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NEAL, GERBER, & EISENBERG			ABDI, KAMBIZ	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* EZRA D. BECKER

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Appeal 2011-006675  
Application 12/257,220  
Technology Center 3600

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*Before:* ANTON W. FETTING, MICHAEL W. KIM, and  
JAMES A. TARTAL, *Administrative Patent Judges.*

KIM, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 1-21<sup>1</sup>. We have jurisdiction to review the case under 35 U.S.C. §§ 134 and 6.

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<sup>1</sup> Our decision will make reference to the Appellant's Appeal Brief ("App. Br.," filed August 3, 2010) and Reply Brief ("Reply Br.," filed December 28, 2010), and the Examiner's Answer ("Ans.," mailed October 28, 2010).

The invention relates to systems and methods for minimizing the distortion of the perceived credit risk of a consumer due to the presence of authorized user trade lines (i.e., credit accounts or other items on a credit report) on the consumer's credit file (Spec., para. [0002]).

Claim 1, reproduced below, is further illustrative of the claimed subject matter.

1. A method for evaluating the credit risk of an individual or entity associated with a plurality of trade lines, the method comprising the steps of:

identifying using a first computer process executing on a computer processor each of the plurality of trade lines for which the individual or entity is an authorized user;

combining using a second computer process executing on a computer processor at least one characteristic of all said authorized user trade lines to produce an authorized user trade line total;

combining using a third computer process executing on a computer processor the at least one characteristic of all of the plurality of trade lines for which the individual or entity is a base user to produce a base user trade line total;

calculating using a fourth computer process executing on a computer processor a ratio between the authorized user trade line total and the base user trade line total, wherein the ratio is indicative of a likelihood that the individual or entity is attempting to misrepresent the risk associated with their credit; and

generating using a fifth computer process executing on a computer processor an alert should the ratio exceed a user-defined amount.

1. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lynch (US 2006/0155639, publ. Jul. 13, 2006).

We REVERSE.

#### FINDINGS OF FACT

##### *Specification*

FF1. The Specification “defines an authorized user as an individual who may use a trade line but has no financial responsibility for any resulting balance owed” (para. [0006]).

#### ANALYSIS

We are persuaded the Examiner erred in asserting Lynch discloses “an authorized user,” as recited in each of independent claims 1, 8, 18, and 20 (Appeal Br. 17-19; Reply Br. 4-6). The Examiner cites paragraphs [0094]-[0116] of Lynch as disclosing the recited “authorized user” (Ans. 3-4). However, “authorized user” has a definition set forth in the Specification (FF1). The Examiner has not shown how the cited portions of Lynch disclose an “authorized user” that meets the definition set forth in the Specification. Indeed, the Response to Arguments section of the Examiner’s Answer does not make any mention of “authorized user.” This is a method claim rejected as anticipated. As such, the user’s attributes are given patentable weight.

We do not sustain the rejection of independent claims 1, 8, 18, and 20. For the same reasons, we also do not sustain the rejection of dependent claims 2-7, 9-17, 19, and 21.

Appeal 2011-006675  
Application 12/257,220

DECISION

The decision of the Examiner to reject claims 1-21 is REVERSED.

REVERSED

Klh