Public PAIR Quick Start Guide

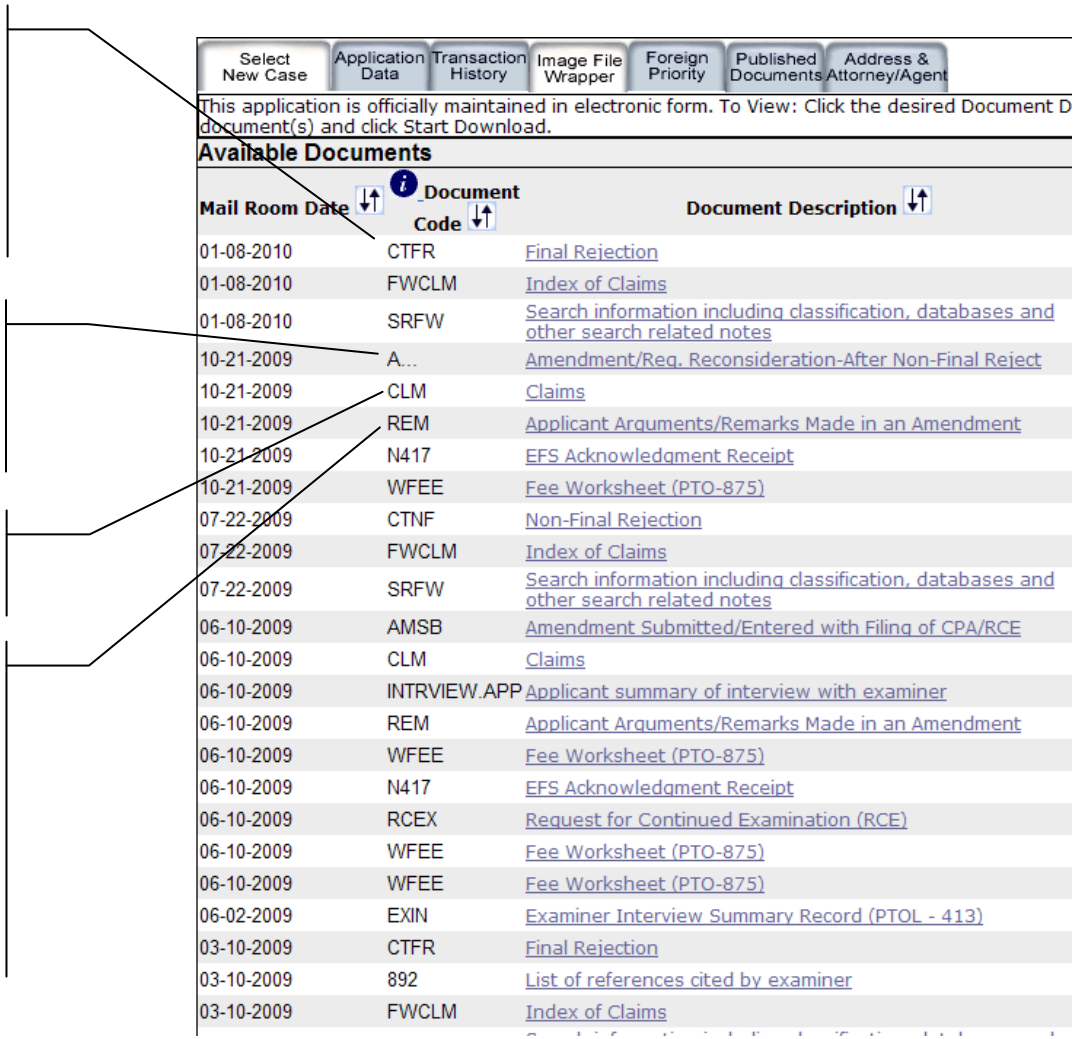
This Public PAIR Quick Start Guide (QSG) is divided into two parts with each part listing an example application available in Public PAIR as reference. The first section of the QSG provides a detailed description of the most common occurring examination documents. The second section of the QSG provides an 'X/Y' reference key to help with identifying the type of references applied in Office actions. Note: The content entries are in reverse chronological order and the same type of action may appear over the course of prosecution until the application is ultimately either patented or abandoned.

