant(s)
Office Action Summary	16/029,483	Patel, Paresh K.
	Examiner	Art Unit	AIA (FITF) Status
	MATTHEW L HAMILTON	3682	Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☑ Responsive to communication(s) filed on 06 July 2018.
    ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2a) ☐ This action is **FINAL.**   2b) ☑ This action is non-final.
3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) 1-20 is/are pending in the application.
    5a) Of the above claim(s) _____ is/are withdrawn from consideration.
6) ☐ Claim(s) _____ is/are allowed.
7) ☑ Claim(s) 1-20 is/are rejected.
8) ☐ Claim(s) _____ is/are objected to.
9) ☐ Claim(s) _____ are subject to restriction and/or election requirement
* If any claims have been determined <u>allowable</u>, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10) ☐ The specification is objected to by the Examiner.
11) ☑ The drawing(s) filed on 06 July 2018 is/are: a) ☑ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
Certified copies:
    a) ☐ All   b) ☐ Some**   c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)
2) ☑ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
    Paper No(s)/Mail Date 04/07/2020.
3) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
4) ☐ Other: _____.

DETAILED ACTION

This action is in response to the initial filing filed on July 6, 2018. Claims 1-20 have been

examined and are currently pending.

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first

inventor to file provisions of the AIA.

Information Disclosure Statement

The Information Disclosure Statement filed on April 7, 2020 has been considered. An initialed copy

of the Form 1449 is enclosed herewith. Please submit foreign references and non-patent publications

that were not considered.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded

in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise

extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple

assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not

identical, but at least one examined application claim is not patentably distinct from the reference

claim(s) because the examined application claim is either anticipated by, or would have been obvious

over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re*

Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed.

Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164

USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to

overcome an actual or provisional rejection based on nonstatutory double patenting provided the

reference application or patent either is shown to be commonly owned with the examined application,

or claims an invention made as a result of activities undertaken within the scope of a joint research

agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file

provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for

applications not subject to examination under the first inventor to file provisions of the AIA. A terminal

disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit

www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed

determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A

web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal

Disclaimer that meets all requirements is auto-processed and approved immediately upon submission.

For more information about eTerminal Disclaimers, refer to

www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable

over claims 1-22 of U.S. Patent No. 9,262,771 B1 and claims 1-21 of U.S. Patent No. 10,019,724 B2.

Although the claims at issue are not identical, they are not patentably distinct from each other because

of the similarities shown in the table below.

Current Application 16/029,483	Patent 9,262,771 B1	Patent 10,019,724
at a mobile device including a display, one or more processors, a communications unit, and memory:	at a mobile device including a display, one or more processors, a short-range transceiver, a long-range transceiver that is distinct from the short-range transceiver, and memory:	at a mobile device including a display, one or more processors, a communications unit for transmitting and receiving signals, and memory:
identifying by an application executing on the mobile device a retail machine configured for wireless communications based at least in part on broadcasted information transmitted by the retail machine, wherein the broadcasted information includes an identifier corresponding to the retail machine;	recognizing, by an application executing on the mobile device, an automatic retail machine based at least in part on a signal strength corresponding to broadcasted information from an electronic payment device coupled with the automatic retail machine;	identifying by an application executing on the mobile device an automatic retail machine based at least in part on broadcasted information received from an electronic payment device coupled with the automatic retail machine, wherein the broadcasted information includes a unique identifier corresponding to the electronic payment device coupled with the automatic retail machine;
transmitting via the communications unit of the mobile device the identifier to a server and receiving from the server an electronic communication including one or more promotional offers for		transmitting by the communications unit of the mobile device the unique identifier to a server and receiving from the server an electronic communication including one or more promotional offers for products vendable by the

products or services offered by the retail machine;		automatic retail machine, wherein the one or more promotional offers are based at least in part on the unique identifier;
displaying on the display of the mobile device the one or more promotional offers;	displaying one or more promotional offers that are associated with the automatic retail machine on the display;	displaying on the display of the mobile device the one or more promotional offers;
detecting selection of a respective promotional offer of the one or more promotional offers;	detecting a user input selecting a respective promotional offer of the one or more promotional offers;	detecting selection of a respective promotional offer of the one or more promotional offers;
receiving, via the communications unit, a notification from the retail machine that a product or service was provided by the retail machine for a user of the mobile device;		receiving by the communications unit a notification from the electronic payment device coupled with the automatic retail machine that a product was vended by the automatic retail machine for a user of the mobile device;
	initiating, via the short-range transceiver, performance of a transaction with the automatic retail machine, wherein the transaction corresponds to purchase of a product stocked by the automatic retail machine;	

in response to receiving the notification that the product or service was provided by the retail machine, transmitting via the communications unit of the mobile device confirmation information associated with the notification to the server;		in response to receiving the notification that a product was vended:
	receiving, via the short-range transceiver, a transaction completion notification from the electronic payment device, wherein the transaction completion notification indicates that the product was vended by the automatic retail machine;	
	in response to receiving the transaction completion notification, providing a prompt instructing a user of the mobile device to obtain a product code for the vended product;	providing a prompt instructing a user of the mobile device to obtain a product code for the vended product;
	obtaining, based on user input provided in response to the prompt, the product code for the vended product;	and obtaining, based on user input provided in response to the prompt, the product code for the vended product, wherein the obtaining the

		product code comprises: capturing, with a camera of the mobile device, an image of the product that includes the product code; and extracting the product code from the captured image; obtaining, from the extracted product code, an identifier of the product that was vended;
	after obtaining the product code, transmitting, via the long-range transceiver, the product code to a server;	after obtaining the identifier of the product that was vended, transmitting by the communications unit of the mobile device the identifier to the server;
and in response to transmitting the confirmation information:	and, in response to transmitting the product code:	and, in response to transmitting the identifier:
receiving, via the communications unit, promotion validation information from the server indicating validation of the respective promotional offer of the one or more promotional offers;	receiving, via the long-range transceiver, promotion validation information from the server;	receiving by the communications unit promotion validation information from the server indicating validation of the respective promotional offer of the one or more promotional offers for products vendable by the automatic retail machine;

and based on the promotion validation information, displaying on the display information confirming application of the respective promotional offer.	and based on the promotion validation information, displaying, on the display, an indication as to whether the respective promotional offer was validated and information identifying a credit to the user after application of the respective promotional offer.	and based on the promotion validation information, displaying on the display information confirming application of the respective promotional offer.

