UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

PTOL-90A (Rev. 04/07)

-- 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 <u>3</u> 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 <u>11/14/2018</u>.
　　☐ 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)　<u>1-13,16-21 and 24-25</u> 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　　5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) <u>1-13,16-21 and 24-25</u> 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 _____ 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 _____.

3) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 11-13)　　　　　　　　　　**Office Action Summary**　　　　　　　　　Part of Paper No./Mail Date 20190304

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.

Notice to Applicant

2.   The following is a Final Office action. In response to Examiner's Non-Final Action of 09/14/2018, Applicant, on 11/14/2018, amended Claims 1, 7, 11, 16 and 24; cancelled Claims 14, 15, 22, 23 and 26; Claims 27-55 were previously cancelled by preliminary amendment; and Claims 2-6, 8-10, 12, 13, 17-21 and 25 are as previously presented, but deemed amended since they depend from amended independent Claim 1.

Claims 1-13, 16-21, 24 and 25 are pending in the current application and have been rejected below.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 11/05/2018 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Amendment

4.   Applicant's full response to the prior 37 CFR §1.105 request for information is acknowledged.

5.   Claims 5, 6 and 19-21 allowable over prior art, but objected to as being patentable over prior art except for their dependency from Claim 1.

6.   Applicant's amendments and arguments are acknowledged.

7.   The prior Claim Objections withdrawn in light of Applicant's amendments.

8.   The prior 35 USC §112 rejection withdrawn in light of Applicant's amendments.

9.   The prior 35 USC §101 rejection maintained despite Applicant's amendments and arguments.

10.   The prior 35 USC §102 rejection maintained despite Applicant's amendments.

11.   The prior 35 USC §103 rejection withdrawn in light of Applicant's amendments and arguments, and new 35 USC §103 rejection added.

Claim Rejections - 35 USC § 101

12.   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.

13.   Claims 1-13, 16-21, 24 and 25 rejected under 35 U.S.C. 101 because, although they are drawn to a statutory category of system (machine), they are also directed to a judicial exception (an abstract idea) without significantly more.

14.   Claim 1 recites assess user values and user interests associated with an occupation based on user interaction respectively in a values assessment instrument and an interests assessment instrument, transform said user values and said user interests into user values scores and user interest scores by operation of a values score calculator and an interest score calculator, retrieve user interest scores, retrieve standardized occupation interest scores associated with said occupation, generate interest scores correlation ratios by operation of a user-occupation matching module which correlates said user interest score to said standardized occupation interest scores,

retrieve user values scores, retrieve standardized occupation values scores associated with said occupation, generate values scores correlation ratios by operation of said user-occupation matching module which correlates said user values score to said standardized occupation values scores, and generate a user-occupation fit score by operation of said user-occupation matching module, which is an abstract idea of Certain Methods of Organizing Human Activity, particularly fundamental economic principles or practices (including mitigating risk).

This judicial exception is not integrated into a practical application because the claimed invention does not improve a technology or technical field, but merely links the use of the judicial exception to a particular technological environment or field of use.

Further, the Claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception (abstract idea), because the additional elements, such as a computer implemented occupation and organizational fit assessment system, comprising: a processor; a non-transitory memory element; a computer readable program code, displayed in a graphical user interface on a display surface of a user computing device, considered individually or in combination, fail to apply the judicial exception in a meaningful way that provides an inventive concept so as to transform the claims into patent-eligible subject matter (see MPEP 2106.05(e), add nothing more than insignificant extra-solution activity to the judicial exception (see MPEP 2106.05(g)), merely indicate a field of use or technological environment in which to apply the judicial exception (see MPEP 2106.05(h)), or simply use a computer to apply the judicial exception (see MPEP 2106.05(a), 2106.05(f); the generic nature of the computer is also evident at paragraphs 30-34 of the published specification).