(CTFR) (Final rejection) Any second or any subsequent Office action (may include grounds of objections, rejections, and/or other requirements) from the examiner that is made final indicating that the examiner intends to close prosecution. At this point, applicant no longer has the right to amend the application unless the amendment merely cancels claims or complies with a formal requirement made earlier.

(A…) (Amendment) Amendment filed by the applicant in response to an Office action issued by the examiner. A reply to an Office action may or may not include an amendment to the claims and/or written description.

(CLM) (Claims) Look for the most recent copy of claims to see if any amendments have been made.

(REM) (Remarks) This is the arguments/remarks portion of applicant's reply to an Office action. Applicant's reply must distinctly and specifically point out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action in order to entitle applicant to reconsideration or further examination. The arguments/remarks must point out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.



Select New Case | Application Data | Transaction History | Image File Wrapper | Foreign Priority | Published Documents | Address & Attorney/Agent

This application is officially maintained in electronic form. To View: Click the desired Document D document(s) and click Start Download.

Available Documents

Mail Room Date	Document Code	Document Description
01-08-2010	CTFR	Final Rejection
01-08-2010	FWCLM	Index of Claims
01-08-2010	SRFW	Search information including classification, databases and other search related notes
10-21-2009	A...	Amendment/Req. Reconsideration-After Non-Final Reject
10-21-2009	CLM	Claims
10-21-2009	REM	Applicant Arguments/Remarks Made in an Amendment
10-21-2009	N417	EFS Acknowledgment Receipt
10-21-2009	WFEE	Fee Worksheet (PTO-875)
07-22-2009	CTNF	Non-Final Rejection
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06-10-2009	INTRVIEW.APP	Applicant summary of interview with examiner
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06-02-2009	EXIN	Examiner Interview Summary Record (PTOL - 413)
03-10-2009	CTFR	Final Rejection
03-10-2009	892	List of references cited by examiner
03-10-2009	FWCLM	Index of Claims

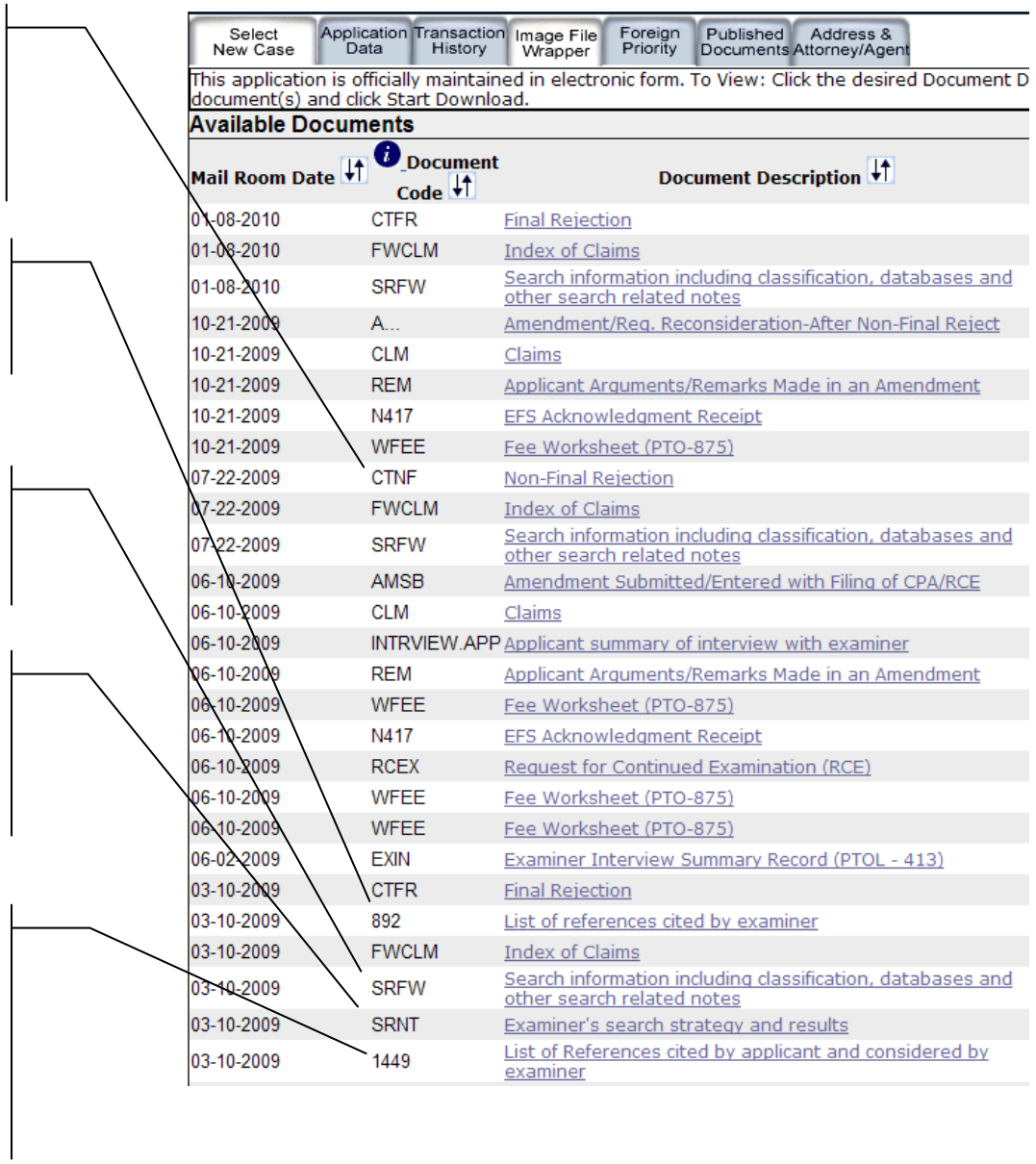
(CTNF) (Non-final rejection) This is an Office action by the examiner which does not close prosecution of the application (compared to a final Office action which intends to close prosecution). The Office action may include requirements, objections, and/or rejections.