Claim Rejections - 35 USC § 101

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

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

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea without significantly more. Independent claims 1 and 19-20 recite the limitations, "at a mobile device including a display, one or more processors, a communications unit, and memory: identifying by an application executing on the mobile device a retail machine configured for wireless communications based at least in part on broadcasted information transmitted by the retail machine, wherein the broadcasted information includes an identifier corresponding to the retail machine; transmitting via the communications unit of the mobile device the identifier to a server and receiving from the server an electronic communication including one or more promotional offers for products or services offered by the retail machine; displaying on the display of the mobile device the one or more promotional offers; detecting selection of a respective promotional offer of the one or more

promotional offers; receiving, via the communications unit, a notification from the retail machine that a

product or service was provided by the retail machine for a user of the mobile device; in response to

receiving the notification that the product or service was provided by the retail machine, transmitting

via the communications unit of the mobile device confirmation information associated with the

notification to the server; and in response to transmitting the confirmation information: receiving, via

the communications unit, promotion validation information from the server indicating validation of the

respective promotional offer of the one or more promotional offers; and based on the promotion

validation information, displaying on the display information confirming application of the respective

promotional offer."

Independent claim 1 recites the limitations, "transmitting via the communications unit of the

mobile device the identifier to a server and receiving from the server an electronic communication

including one or more promotional offers for products or services offered by the retail machine;

displaying on the display of the mobile device the one or more promotional offers; detecting selection of

a respective promotional offer of the one or more promotional offers; receiving, via the communications

unit, a notification from the retail machine that a product or service was provided by the retail machine

for a user of the mobile device; in response to receiving the notification that the product or service was

provided by the retail machine, transmitting via the communications unit of the mobile device

confirmation information associated with the notification to the server; and in response to transmitting

the confirmation information: receiving, via the communications unit, promotion validation information

from the server indicating validation of the respective promotional offer of the one or more promotional

offers; and based on the promotion validation information, displaying on the display information

confirming application of the respective promotional offer." are directed to the abstract idea certain

methods of organizing human activity under advertising and marketing. The claims recite displaying

offers and validating offers which are directed to advertising and marketing.

The recited claim limitations do not recite a device or computer actively performing the steps

recited. Additionally, under step 2A of "integration into a practical application" requires:

- Improvement to the functioning of a computer, or an improvement to any other

technology or technical field

- Applying or using a judicial exception to effect a particular treatment or prophylaxis for

a disease or medical condition

- Applying the judicial exception with, or by use of a particular machine.

- Effecting a transformation or reduction of a particular article to a different state or thing

- Applying or using the judicial exception in some other meaningful way beyond generally

linking the use of the judicial exception to a particular technological environment, such that the claim as

a whole is more than a drafting effort designed to monopolize the exception

The applicant has not shown or demonstrated any of the requirements described above under

"integration into a practical application" under step 2A. Specifically, the applicant's limitations are not

"integrated into a practical application" because they are adding words "apply it" with the judicial

exception, or mere instructions to implement an abstract idea merely as a tool to perform an abstract

idea (see MPEP 2106.05(f)).

The claim(s) does/do not include additional elements that are sufficient to amount to

significantly more than the judicial exception because the steps or acts performed in independent claims

1, and 19-20 are a mere instruction to apply the abstract idea and require no more than a generic

computer to perform generic computer functions. The generic computer functions are well-understood,

routine and conventional activities known in the industry. The applicant's specification discloses,

"Figure 2 is a block diagram of the mobile device 104 associated with a user in accordance with some

implementations. The mobile device 104, typically, includes one or more processing units (CPUs) 202,

two or more communication devices 204, memory 206, and one or more communication buses 208 for

interconnecting these components (sometimes called a chipset). The two or more communication

devices 204 include a first transceiver associated with a short-range communication protocol (e.g., NFC,

BLE, or the like) and a second transceiver associated with a long-range communication protocol (e.g.,

GSM, CDMA, Wi-Fi, or the like). The mobile device 104 also includes a user interface 210. The user

interface 210 includes one or more output devices 212 that enable presentation of media content (e.g.,

text, images, audio, video, etc.), including one or more speakers and/or one or more visual displays. The

user interface 210 also includes one or more input devices 214, including user interface components

that facilitate user input such as a keyboard, a mouse, a voice-command input unit or microphone, a

touch screen display, a touch-sensitive input pad, a gesture capturing camera, or other input buttons or

controls. Furthermore, in some implementations, the mobile device 104 uses a microphone and voice

recognition or a camera and gesture recognition to supplement or replace the keyboard..." (paragraph

0041). The claims do not include additional elements or limitations individually or in combination that

are sufficient to amount to significantly more than the judicial exception. Specifically, the individual

elements of a display, communications unit, one or more processors, mobile device, retail machine,

memory, and application amount to no more than implementing an idea with a computerized system.

The additional elements taken in combination add nothing more than what is present when the

elements are considered individually. In addition, the combination does not provide any effect regarding

improving the functioning of the computer or any improvement to another technology. Viewed as a

whole, these additional claim element(s) individually or in combination do not provide meaningful

limitation(s) to transform the abstract idea into a patent eligible application of the abstract idea such

that the claim(s) amounts to significantly more than the abstract idea itself.