Dependent Claims 2-13, 16-21 and 24-25 also do not include additional elements that are sufficient to amount to significantly more than the judicial exception (abstract idea), because these additional elements, considered either individually or in combination, are merely extensions of the abstract idea, are nothing more than insignificant extra-solution activity, merely indicate a field of use or technological environment, or simply use a computer to apply the judicial exception (see MPEP 2106.05(a), 2106.05(f); the generic nature of the computer is also evident at paragraphs 30-34 of the published specification).

Therefore, Claims 1-13, 16-21, 24 and 25 are rejected under 35 U.S.C. 101 as being directed to non-eligible subject matter. See Alice Corp. v. CLS Bank International, 573__ U.S. 2014.

Claim Rejections - 35 USC § 102

15.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102:

(a) NOVELTY; PRIOR ART.—A person shall be entitled to a patent unless—

(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

35 U.S.C. 102 (a) (1) forms the basis for all anticipation rejections set forth in this Office action.

16.   Claims 1 and 7-11 rejected under 35 U.S.C. 102 (a) (1) as being anticipated by Schneider (US Patent Application Publication 20130031015 A1 - hereinafter Schneider).

17.   As per Claim 1, Schneider discloses:

A computer implemented occupation and organizational fit assessment system (a database and software for career development and determining proficiency scores mapped to job profiles - occupation and organizational fit assessment; Abstract*)*, *comprising: a processor; a non-transitory memory element; a computer readable program code contained in said non-transitory memory element executable by said processor* (a processor in communication with a memory device, a non-transitory computer-readable medium including computer-executable instructions; Paragraphs [0009], [0011]) *to:*

assess user values and user interests associated with an occupation (an attribute profile for satisfied user attributes related to accomplished goals (values) and development plan (interests); Paragraphs [0009], [0049]) *based on user interaction respectively in a*

values assessment instrument and an interests assessment instrument (job seekers building a profile showcasing qualifications, companies using a management tool to evaluate candidates(interacting in a values assessment instrument and an interests assessment); Paragraph [0039]) *displayed in a graphical user interface on a display surface of a user computing device* (displaying the computer interface for the user to input data (interactive graphical interface); Paragraphs [0012], [0122])*;*

transform said user values and said user interests into user values scores and user interest scores (mapping goals and development plan (user values and interests) with a goal score (values) and development plan score (interest); Paragraphs [0045], [0046]) *by operation of a values score calculator and an interest score calculator of said program code* (a scoring engine converts data into skill scores, goal scores, and a development plan; Paragraph [0012])*;*

retrieve user interest scores (collecting information from the database containing goal scores (user values); Paragraph [0088])*;*

retrieve standardized occupation interest scores associated with said occupation (collecting from database job profile scores, a sum including development plan and skill scores for the job profile (occupation interest), normalizing the scores; Figure 3; Paragraphs [0012], [0047], [0088], [0123])*;*

generate interest scores correlation ratios (quantifying, based on satisfied attributes, relating to development plan, out of a maximum number of attributes compared to a threshold score, a level of correlation between the user and the profile (interest scores correlation ratios); Paragraphs [0011], [0049]) *by operation of a user-occupation matching module of said computer program which correlates said user interest score to said standardized occupation interest scores* (computer-executable instructions for performing a method of quantifying a user's correlation to a suggested profile; Paragraphs [0011], [0123])*;*

retrieve user values scores (collecting information from the database containing goal scores (user values); Paragraph [0088])*;*

retrieve standardized occupation values scores associated with said occupation (collecting from database job profile scores, a sum including goal scores (occupation values) and normalization; Paragraphs [0012], [0047], [0088], [0123]);

generate values scores correlation ratios (quantifying, based on satisfied attributes, relating to intended goals, out of a maximum number of attributes, a level of correlation between the user and a suggested profile (value scores correlation ratios); Paragraphs [0011], [0049]) *by operation of said user-occupation matching module of said computer program which correlates said user values score to said standardized occupation values scores* (as above, Paragraphs [0011], [0123]); *and*

generate a user-occupation fit score (user-occupation fit score; Paragraphs [0047]-[0049]) *by operation of said user-occupation matching module of said computer program* (as above, Paragraph [0123]).