(892) (Form PTO-892) The examiner provides Form 892 as an attachment to any Office action in which the examiner cites references not previously of record in the application.

(SRFW) (File Wrapper Search Info) Additional search information relating to the examiner's field of search including classification, databases and other areas searched.

(SRNT) (Search Notes) These are notes on searches performed by the examiner during the examination of an application. Searches may include database search results, internet search results, non-patent literature searches and searches of U.S. and foreign patent documents.

(1449) (Form PTO-1449) The applicant provides Form 1449 identifying references known to the applicant to be material to the patentability of the claims in the application. If applicant complies with the requirements of the rules and the examiner considers the references listed on the form 1449, the examiner will initial the form and a copy is attached with the Office action.



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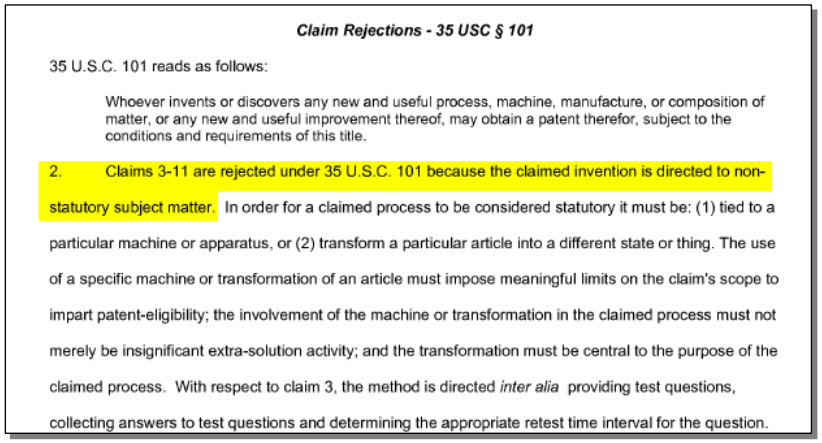
03-10-2009	SRFW	Search information including classification, databases and other search related notes
03-10-2009	SRNT	Examiner's search strategy and results
03-10-2009	1449	List of References cited by applicant and considered by examiner

Rejections made under 35 U.S.C. § 101 are based on non-statutory subject matter or lack of utility. Non-statutory subject matter includes abstract ideas, laws of nature, and natural phenomena. A lack of utility under § 101 is similar to a lack of Industrial Applicability (IA) in an international application.