Dependent claims 2-18 are rejected as ineligible subject matter under 35 U.S.C. 101 based on a

rationale similar to the claims from which they depend.

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102

and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory

basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and

the rationale supporting the rejection, would be the same under either status.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections

set forth in this Office action:

> A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is
> not identically disclosed as set forth in section 102, if the differences between the claimed invention
> and the prior art are such that the claimed invention as a whole would have been obvious before the
> effective filing date of the claimed invention to a person having ordinary skill in the art to which the
> claimed invention pertains. Patentability shall not be negated by the manner in which the invention
> was made.

Claims 1-9, 11-15, and 18-20 are rejected under 35 U.S.C. 103 as being unpatentable over

Signorelli et al. US Publication 20070050083 in view of Proctor, Jr et al. US Publication 20100061294 A1

further in view of Valdes US Publication 20140136301 A1.

Claims 1, 19, and 20:

As per claims 1, 19, and 20, **Signorelli** teaches a method, mobile device and non-transitory

computer readable medium comprising:

at a mobile device including a display, one or more processors, a communications unit, and

memory (paragraphs 0022-0023 "In some embodiments, customer devices may, for example, include

gaming devices, PC devices, PDA Devices, Point of Sale (POS) terminals, point of display terminals,

kiosks, telephones, cellular phones, Automated Teller Machines (ATM) devices, pagers, and/or

combinations of such devices."):

displaying on the display of the mobile device the one or more promotional offers (paragraphs

0013, 0050, and 0104-0105 "According to one or more embodiments, a vending machine may be

configured to: (i) output a message to a customer, through a vending machine and/or customer device,

prompting the customer to utilize a communication network....);

detecting selection of a respective promotional offer of the one or more promotional offers

(paragraphs 0013, 0050, and 0104-0105 "...According to some embodiments, the customer may respond

to the offer and/or indicate an acceptance of the offer via the customer's device...");

receiving, via the communications unit, a notification from the retail machine that a product or

service was provided by the retail machine for a user of the mobile device (paragraphs 0015 and 0124

"It should be noted that the access code may be otherwise provided to the customer. In the case that

the customer purchases and/or is provided with Wi-Fi access, for example, the vending machine may

display the access code to the customer, print an indication of the code for the customer, and/or send

the code to the customer (e.g., via the customer's device and/or via the first communication link).");

in response to receiving the notification that the product or service was provided by the retail

machine, transmitting via the communications unit of the mobile device confirmation information

associated with the notification to the server (paragraphs 0015, 0123-0124, and 0127-0129 "It should be

noted that the access code may be otherwise provided to the customer. In the case that the customer

purchases and/or is provided with Wi-Fi access, for example, the vending machine may display the

access code to the customer, print an indication of the code for the customer, and/or send the code to

the customer (e.g., via the customer's device and/or via the first communication link)." and "It should be

noted that the access code may be otherwise provided to the customer. In the case that the customer

purchases and/or is provided Wi-Fi access for example, the vending machine may display the access

code to the customer, print an indication of the code for the customer, and/or send the code to the

customer ("e.g., via the customer's device and/or via the first communication link." and "According to

some embodiments, the access code may be validated. The vending machine and/or remote device or

computer may attempt, for example, to validate the access code received from the customer at 508.");

and in response to transmitting the confirmation information (paragraphs 0127-0129 "According

to some embodiments, the access code may be validated. The vending machine and/or remote device

or computer may attempt, for example, to validate the access code received from the customer at

508."):

Signorelli does not teach identifying by an application executing on the mobile device a retail

machine configured for wireless communications based at least in part on broadcasted information

transmitted by the retail machine, wherein the broadcasted information includes an identifier

corresponding to the retail machine. However, **Procter, Jr.** teaches Enforcing Policies in Wireless

Communication Using Exchanged Identities and further teaches, "In another embodiment, the merchant

device may be fixed, but have an internet connection (wireless or otherwise). Further, in some

embodiments, the merchant may be an automated device such as a vending machine. In such a model, a

customer may use their enabled cell phone to purchase an item such as a beverage from the machine

without the need to insert currency into the machine. This can be accomplished by the customer's cell

phone detecting the vending machine transmission of the identifier or visa-versa. Following the

detection of either the customer's identifier by the vending machine, or the customer detecting the

vending machine identifier, the respective device notifies the server, which in turn provides notification

(assuming the account settings allow for notification) to the potential customer via their device."

(paragraph 0087) and "Preferred embodiments of the present invention are generally concerned with

facilitating the exchange of information and transactions between two entities associated with two

wireless devices when the devices are in close proximity to each other. In one embodiment, this can be

accomplished by a first device using a first short range wireless capability to detect an identifier

transmitted from a second device in proximity to the first device, ideally using existing short range radio

communication standard capabilities such as Bluetooth (IEEE802.15.1-2002) or Wi-Fi (IEEE802.11). The

detected identifier, being associated with the device, is also associated with an entity." (paragraph

0011). Therefore, it would have been obvious to one of ordinary skill in the art at the time of filing to

modify Signorelli to include identifying by an application executing on the mobile device a retail machine

configured for wireless communications based at least in part on broadcasted information transmitted

by the retail machine, wherein the broadcasted information includes an identifier corresponding to the

retail machine as taught by Proctor in order to classify or identify a kiosk or device nearby the user's

mobile device.

