REMARKS

In the Office Action dated July 2, 2009, Claims 1-21 are pending. Claims 1-21 have been rejected. Claims 1-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (U.S. Patent No. 6,725,228) in view of Gilberto et al. (U.S. Patent Publication No. 2003/0158791).

Rejection under 35 U.S.C. 103

With regard to the rejection of claim 1, Applicant respectfully traverses the rejection. Applicant claims, in part, "a method for tracking service orders of service activities each having a *service activity date* . . . creating at least one subfolder at said recipient identified by a *conversion date* associated with a particular set of first data . . . searching . . . said first data and said second data of said email; and moving said email to a corresponding one of said at least one subfolders identified by said first data of said service order."

By contrast, the system of Clark "automatically organizes each saved message into multiple folders based on the contents and attributes of the message." (Abstract) The Office Action cites FIG. 6, item 62A ("date") as being a "service activity date" or "conversion date," as recited in Applicant's claim 1. Applicant respectfully disagrees that the date 62A of Clark is either a "service activity date" or "conversion date," as Clark states, "[t]he date subtree contains folders in which messages are arranged by date. For example, the date subtree might contain folders named "today", "yesterday", "this week", "last week" each containing appropriately selected messages." (Col. 12, lines 29-33) From this description, it is clear that the date 62A in FIG. 6 of Clark is that of a date when the emails are received or sent, which is not a "service activity date" or "conversion date," as claimed.

Gilberto describes an order and payment visibility process for facilitating order entry, fulfillment, shipment, and payment in a network environment. (Abstract) The system provides for communicating order entries from a seller to a supplier and provides order status information to the buyer. (Abstract) Gilberto further provides a graphical user interface that shows a number of order fields, including PO number, reference number, date ordered, date requested, and location reference. (FIG. 29, para. [0081]).

Applicants respectfully submit that the combination of Clark and Gilberto does not teach or suggest Applicants claimed invention. The date 62A of Clark is that of a date of the email and combining Gilberto that adds service orders does not overcome the shortcomings of Clark.

Combining Clark and Gilberto would result in a system that organizes emails by email dates as provided by Clark and would not utilize a method that "creat[es] at least one subfolder at said recipient identified by a *conversion date* . . . and mov[es] said email to a corresponding one set of at least one subfolders identified by said first data of said service order."

In response to the Final Office Action on page 4, section 7, in which it is stated:

> [i]t would have been obvious to a person with ordinary skills in the art at the time of the invention to combine the teachings of Clark with the teachings of Gilberto in order to implement a method for tracking services orders of services activities by inputting in the email sent from computer 16 to computer 18, as taught by Clark a requested date or description of item in a first portion (header, in subject for instance) or in the second portion of the message (body of the message). Such combination would have allowed the order recipient to immediately get all information related to orders, such as description, when the order is requested. By combining Gilberto's service orders with Clark's techniques of email organizing, it would allow technicians of the services orders to be able to organize the emails effectively.

Applicant respectfully submits that the combination of Clark and Gilberto either teaches away from Applicant's claimed invention or, in the alternative, is impermissible hindsight. Clark, as stated above, teaches sorting emails by dates of the emails themselves, and not the "conversion date [of the service order]." The fact that Clark is capable of sorting by content located in an email header, body, attachment (col. 10, lines 4-19 as cited in the Final Office Action on pages 13, bottom paragraph and 14, top paragraph) does not supersede Clark's focus of sorting the emails by date. While Gilberto describes a service ordering system, Gilberto does not teach or suggest, "creating at least one subfolder ... identified by a conversion date associated with a particular set of first data," as claimed. Clark would teach one skilled in the art to sort emails by sent/received dates of the emails themselves and not "conversion dates" of the service orders. As such, Applicant respectfully submits that the combination of Clark and Gilberto teaches away from Applicant's claimed invention.

In the alternative, Applicant respectfully submits that the combination of Clark and Gilberto uses impermissible hindsight to achieve Applicant's claimed invention. Even though Clark is capable of sorting by keywords in the subject or body of the emails, Gilberto does not teach or suggest "creating at least one subfolder at said recipient identified by a conversion date associated with a particular set of first data ... and moving said email to a corresponding one of said at least one subfolders identified by said first data of said service order." Applicant respectfully submits that without Applicant teaching such a process that one skilled in the art would not combine Clark and

6

Gilberto. Such a combination is impermissible hindsight as the combination would not have been contemplated without Applicant's teachings.

Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. 103(a) be withdrawn. Claims 2-7, which depend from independent claim 1, should be allowable for at least the same reasons. Independent claims 8 and 15, which include the same or analogous elements as claim 1, should be allowable for at least the same reasons. Claims 9-14 and 16-21, which depend from independent claims 8 and 15, respectively, should be allowable for at least the same reasons.
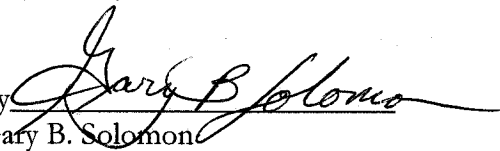
CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant believes no fee is due with this response. However, the Commissioner is hereby authorized to charge any deficiency in the fees filed or credit any overpayment to Deposit Account No. 19-3140, under Docket No. 11000060-0055, of Sonnenschein Nath & Rosenthal LLP from which the undersigned is authorized to draw.

Dated: _8/7/09_

Respectfully submitted,

By_____
Gary B. Solomon
Registration No.: 44,347
SONNENSCHEIN, NATH & ROSENTHAL LLP
1717 Main Street, Suite 3400
Dallas, Texas 75201
(214) 259-0941
(214) 259-0910 Fax
Attorney for Applicants

7

14808922