18.   As per Claim 7, Schneider discloses the system of claim 1 **(as above)**, and additionally discloses: *wherein said computer readable program code* (as disclosed in claim 1) *is further executable to:*

apply an interests score allocation factor within a range of 0 to 1 to said interest score (an equal percentage, 25%, weighting four attributes (an interest scores allocation factor within a range of 0 to 1) of the qualitative attribute score pertaining to development plan and skills (said interest fit score); Paragraphs [0038], [0049], [0103], [0117]); *and*

apply a values score allocation factor within a range of 0 to 1 to said values score (an equal percentage, 25%. weighting four attributes (an interest scores allocation factor within a range of 0 to 1) of the qualitative attribute score pertaining to intended goals (said values fit score); Paragraphs [0038], [0049], [0103], [0117]),

wherein said interests allocation factor and said values allocation factor when summed equal 1 (the equal percentages of each mapped job profile score (interests and values

allocation factor) enforces the rule that the sum of all weighting percentages must total 100% (equal 1); Paragraph [0115]).

19.   As per Claim 8, Schneider discloses the system of claim 7 **(as above)**, and additionally discloses:

wherein said computer readable program code is further executable to: apply said interest allocation factor equal to about 2/3 (the job profile score is a sum of three components, where two of the components, development plan and skill, are interest related (allocation factor equal to about 2/3): Paragraphs [0044}-[0047])*; and apply said values allocation factor equal to about 1/3* (and one of three components, the goal, is values related (allocation factor equal to about 1/3); Paragraphs [0044]-[0047]).

20.   As per Claim 9, Schneider discloses the system of claim 8 **(as above)**, and additionally discloses:

wherein said user-occupation fit score is calculated by application of the equation as defined in claim 9, (the job profile score (user-occupation fit) is the sum (calculated) by two-thirds of summed components for user interest and one-third components for user goals, equivalent to application of the equation (as defined in claim 9); Paragraphs [0044]-[0046]).

21.   As per Claim 10, Schneider discloses the system of claim 1 **(as above)**, and additionally discloses:

wherein said computer readable program code is further executable to compare said user-occupation fit score to a plurality of occupation scores (users quantitatively evaluated with job profile score (fit) can be compared against each other with similar units of measure (occupation scores); Paragraph [0038]).

22.   As per Claim 11, Schneider discloses the system of claim 10 **(as above)**, and additionally discloses:

wherein said computer readable program code is further executable to retrieve occupation identifiers in prioritized order based on comparison of user-occupation fit score to said plurality of occupation scores (users input include identifiers and can be ranked against each other (identifiers corresponding to occupations in prioritized order) by comparing user evaluated with job profile score (occupation fit score) to other users with similar units of measure (comparison to occupation scores): Paragraph [0038]).

23.   Claim 14 Canceled.

24.   Claim 15 Canceled.

Claim Rejections - 35 USC § 103

25.   The following is a quotation of 35 U.S.C. 103:

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.

35 U.S.C. 103 forms the basis for all obviousness rejections set forth in this Office action.

26.   Claims 2, 12 and 13 rejected under 35 U.S.C. 103 as being unpatentable over Schneider in view of Derosear et al. (US Patent Application Publication 20100241635 A1 - hereinafter Derosear).

27.   As per Claim 2, Schneider discloses the system of claim 1 **(as above)**, and additionally discloses:

wherein said computer readable program code (instructions on memory executed by the processor: Paragraph [0009]) *is further executable to:*

normalize said user interest scores and said occupation interest scores (normalizing individuals relative to input fields converted to goal scores (normalize user interest) and development plan scores (normalize occupation interest) based on a default minimum of 0 and maximum 1000; Paragraph [0012]).

Schneider does not explicitly disclose, *and normalize said user values scores and said occupation values scores to a common ten point scale.*

Derosear discloses: *and normalize said user values scores and said occupation values scores to a common ten point scale* (normalizing distances calculated for similarity with respect to interests in an occupation selected by a user (user values scores) and work values (occupation scores) scaled by a multiplier of 10 (a common ten point scale); Paragraphs [0054], [0062], [0065]).