Signorelli does not teach transmitting via the communications unit of the mobile device the

identifier to a server and receiving from the server an electronic communication including one or more

promotional offers for products or services offered by the retail machine. However, **Procter, Jr.** teaches

Enforcing Policies in Wireless Communication Using Exchanged Identities and further teaches, "An

example of an application using this infrastructure follows. The device 204 will simply broadcast an

identifier, with no WWAN connection but may facilitate advertising or local information. For instance, an

account associated with one or more identifiers may belong to a museum. As a museum patron walks to

an exhibit, the patron's device 202 will receive an identifier sent from museum broadcast device 204

operated by the museum. The patron device 202 passes the identifier or museum device 204 to the

central server 100, which in-turn recognizes it as being associated with that exhibit within that museum

and passes relevant information back to the user's device 202. A distinguishing feature of this approach

relative to prior art is that the patron device 202 in this example may move out of proximity of

broadcast device 204, yet continue to view the content being provided by the server 100 related to the

detected broadcast device 204. Content may include text, pictures, web pages, application software

such as games, informative display applications, or other content such as audio or video to be offered to

the user's device as well. Other examples might include electronic coupons (such as in a grocery store),

menus or special offers in a restaurant." (paragraph 0046) and "When the account is associated with a

broadcast device 204 the account may contain content to be displayed to the detecting device 202. By

utilizing the central server 100, broadcast devices may be tied to a location or product thereby providing

relevant information about the location such as in the museum tour example previously discussed. In

this situation, the content delivered to device 202 may be informative information about an exhibit

including pictures, text, audio, or video and the like. In the case of a broadcast device being in a

supermarket and near a specific product, advertisement or discounts with electronic coupons my be

stored in the account and provided to device 202." (paragraph 0053). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of filing to modify Signorelli to include transmitting

via the communications unit of the mobile device the identifier to a server and receiving from the server

an electronic communication including one or more promotional offers for products or services offered

by the retail machine as taught by Proctor in order to provide relevant offers based on the identification

associated with kiosk or device.

    Signorelli and **Proctor** do not teach does not teach receiving, via the communications unit,

promotion validation information from the server indicating validation of the respective promotional

offer of the one or more promotional offers. However, **Valdes** teaches System and Method for

Validation and Reliable Expirations of Valuable Electronic Promotions and further teaches, "A display

screen of the portable customer devices presents a validity indicator if the one or more electronic

promotional items are validated by the processor." (paragraph 0012) and "As shown in FIG. 1, the

distribution server 104 is shown communicating with a customer device 108." (paragraph 0039).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Signorelli to include receiving, via the communications unit, promotion validation information

from the server indicating validation of the respective promotional offer of the one or more promotional

offers as taught by Valdes in order to alert or notify the user regarding authentication of the promotion.

      Signorelli and **Proctor** do not teach and based on the promotion validation information,

displaying on the display information confirming application of the respective promotional offer.

However, **Valdes** teaches System and Method for Validation and Reliable Expirations of Valuable

Electronic Promotions and further teaches, "A display screen of the portable customer devices presents

a validity indicator if the one or more electronic promotional items are validated by the processor."

(paragraph 0012) and "As shown in FIG. 1, the distribution server 104 is shown communicating with a

customer device 108." (paragraph 0039). Therefore, it would have been obvious to one of ordinary skill

in the art at the time of the invention to modify Signorelli to include and based on the promotion

validation information, displaying on the display information confirming application of the respective

promotional offer as taught by Valdes in order to alert or notify the user regarding authentication of the

promotion.

Claim 2:

As per claim 2, **Signorelli, Proctor,** and **Valdes** teach the method of claim 1 as described above

and **Signorelli** further teaches wherein the product or service that was provided is part of a transaction

associated with the user of the mobile device, and further wherein the promotion validation information

includes promotion validation information with respect to the transaction (paragraphs 0123-0124).

Claim 3:

As per claim 3, **Signorelli, Proctor,** and **Valdes** teach the method of claim 2 as described above

and **Signorelli** further teaches wherein the one or more promotional offers are displayed within a first

user interface for the application executing on the mobile device (paragraphs 0013, 0050, and 0104-

0105).

Claim 4:

As per claim 4, **Signorelli, Proctor,** and **Valdes** teach the method of claim 3 as described above

and **Signorelli** further teaches wherein the promotion validation information is displayed within a

second user interface for the application executing on the mobile device (paragraphs 0013, 0050, and

0104-0105).

Claim 5:

As per claim 5, **Signorelli, Proctor,** and **Valdes** teach the method of claim 4 as described above

and **Signorelli** further teaches wherein displaying the promotion validation information includes

displaying an indication as to whether the respective promotional offer was validated and displaying

information identifying a credit to the user associated with the respective promotional offer (paragraph

0134).

Claim 6:

As per claim 6, **Signorelli, Proctor,** and **Valdes** teach the method of claim 1 as described above

and **Signorelli** further teaches further comprising, before detecting selection of a respective promotional

offer, receiving the one or more promotional offers based at least in part on particular products or

services offered by the retail machine (paragraphs 0108-0110).

Claim 7:

As per claim 7, **Signorelli, Proctor,** and **Valdes** teach the method of claim 6 as described above

and **Signorelli** further teaches wherein selecting the one or more promotional offers is further based at

least in part on at least one previous transaction completed by the user at a different retail machine that

is distinct from the retail machine (paragraph 0111).

Claim 8:

As per claim 8, **Signorelli, Proctor,** and **Valdes** teach the method of claim 1 as described above

and **Signorelli** further teaches wherein the selected respective promotional offer is associated with both

a time-based condition that is satisfied by using the selected respective promotional offer within a

predetermined time period and a product-based or service-based condition that is satisfied by

determining that the offered product or service qualifies for the selected respective promotional offer

(paragraphs 0108-0110).

Claim 9:

As per claim 9, **Signorelli, Proctor,** and **Valdes** teach the method of claim 8 as described above

and **Signorelli** further teaches wherein the promotion validation information includes an indication as to

whether (i) the time-based condition and (ii) the product-based or service-based condition were

satisfied (paragraphs 0108-0110).