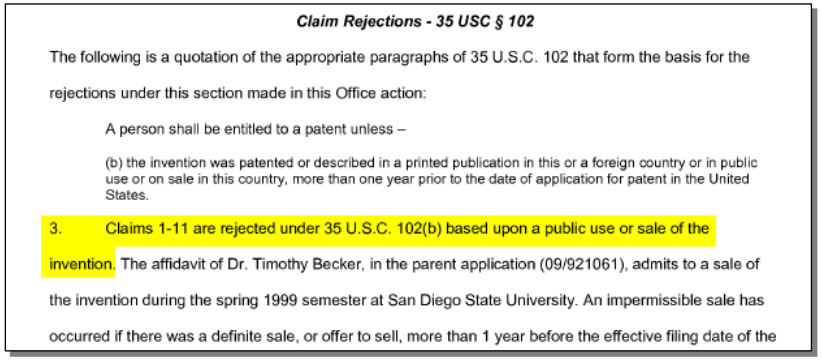
Claim Rejections - 35 USC § 101

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.

2. Claims 3-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In order for a claimed process to be considered statutory it must be: (1) tied to a particular machine or apparatus, or (2) transform a particular article into a different state or thing. The use of a specific machine or transformation of an article must impose meaningful limits on the claim's scope to impart patent-eligibility; the involvement of the machine or transformation in the claimed process must not merely be insignificant extra-solution activity; and the transformation must be central to the purpose of the claimed process. With respect to claim 3, the method is directed *inter alia* providing test questions, collecting answers to test questions and determining the appropriate retest time interval for the question.

Rejections made under 35 U.S.C. § 102 are based on a lack novelty. A reference applied in a § 102 rejection is similar to a "X" category reference in a search report of an international application.

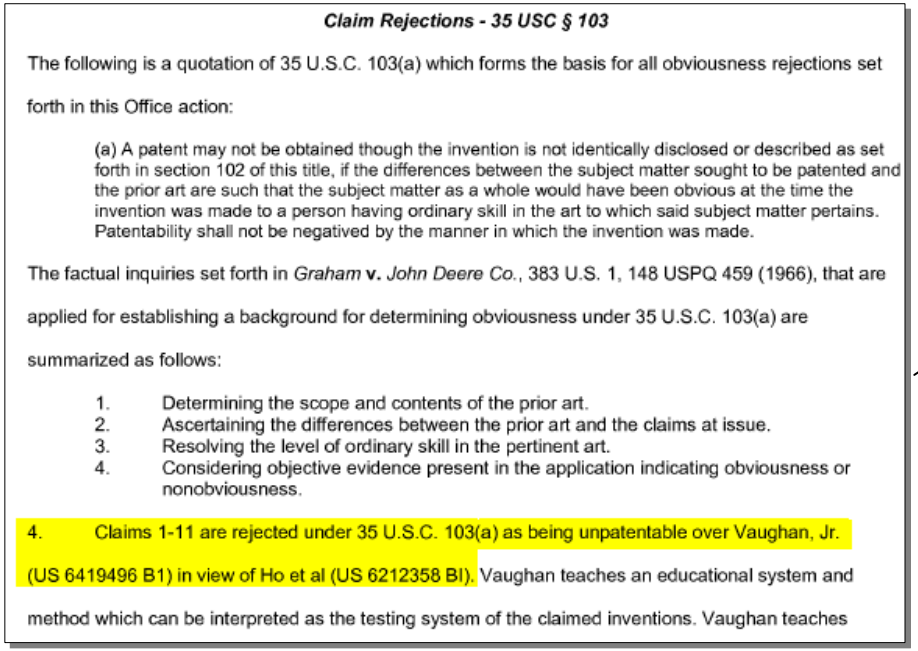


Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. The affidavit of Dr. Timothy Becker, in the parent application (09/921061), admits to a sale of the invention during the spring 1999 semester at San Diego State University. An impermissible sale has occurred if there was a definite sale, or offer to sell, more than 1 year before the effective filing date of the



Claim Rejections - 35 USC § 103

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

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

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughan, Jr. (US 6419496 B1) in view of Ho et al (US 6212358 BI). Vaughan teaches an educational system and method which can be interpreted as the testing system of the claimed inventions. Vaughan teaches

Rejections made under 35 U.S.C. § 103 are based on obviousness. The references applied in the § 103 rejection are similar to "Y" category references for lack of inventive step in a search report of an international application.