It would have been obvious to one of ordinary skill in the art at the time of filing to have combined the system of Schneider with the teaching of Derosear, because by doing so, the system of Schneider would provide a normalized scale (see Derosear, Fig. 2, Scaling the Normalized Distance 30).

28.   As per Claim 12, Schneider discloses the system of claim 1 **(as above)**.

Schneider does not disclose,

wherein said occupation interest scores comprise O*NET Online Occupations® occupation interests scores.

Derosear discloses

wherein said occupation interest scores comprise O*NET Online Occupations® occupation interests scores (occupation based information (interest scores) are selected as quantifying values in the O*NET interface, Occupational Information Network (Online Occupations) by categories in the free online database including interest (occupation interest scores); Paragraphs [0015], [0016]).

It would have been obvious to one of ordinary skill in the art at the time of filing to have combined the system of Schneider with the teaching of Derosear, because by doing so, the system of Schneider would provide compatibility with existing sources of occupation scoring systems to make comparisons against existing thresholds.

29.   As per Claim 13, Schneider in combination with Derosear discloses the system of claim 12 **(as above)**.

Schneider does not disclose,

wherein said occupation interest scores comprise O*NET Online Occupations®
occupation values scores.

Derosear discloses

wherein said occupation interest scores comprise o·NET Online Occupations®
occupation values scores (occupation based information (values scores) are selected as quantifying values in the O*NET interface, Occupational Information Network (Online Occupations) by categories in the free online database including work values (occupation values scores); Paragraphs [0015], [0016]).

It would have been obvious to one of ordinary skill in the art at the time of filing to have combined the system of Schneider with the teaching of Derosear, because by doing so, the system of Schneider would provide compatibility with existing sources of occupation scoring systems to make comparisons against existing thresholds.

30.   Claim 3 rejected under 35 U.S.C. 103 as being unpatentable over Schneider in view of Derosear in view of Weingarten et al. (US Patent Application Publication 20140046862 A1 - hereinafter Weingarten).

31.   As per Claim 3, Schneider in combination with Derosear discloses the system of claim 2 **(as above)**.

Schneider and Derosear do not disclose

wherein said computer readable program code is further executable to generate said
user-occupation fit score having a value in the range of from 0 to 1.

Weingarten discloses

wherein said computer readable program code is further executable to generate said
user-occupation fit score having a value in the range of from 0 to 1 (candidate
assessment of fit based on characteristics in field 427 range from 2/5 to 4/5 (in the
range of from 0 to 1); Figure 4C; Paragraph [0147]).

It would have been obvious to one of ordinary skill in the art at the lime of filing to have
combined the system of Schneider in combination with Derosear with the teaching of
Weingarten, because by doing so, the system of Schneider in combination with
Derosear would provide a consistent scoring technique to easily compare multiple
candidates fit scores based on the assessment on a scale of 0 to 1 (see Weingarten,
Fig. 4B, candidate assessment window 401; paragraph 142, "In an example
implementation, a side-by-side comparison of such assessments (e.g., from various
recruiters) used in generating the composite score may be viewable on the terminal
128a.").

32.   Claim 4 rejected under 35 U.S.C. 103 as being unpatentable over Schneider in
view of Derosear in view of Weingarten in view of Vayghan et al. (US Patent Application
Publication 20060212337 A1 - hereinafter Vayghan).

33.   As per Claim 4, Schneider in combination with Derosear and Weingarten
discloses the system of claim 3 **(as above)**.

Schneider, Derosear and Weingarten do not disclose,

wherein said user-occupational fit score is in a range of from 0 to 1, wherein 0 equates
to no occupational fit and 1 equates lo perfect occupational fit.

Vayghan discloses

wherein said user-occupational fit score is in a range of from 0 to 1, wherein 0 equates to no occupational fit and 1 equates to perfect occupational fit (sales agents matched to opportunities (occupational fit) ranges between 0, the worst match (no occupational fit) and 1, the best match (perfect occupational fit); Paragraph [0058]).