Claim 11:

As per claim 11, **Signorelli, Proctor,** and **Valdes** teach the method of claim 1 as described above

and **Valdes** further teaches further comprising:

after receiving the notification, determining whether a predetermined time period has expired

(paragraph 0064);

in accordance with a determination that the predetermined time period has expired, providing a

communication to the user of the mobile device indicating that the respective promotional offer has

expired (paragraph 0065);

and in accordance with a determination that the time period has not expired, transmitting the

confirmation information associated with the notification to the server (paragraph 0064). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of filing to modify Signorelli to

include the limitations described above in order to determine the offer is valid based on time

constraints.

Claim 12:

As per claim 12, **Signorelli, Proctor,** and **Valdes** teach the method of claim 1 as described above

and **Signorelli** further teaches further comprising:

prior to displaying on the display of the mobile device the one or more promotional offers (paragraph

0030):

obtaining an information packet broadcast by the retail machine, wherein the information packet at

least includes an authorization code and a unique identifier corresponding to the retail machine

(paragraphs 0034-0037);

sending a transaction authorization request to the server, wherein the transaction authorization

includes the authorization code and the unique identifier corresponding to the retail machine

(paragraphs 0034-0037);

and in response to the transaction authorization request, receiving from the server: (i) authorization

information that includes an authorization grant token for initiating a transaction with the retail

machine, and (ii) the one or more promotional offers (paragraphs 0034-0037).

Claim 13:

As per claim 13, **Signorelli, Proctor,** and **Valdes** teach the method of claim 12 as described

above and **Signorelli** further teaches further comprising, before receiving the notification, initiating

performance of a transaction with the retail machine by sending the authorization grant token to the

retail machine, wherein the authorization grant token includes the authorization code included in the

information packet (paragraph 0061).

Claim 14:

As per claim 14, **Signorelli, Proctor,** and **Valdes** teach the method of claim 13 as described

above and **Signorelli** further teaches wherein the transaction is initiated in response to detecting the

selection of the respective promotional offer (paragraph 0104).

Claim 15:

As per claim 15, **Signorelli, Proctor,** and **Valdes** teach the method of claim 1 as described above

and **Signorelli** further teaches further comprising, in response to receiving the notification:

providing a prompt instructing the user of the mobile device to confirm that the product or service was

provided (paragraphs 0123-0127);

and obtaining, based on user input provided in response to the prompt, the confirmation information

(paragraphs 0123-0127).

Claim 18:

As per claim 18, **Signorelli, Proctor,** and **Valdes** teach the method of claim 1 as described above

and **Proctor** further teaches wherein the one or more promotional offers are based at least in part on

the identifier corresponding to the retail machine (paragraphs 0087, 0046, and 0053). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of filing to modify Signorelli to

include wherein the one or more promotional offers are based at least in part on the identifier

corresponding to the retail machine as taught by Proctor in order to suggest or display offers based on

identification of devices nearby the mobile device.

Claim 10 is rejected under 35 U.S.C. 103 as being unpatentable over Signorelli, Proctor, and

Valdes as applied to claim 1 above, and further in view of Johnson US Publication 20140143055 A1.

Claim 10:

As per claim 10, **Signorelli, Proctor,** and **Valdes** teach the method of claim 1 as described above

but do not teach further comprising:

while displaying on the display of the mobile device the one or more promotional offers, detecting a

request from the user to dismiss a particular promotional offer of the one or more promotional offers.

However, **Johnson** teaches an In-Store Merchandise Offer System and further teaches, "At event 308,

upon receiving a merchant offer the merchant offer may be sent to the consumer 102 such that the

consumer may either accept or deny the offer being presented. In one embodiment, the merchant offer

may be sent to the consumer by the application server 108 and displayed via the consumer application

122. In another embodiment, the merchant offer may be sent to the consumer 102 by the application

server 108 via other forms of mobile communication such as text, mobile sms, email, and the like."

(paragraph 0067) and "Referring now to FIG. 4, a flow diagram illustrating a process for initiating a

transaction based on an in-store merchandise offer 400, according to an embodiment of the present

invention, is provided. At event 402, the system may receive an option selection from a consumer 102.

In one embodiment, the option selection may indicate that the consumer 102 has chosen to not accept

one or more offers. In such an embodiment, the system may send the information to the merchant 110

such the merchant 110 can provide the consumer 102 another offer..." (paragraph 0068). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of filing to modify Signorelli to

include while displaying on the display of the mobile device the one or more promotional offers,

detecting a request from the user to dismiss a particular promotional offer of the one or more

promotional offers as taught by Johnson in order to provide the merchant relevant information

regarding user response to the offer displayed on the mobile device.

and in response to detecting the request: (i) ceasing to display the particular promotional offer on the

display and (ii) sending, via the communications unit, information indicating that the user dismissed the

particular promotional offer. However, **Johnson** teaches an In-Store Merchandise Offer System and

further teaches, "At event 308, upon receiving a merchant offer the merchant offer may be sent to the

consumer 102 such that the consumer may either accept or deny the offer being presented. In one

embodiment, the merchant offer may be sent to the consumer by the application server 108 and

displayed via the consumer application 122. In another embodiment, the merchant offer may be sent to

the consumer 102 by the application server 108 via other forms of mobile communication such as text,

mobile sms, email, and the like." (paragraph 0067) and "Referring now to FIG. 4, a flow diagram

illustrating a process for initiating a transaction based on an in-store merchandise offer 400, according

to an embodiment of the present invention, is provided. At event 402, the system may receive an option

selection from a consumer 102. In one embodiment, the option selection may indicate that the

consumer 102 has chosen to not accept one or more offers. In such an embodiment, the system may

send the information to the merchant 110 such the merchant 110 can provide the consumer 102

another offer..." (paragraph 0068). Therefore, it would have been obvious to one of ordinary skill in the

at the time of the invention to modify Signorelli to include and in response to detecting the request: (i)

ceasing to display the particular promotional offer on the display and (ii) sending, via the

communications unit, information indicating that the user dismissed the particular promotional offer in

order to provide the merchant relevant information regarding user response to the offer displayed on

the mobile device.

Claims 16-17 are rejected under 35 U.S.C. 103 as being unpatentable over Signorelli, Proctor,

and Valdes as applied to claim 15 above, and further in view of Crum US Publication 20130185150 A1.

Claim 16:

As per claim 16, **Signorelli, Proctor,** and **Valdes** teach the method of claim 15 as describe above

and **Signorelli** further teaches wherein the notification indicates that a product was provided by the

retail machine (paragraph 0123);

but do not teach and wherein obtaining the confirmation information comprises capturing, with a

camera of the mobile device, an image of the product that includes a product code identifying the

product. However, **Crum** teaches Shopping Apparatus and Methods and further teaches, "Referring to

FIG. 20, a sample screen of a scanning feature is illustrated. The scanning screen 775 displays an image

of a barcode 780 that may be visible when a shopper is holding the mobile phone 50 such that a mobile

device camera has a barcode 780 in its field of view at a sufficiently close distance to capture and/or

read contents. The scanning screen 775 may optionally remain visible for an amount of time to provide

the shopper with verification that the barcode 780 was scanned by the mobile phone 50. Optionally,

video, images, and/or audio may be provided in the viewfinder area and/or elsewhere on the screen or

from the mobile phone 50 to additionally or alternatively instruct the shopper how to scan a barcode

780. The barcode may be a universal product code (UPC) which a shopper would to add to an electronic

shopping list." (paragraph 0125). Therefore, it would have been obvious to one of ordinary skill in the art

at the time of the invention to modify Signorelli to include wherein obtaining the confirmation

information comprises capturing, with a camera of the mobile device, an image of the product that

includes a product code identifying the product as taught by Crum in order to validate and determine a

product with a particular code or identification.

Claim 17:

As per claim 17, **Signorelli, Proctor,** and **Valdes** teach the method of claim 15 as described

above and **Signorelli** further teaches wherein the notification indicates that a product was provided by

the retail machine (paragraph 0123);

but do not teach and wherein obtaining the confirmation information comprises scanning the product

code of the product with a scanner unit of the mobile device. However, **Crum** teaches Shopping

Apparatus and Methods and further teaches, "Referring to FIG. 20, a sample screen of a scanning

feature is illustrated. The scanning screen 775 displays an image of a barcode 780 that may be visible

when a shopper is holding the mobile phone 50 such that a mobile device camera has a barcode 780 in

its field of view at a sufficiently close distance to capture and/or read contents. The scanning screen 775

may optionally remain visible for an amount of time to provide the shopper with verification that the

barcode 780 was scanned by the mobile phone 50. Optionally, video, images, and/or audio may be

provided in the viewfinder area and/or elsewhere on the screen or from the mobile phone 50 to

additionally or alternatively instruct the shopper how to scan a barcode 780. The barcode may be a

universal product code (UPC) which a shopper would to add to an electronic shopping list." (paragraph

0125). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Signorelli to include obtaining the confirmation information comprises scanning the

product code of the product with a scanner unit of the mobile device as taught by Crum in order to

allow the user to capture an image of the product using a mobile device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Toksvig et al. US Publication 20150373537 A1 Authorization of Network Address Tracking

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW L HAMILTON whose telephone number is (571)270-1837. The examiner can normally be reached on Monday-Thursday 9:30-5:30 pm EST.

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, Ilana Spar can be reached on (571)270-7537. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see https://ppair-my.uspto.gov/pair/PrivatePair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW L HAMILTON/
Primary Examiner, Art Unit 3682

IN THE CLAIMS:

Rewrite the pending claims and add new claims as follows:

1.   (Currently Amended) A method, comprising:

at a mobile device including a display, one or more processors, a communications unit, and memory:

identifying by an application executing on the mobile device a retail machine configured for wireless communications based at least in part on ~~broadcasted information transmitted by the retail machine, wherein the broadcasted information includes~~ an identifier corresponding to the retail machine;

transmitting via the communications unit of the mobile device the identifier to a server and receiving from the server an electronic communication including one or more promotional offers for products or services offered by the retail machine;

displaying on the display of the mobile device the one or more promotional offers;

detecting selection of a respective promotional offer of the one or more promotional offers;

receiving, via the communications unit, a notification from the retail machine that a product or service was provided by the retail machine for a user of the mobile device;

in response to receiving the notification that the product or service was provided by the retail machine[[,]]:

<u>capturing, with a camera of the mobile device, an image of the product provided by the retail machine or an image associated with the service provided by the retail machine, the image including confirmation information confirming that the product or service was provided by the retail machine; and</u>

transmitting via the communications unit of the mobile device <u>the</u> confirmation information ~~associated with the notification to the server~~; and

in response to transmitting the confirmation information:

receiving, via the communications unit, promotion validation information from the server indicating validation of the respective promotional offer of the one or more promotional offers; and

based on the promotion validation information, displaying on the display information confirming application of the respective promotional offer.

2.   (Original) The method of claim 1, wherein the product or service that was provided is part of a transaction associated with the user of the mobile device, and further wherein the promotion validation information includes promotion validation information with respect to the transaction.

3.   (Original) The method of claim 2, wherein the one or more promotional offers are displayed within a first user interface for the application executing on the mobile device.

4.   (Original) The method of claim 3, wherein the promotion validation information is displayed within a second user interface for the application executing on the mobile device.

5.   (Original) The method of claim 4, wherein displaying the promotion validation information includes displaying an indication as to whether the respective promotional offer was validated and displaying information identifying a credit to the user associated with the respective promotional offer.