It would have been obvious to one of ordinary skill in the art at the time of filing to have combined the system Schneider, Derosear and Weingarten with the teaching of Vayghan, because by doing so, the system of Schneider, Derosear and Weingarten would provide a matching system that uses scores ranging from 0 to 1 as a consistent scale to use in determining occupational fit (see Vayghan, paragraphs 21-23, "Next, the candidate sales agent's success probability or score is determined using the assignment model for the corresponding opportunity class. Then, the sales agent is assigned to a sales opportunity based on success probability (or score), agent availability, and importance of the opportunity. .. With the above and other unique and unobvious exemplary aspects of the present invention, it is possible to optimize the assignment of sales opportunities to sales agents.").

34.   Claims 16 and 24-25 rejected under 35 U.S.C. 103 as being unpatentable over Schneider in view of Weingarten.

35.   As per Claim 16, Schneider discloses the system of claim 1 **(as above)**, *wherein said computer readable program code is further executable to:*

... displayed in said graphical user interface on said display surface of said user computing device (Paragraphs [0012], [0122], as above)*; ...*

... based on organization user interaction in said workplace assessment instrument displayed in an organization user interactive graphical user interface (Paragraphs [0012], [0039], [0122] as above)*; ...*

... by operation of a user-occupation matching module of said computer program (Paragraphs [0011], [0012], [0123], as above) ...

Schneider does not disclose,

wherein said computer readable program code is further executable to: assess user workplace preferences; transform assessed user workplace preferences into corresponding user workplace preferences scores; retrieve user workplace preferences scores; retrieve organization workplace preferences scores; generate workplace preferences scores correlation ratios; and generate a user-organizational fit score having a value.

Schneider does not explicitly disclose, but Weingarten discloses

assess user workplace preferences (prioritizing candidates by profile information including cultural fit (workplace preferences relevant to organizational fit); Paragraph [0159]) *based on user interaction in a workplace preferences assessment instrument* (recruiter may interact with one or more interface elements to navigate to an assessment list; Paragraph [0094]) ...

... transform assessed user workplace preferences into corresponding user workplace preferences scores (based on profile information (assessed user workplace preferences), generating a cultural fit score (workplace preferences scores); Paragraph [0161]) *by operation of a workplace preferences score calculator of said program code* (Fig. 12, Compatibility scores generated 1207);

assess organization user workplace preferences (as above) ...

... transform assessed organization user workplace preferences into corresponding organization user workplace preferences scores by operation of said workplace preferences score calculator (matching candidate and entities; Paragraph [0239], Fig. 12, Compatibility scores generated 1207);

retrieve user workplace preferences scores (determining organizational compatibility with respect to organization based on threshold (retrieve organization workplace preference scores); Paragraph [0176]);

retrieve organization workplace preferences scores;

generate workplace preferences scores correlation ratios (displaying (generate) a compatibility score based on work culture between user and organization (correlation ratios); Paragraph [0214]) ...

... which correlates said user workplace preferences scores to said organization workplace preferences scores (Paragraph [0214], as above); *and*

generate a user-organizational fit score having a value (assessment detail indicating candidate fit (user-organizational fit) in assessment field 427 (score having a value approximating organization fit); Figure 4C; Paragraph [0147]).

It would have been obvious to one of ordinary skill in the art at the time of filing to have combined the system of Schneider with the teaching of Weingarten, because by doing so, the system of Schneider would provide user interaction to determine a compatibility score between a user with work culture preferences and an organization with existing work culture (see , Figs. 10A, 10B, Compatibility score between Org. A and viewer 1004).

36.   Claim 22 Canceled.

37.   Claim 23 Canceled.

38.   As per Claim 24, Schneider in combination with Weingarten discloses the system of claim 16 **(as above)**.

Schneider does not explicitly disclose, but Weingarten discloses,

wherein said plurality of organization users (assessors, recruiters, within the organization (users); Paragraph (0153]) *comprise a pre-selected subpopulation of said plurality of organization users* (in a filtered list of recruiters 1037 (pre-selecting the subpopulation of organization users); Figure 10D; Paragraph [0221]).