6.   (Original) The method of claim 1, further comprising, before detecting selection of a respective promotional offer, receiving the one or more promotional offers based at least in part on particular products or services offered by the retail machine.

7.   (Original) The method of claim 6, wherein selecting the one or more promotional offers is further based at least in part on at least one previous transaction completed by the user at a different retail machine that is distinct from the retail machine.

8.   (Original) The method of claim 1, wherein the selected respective promotional offer is associated with both a time-based condition that is satisfied by using the selected respective promotional offer within a predetermined time period and a product-based or service-based condition that is satisfied by determining that the offered product or service qualifies for the selected respective promotional offer.

9.   (Original) The method of claim 8, wherein the promotion validation information includes an indication as to whether (i) the time-based condition and (ii) the product-based or service-based condition were satisfied.

10.   (Original) The method of claim 1, further comprising:

while displaying on the display of the mobile device the one or more promotional offers, detecting a request from the user to dismiss a particular promotional offer of the one or more promotional offers; and

in response to detecting the request: (i) ceasing to display the particular promotional offer on the display and (ii) sending, via the communications unit, information indicating that the user dismissed the particular promotional offer.

11. (Original) The method of claim 1, further comprising:

after receiving the notification, determining whether a predetermined time period has expired;

in accordance with a determination that the predetermined time period has expired, providing a communication to the user of the mobile device indicating that the respective promotional offer has expired; and

in accordance with a determination that the time period has not expired, transmitting the confirmation information associated with the notification to the server.

12. (Original) The method of claim 1, further comprising:

prior to displaying on the display of the mobile device the one or more promotional offers:

obtaining an information packet broadcast by the retail machine, wherein the information packet at least includes an authorization code and a unique identifier corresponding to the retail machine;

sending a transaction authorization request to the server, wherein the transaction authorization includes the authorization code and the unique identifier corresponding to the retail machine; and

in response to the transaction authorization request, receiving from the server: (i) authorization information that includes an authorization grant token for initiating a transaction with the retail machine, and (ii) the one or more promotional offers.

13. (Original) The method of claim 12, further comprising, before receiving the notification, initiating performance of a transaction with the retail machine by sending the authorization grant token to the retail machine, wherein the authorization grant token includes the authorization code included in the information packet.

14.   (Original) The method of claim 13, wherein the transaction is initiated in response to detecting the selection of the respective promotional offer.

15.   (Currently Amended) The method of claim 1, further comprising, in response to receiving the notification:

        providing a prompt instructing the user of the mobile device to confirm that the product or service was provided; and

        ~~obtaining, based on user input provided~~ capturing the image in response to the prompt~~, the confirmation information~~.

16.   (Currently Amended) The method of claim 15, ~~wherein the notification indicates that a product was provided by the retail machine; and~~

        wherein obtaining the confirmation information comprises capturing, with a camera of the mobile device, an image of the product that includes a product code identifying the product.

17.   (Canceled)

18.   (Original) The method of claim 1, wherein the one or more promotional offers are based at least in part on the identifier corresponding to the retail machine.

19.   (Currently Amended) A mobile device, comprising:
        a display;
        a communications unit;
        one or more processors; and
        memory storing one or more programs to be executed by the one or more processors, the one or more programs comprising instructions for:

            identifying by an application executing on the mobile device a retail machine configured for wireless communications based at least in part on ~~broadcasted information transmitted by the retail machine, wherein the broadcasted information includes~~ an identifier corresponding to the retail machine;

            transmitting via the communications unit of the mobile device the identifier to a server and receiving from the server an electronic communication including one or more promotional offers for products or services offered by the retail machine;

            displaying on the display of the mobile device the one or more promotional offers;

detecting selection of a respective promotional offer of the one or more promotional offers;

receiving, via the communications unit, a notification from the retail machine that a product or service was provided by the retail machine for a user of the mobile device;

in response to receiving the notification that the product or service was provided by the retail machine[[,]]:

capturing, with a camera of the mobile device, an image of the product provided by the retail machine or an image associated with the service provided by the retail machine, the image including confirmation information confirming that the product or service was provided by the retail machine; and

transmitting via the communications unit of the mobile device the confirmation information associated with the notification to the server; and

in response to transmitting the confirmation information:

receiving, via the communications unit, promotion validation information from the server indicating validation of the respective promotional offer of the one or more promotional offers; and

based on the promotion validation information, displaying on the display information confirming application of the respective promotional offer.

20.   (Currently Amended) A non-transitory computer readable storage medium storing one or more programs, the one or more programs comprising instructions, which, when executed by a mobile device with a display, a communications unit, and one or more processors, cause the mobile device to perform the functions of:

identifying by an application executing on the mobile device a retail machine configured for wireless communications based at least in part on broadcasted information transmitted by the retail machine, wherein the broadcasted information includes an identifier corresponding to the retail machine;

transmitting via the communications unit of the mobile device the identifier to a server and receiving from the server an electronic communication including one or more promotional offers for products or services offered by the retail machine;

displaying on the display of the mobile device the one or more promotional offers;

detecting selection of a respective promotional offer of the one or more promotional offers;

receiving, via the communications unit, a notification from the retail machine that a product or service was provided by the retail machine for a user of the mobile device;

in response to receiving the notification that the product or service was provided by the retail machine[[,]]:

capturing, with a camera of the mobile device, an image of the product provided by the retail machine or an image associated with the service provided by the retail machine, the image including confirmation information confirming that the product or service was provided by the retail machine; and

transmitting via the communications unit of the mobile device the confirmation information ~~associated with the notification to the server~~; and

in response to transmitting the confirmation information:

receiving, via the communications unit, promotion validation information from the server indicating validation of the respective promotional offer of the one or more promotional offers; and

based on the promotion validation information, displaying on the display information confirming application of the respective promotional offer.

<u>REMARKS</u>

This amendment responds to the office action mailed April 27, 2020. In the office action the Examiner:

- rejected claims 1-20 on the ground of nonstatutory double patenting as being unpatentable over claim 1-22 of U.S. Patent No. 9,262,771 and claims 1-21 of U.S. Patent No. 10,019,724;
- rejected claims 1-20 under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea;
- rejected claims 1-9, 11-15, and 18-20 under 35 U.S.C. 103 as being unpatentable over Signorelli et al. (US 2007/0050083), in view of Proctor et al. (US 2010/0061294), in further view of Valdes (US 2014/0136301);
- rejected claim 10 under 35 U.S.C. 103 as being unpatentable over Signorelli, Proctor, and Valdes as applied to claim 1 above, and further in view of Johnson (US 2014/0143055); and
- rejected claims 16 and 17 under 35 U.S.C. 103 as being unpatentable over Signorelli, Proctor, and Valdes as applied to claim 15 above, and further in view of Crum (US 2013/0185150).

<u>INTERVIEW SUMMARY</u>

The Applicant's attorneys, Douglas Crisman and Benjamin Pezzner, thank Examiner Hamilton for his comments during the telephone interview on October 26, 2020. During the interview, the participants discussed a proposed amendment to the independent claims and eligibility of the claims under 35 U.S.C. 101. The Examiner noted that amending the independent claims as proposed would likely move prosecution forward, but a final decision would be subject to further search and consideration. The claims have been amended accordingly.

<u>AMENDMENTS TO THE CLAIMS</u>

Claims 1, 15, 16, 19, and 20 have been amended, and claim 17 has been canceled. Support for the amendments can be found in at least paragraphs 00114 and 00132 of the application as filed. No new matter has been added. After entry of this amendment, claims 1-16 and 18-20 are pending.

REMARKS CONCERNING DOUBLE PATENTING REJECTIONS

A terminal disclaimer is being filed concurrently with this response to address this non-statutory double patenting rejection. The Applicant respectfully requests that these rejections be withdrawn.

REMARKS CONCERNING REJECTIONS UNDER 35 U.S.C. 101

I. Independent Claims

The Examiner suggested during the interview that the 101 discussion should focus on elements showing an improvement to technology (e.g., a camera as discussed during the interview). In response to the Examiner's suggestion, the independent claims are amended to include additional elements describing how the confirmation information is obtained. As discussed during the interview, for scenarios involving an automatic retail machine and a server that do not have the ability to directly communicate with each other, the ordered combination of operations recited in claim 1 improve automatic retail machine technology by providing communicative coupling via a mobile device, which facilitates communications between the automatic retail machine and the server. Various tasks introduce complexities, however, such as *purchase validation* where, despite the communications link through the mobile device, the server does not have direct access to the automatic retail machine and has no way of knowing whether a product or service was actually purchased from the machine. In order to validate that a specific product corresponding to the promotional offer was actually vended, the operations in claim 1 offer an advantage over other automatic retail machines in that they facilitate the purchase validation through the use of a camera on the user's mobile device, in combination with the other claimed features.

Accordingly, the Applicant respectfully requests withdrawal of the § 101 rejections of the amended independent claims and their associated dependent claims.

II. Dependent Claims

The pending dependent claims include many additional limitations that, when analyzed in combination with the limitations of the independent claims, amount to significantly more than the cited abstracted ideas. However, the Office Action does not provide an analysis of the subject matter eligibility of the dependent claims, other than noting that they are ineligible "based on a rationale similar to the claims from which they depend."

The Applicant notes the conclusory nature of the above finding, and respectfully requests that the Examiner include an evaluation of each of dependent claims 2-18 for both the Step 2A and the Step 2B analyses, in accordance with the latest SME Guidance and MPEP 2106(III), in order to provide the Applicant sufficient notice of the reasons for ineligibility and enable the Applicant to effectively respond.

<u>REMARKS CONCERNING REJECTIONS UNDER 35 U.S.C. 103</u>

Independent claims 1, 19, and 20, have been amended to recite additional details regarding how the claimed confirmation information is obtained (i.e., "capturing, with a camera of the mobile device, an image of the product provided by the retail machine or an image associated with the service provided by the retail machine"). Such an operation is not suggested by Signorelli, Proctor, Valdes, Johnson, or Crum, because the servers in these references have more direct access to the machines coupled to their respective networks and the references are not concerned with confirming the provision of a product/service.

Specifically, the office action relies on Signorelli and Crum to address the aforementioned confirmation feature. In Signorelli (0123), the server instructs the vending machine to dispense a specified product; as a result, the server already knows which product is being dispensed and there would be no motivation to instruct a user to capture an image to obtain confirmation information as claimed. Additionally, in Crum (0153),[1] a scanning feature is disclosed for adding a product to an electronic shopping list; the product may be found in the store or at home, and the scanning occurs before any kind of purchase or promotional offer is applied. As a result, the scanning feature in Crum does not provide an image of the product/service that has *already been provided* by the vending machine, as claimed.

Thus, for at least the reasons stated above, claims 1, 19, and 20 are patentable over Signorelli, Proctor, Valdes, Johnson, and Crum. Claims 2-16 and 18 depend from claim 1, and are therefore patentable for at least the reasons discussed above.

<u>CONCLUDING REMARKS</u>

By responding in the foregoing remarks only to particular positions asserted by the Examiner, the Applicants do not necessarily acquiesce in other positions that have not been explicitly addressed. In addition, the Applicants' arguments for the patentability of a claim

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[1] The office action refers to paragraph 0125 of Crum, but the quoted text comes from paragraph 0153.

should not be understood as implying that no other reasons for the patentability of that claim exist.

In light of the above amendments and remarks, the Applicants respectfully request that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

| Date: October 26, 2020 | /Douglas J. Crisman/ | 39,951 |
| | Douglas J. Crisman | (Reg. No.) |

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