It would have been obvious to one of ordinary skill in the art, at the time of filing, to modify the system of Schneider with the teaching of Weingarten, because by doing so, the system of Schneider would provide sorting and filtering of a list of recruiters to perform assessments on candidates.

39.   As per Claim 25, Schneider in combination with Weingarten discloses the system of claim 16 **(as above)**.

Schneider does not explicitly disclose, but Weingarten discloses,

wherein said workplace preferences scores comprise pre-selected workplace preferences scores (cultural fit scores (workplace preferences) is measured by compatibility against threshold based on cultural assessments (pre-selected workplace preference scores); Paragraphs [0110], [0176]).

It would have been obvious to one of ordinary skill in the art, at the time of filing, to modify the system of Schneider with the teaching of Weingarten, because by doing so, the system of Schneider would provide a determination of compatibility by comparing the results of an assessment to existing thresholds.

40.   Claim 26 Canceled.

41.   Claims 17 and 18 rejected under 35 U.S.C. 103 as being unpatentable over
Schneider in view of Weingarten in view of Derosear.

42.   As per Claim 17, Schneider in combination with Weingarten discloses the
system of claim 16 **(as above),** *wherein said computer readable program code is further*
executable to

Schneider in view of Weingarten do not explicitly disclose, but Derosear discloses,

normalize said user workplace preferences scores and said organization workplace
preferences scores to a common ten point scale (normalizing distances calculated for
similarity with respect to interests in an occupation selected by a user (user workplace
preferences scores) and work values (organization workplace preference scores) scaled
by a multiplier of 10 (a common ten point scale); Paragraphs [0054], [0062], [0065]).

It would have been obvious to one of ordinary skill in the art at the time of the invention
to have combined the system of Schneider and Weingarten with the teaching of
Derosear, because by doing so, the system Schneider and Weingarten would provide a
normalization of scoring user interests in workplace with respect to different workplaces
to determine similarity values perceivable by the user.

43.   As per Claim 18, Schneider in combination with Weingarten and Derosear
discloses the system of claim 17 **(as above),** *wherein said computer readable program*
code is further executable to

Schneider and Derosear do not explicitly disclose, but Weingarten discloses,

generate said user-organizational fit score having a value in the range of from 0 to 1
(candidate assessment detail with respect to characteristics of fit in field 427 vary from
2/5 to 4/5 (range of from 0 to 1); Figure 4C; Paragraph [0147]).

It would have been obvious to one of ordinary skill in the art at the time of filing to have combined the system of Schneider and Derosear with the teaching of Weingarten, because by doing so, the system of Schneider and Derosear would provide a consistent scoring technique to easily compare multiple candidates' fit scores based on the assessment on a scale of 0 to 1.

44.   Claims 27-55 canceled by preliminary amendment.

Response to Arguments

45.   Applicant's arguments filed 11/14/2018 and 06/22/2018 have been fully

considered, but they are not persuasive in part and/or are moot in view of the new

rejections necessitated by the amendments.

46.   Applicant's response to the 37 CFR §1.105 request for information is found

persuasive; Claims 5, 6 and 19-21 are found allowable over prior art, but objected to as

being patentable over prior art except for their dependency from Claim 1. (However,

Examiner notes that these Claims are still rejected under 35 U.S.C. 101.)

47.   Applicant argues (at pp. 8-10) that the amended claims are differentiated from

CyberSource because they "are an improvement in computer capabilities which do not

merely invoke generic processes".

Examiner respectfully disagrees. The amended Claims are still an abstract idea (of

matching user compatibility scores with jobs or workplaces) implemented on a generic

computer, as explained at paragraph 14 above in this Office Action.

48.   Applicant argues (at pp. 10-13) that the amended claims are an improvement in

computer technology, and therefore patent-eligible under §101 by analogy with *McRo*

and *Bascom*.

Examiner respectfully disagrees. The Court clearly held in *DDR Holdings* that recitation

of a commonplace business method aimed at processing business information, applying

a known business process to the particular technological environment of the Internet, or

creating or altering contractual relations using generic computer functions was not

patent-eligible under 35 U.S.C. 101. This is precisely the nature of the Claims in the instant application, and they are thus patent-ineligible.

49.   Applicant argues (at pp. 14-18) that the amended claims are not anticipated by Schneider, because it does not teach or suggest "occupation interest scores", "occupation value scores", "interest scores correlation ratios" or "values scores correlation".

Examiner respectfully disagrees. These limitations are taught by under Broadest reasonable Interpretation at Paragraphs [0011], [0012], [0045], [0046], [0099] and [0123], as explained at paragraph 17 above in this Office Action. Examiner notes that the specification cannot be read into the claims (see MPEP 2111.01).

50.   Applicant argues (at pp. 19-20) that Weingarten does not teach the user-occupation fit score rating of 0 to 1.

Examiner respectfully disagrees. Under BRI, the scores of 2/5 to 4/5 for the candidate assessment of fit based on characteristics in field 427 of Weingarten Fig. 4C clearly teach the claim limitation.

51.   The remainder of Applicant's arguments (at pp. 20-26) pertain to amended language, and are moot in view of the new rejections necessitated by the amendments (see paragraphs 17-43 above in this Office Action).

Conclusion

52.   Applicant's amendment necessitated any new ground(s) of rejection presented in this Office Action. See MPEP §706.07(a).

53.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

54.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARJIT S BAINS whose telephone number is 571 270 0317. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANITA Y. COUPE, can be reached on 571 270 3614. 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://portal.uspto.gov/external/portal.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SARJIT S BAINS/
Examiner, Art Unit 3624

/SUJAY KONERU/
Primary Examiner, Art Unit 3624

17 (original). The system of claim 16, wherein said computer readable program code is further executable to normalize said user workplace preferences scores and said organization workplace preferences scores to a common ten point scale.

18 (original). The system of claim 17, wherein said computer readable program code is further executable to generate said user-organizational fit score having a value in the range of from 0 to 1.

19 (original). The system of claim 16, wherein said workplace preferences scores correlation ratios are calculated by application of $(\eta_i{}^{xy})$, where:

$$\eta_i{}^{xy} \equiv \sqrt{\frac{\Sigma_i \, N_i(\bar{y}_i - \bar{y})^2}{\Sigma_i \Sigma_\alpha (y_{i\alpha} - \bar{y})^2}}$$

20 (original). The system of claim 19, wherein said computer readable program code is further executable to allocate a weight percent to each of said user-occupation fit score and said user-organizational fit score of between 0 percent and 100 percent, wherein the sum of said weight percent allocated to said user-occupation fit score and said user-organizational fit score equals 100 percent.

21 (original). The system of claim 20, wherein said a user-organizational fit score is calculated by application of: $F_{p^a c^b} = \{a(F_p)\} + \{b(F_c)\}$, wherein where a and b are the percent weights allocated to the user-occupation fit score and user-organizational fit score respectively.

22-23 (canceled).

24 (previously presented).   The system of claim 16, wherein said plurality of organization users comprise a pre-selected subpopulation of said plurality of organization users.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Kurt Kraiger, and Bryan J. Dik	**Confirmation No.:** 4125
Application No.: 14/637,331	**Group Art Unit:** 3624
Filed: March 3, 2015	
For: Computer Implemented Method For Personal Attribute Valuation And Matching With Occupations And Organizations	**Examiner:** BAINS, Sarjit S.
Attorney Docket No.: jobzologyUS (530-04)	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R.§ 1.116

 This paper is submitted as a Response to the Final Office Action mailed on March 6, 2018. Applicant believes that this Response addresses each concern raised by the Examiner in the Office Action and each of the claims is now in condition for allowance. Applicant further submits a Request for Continued Examination under 37 C.F.R. §1.114. Applicant claims small entity status under C.F.R. § 1.27, therefore, the Request for Continued Examination is accompanied by the fee under 37 C.F.R. § 1.17(e)(1) in the amount of $650.00 and a Petition for Extension of Time under 37 C.F.R. § 1.36(a) and 37 C.F.R. § 1.17(a)(2) in the amount of $300.00. Please amend the above-identified United States patent application as follows.