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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
13/213,975 08/19/2011 Laura Weinflash 90850-795996 (002200US) 9310

20350 7590 11/03/2016
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EXAMINER

BARTLEY, KENNETH

ART UNIT PAPER NUMBER

3693

NOTIFICATION DATE DELIVERY MODE

11/03/2016

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LAURA WEINFLASH, DAWN MELVIN, TOM MCLAUGHLIN,
JANIS E. SIMM, CHRISTOPHER E. SWECKER, and
LUCIUS L. LOCKWOOD

Appeal 2014-003715
Application 13/213,975¹
Technology Center 3600

Before JOSEPH A. FISCHETTI, BIBHU R. MOHANTY, and
BART A. GERSTENBLITH, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 of the final rejection of claims 1–49 and 53–58, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

¹ The Appellants identify Early Warning Services, LLC as the real party in interest (App. Br. 3).

SUMMARY OF THE DECISION

We REVERSE.

THE INVENTION

The Appellants' claimed invention is directed to systems and methods for locating and accessing assets, such as accounts (Spec., para. 7). Claim 1, reproduced below with the numbering in brackets added, is representative of the subject matter on appeal.

1. A computer-implemented method for a third party requester to locate accounts of an account holder, comprising:
 - [1] providing a database;
 - [2] storing, in the database, account data for accounts maintained at a plurality of different institutions, the account data for each respective account comprising at least a personal identifier for an account holder of that respective account that is separate from an account identifier of that respective account;
 - [3] receiving, by one or more processors from a third party requestor, a request to locate an account of the account holder, the request including a submitted personal identifier of the account holder;
 - [4] locating, by one or more of the processors, an account, at any of the institutions by matching the submitted personal identifier to the personal identifier stored in the database for the located account;
 - [5] retrieving, by one or more of the processors, at least some of the account data for the located account; and
 - [6] providing, by one or more of the processors, the retrieved account data to the third party requester.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

Johnston	US 2004/0078323 A1	Apr. 22, 2004
Stewart	US 2006/0191995 A1	Aug. 31, 2006
Pollard	US 2010/0185656 A1	July 22, 2010

Chmielewski	US 2010/0241558 A1	Sept. 23, 2010
Nightengale	US 2010/0268696 A1	Oct. 21, 2010
Griffin	US 2011/0131122 A1	June 2, 2011

The following rejections are before us for review:

1. Claim 24 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.
2. Claims 1–7, 14, 15, 25–29, 31, 32, 35–46, and 49 are rejected under 35 U.S.C. § 103(a) as unpatentable over Pollard and Nightengale.
3. Claims 8–13, 23, 24, 47, and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollard, Nightengale, and Stewart.
4. Claims 16–21 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollard, Nightengale, and Griffin.
5. Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollard, Nightengale, and Johnston.
6. Claims 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollard, Nightengale, and Chmielewski.
7. Claims 53–55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollard and Griffin.

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section below are supported at least by a preponderance of the evidence.²

² See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

ANALYSIS

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has determined that, in claim 24, the claim phrase for determining based on the “total of account balances for all located accounts, whether the applicant meets the required specified level of assets” is indefinite in light of the phrase in claim 23 that the “benefits program requires a specified level of assets” (Final Act. 3; Ans. 4, 5).

In contrast, the Appellants have argued that this rejection is improper (App. Br. 7, 8; Reply Br. 1, 2).

We agree with the Appellants. Here, it is clear what is being claimed in the above cited limitation to claim 24. Also, the subject matter of claim 24 does properly limit claim 23. Here, the above citations to claim 24 do not render the claim indefinite and this rejection of record is not sustained.

Rejections under 35 U.S.C. § 103(a)

The Appellants have argued that the rejection of claim 1 is improper because the cited prior art fails to disclose elements of claim limitations [1], [2], and [3] identified in the claim above (App. Br. 8–10; Reply Br. 2, 3).

In contrast, the Examiner has determined that the cited claim limitation is found in Pollard at Figure 1 (items 102, 103), Table 1, and paragraphs 7, 10, 16, 21, 22, 25, 31, 33, 38, 92, 136, and 137 (Final Act. 7–11; Ans. 6–14). Nightengale has been cited to teach “matching” (Ans. 14).

We agree with the Appellants. The argued limitations of claim 1 require:

[1] storing . . . account data for *accounts maintained in a plurality of different institutions* . . .

[2] receiving . . . *from a third party requestor, a request to locate an account of the account holder . . .*

[3] *locating, by one or more of the processors, an account, at any of the institutions by matching the submitted personal identifier to the personal identifier stored in the database for the located account.*

(Claim 1, emphasis added). Here, the cited claim limitations require that account data for accounts be maintained at a plurality of different institutions; receiving from a third party requestor, a request to locate an account of an account holder; and then locating an account by matching the submitted personal identifier to the personal identifier stored in the database for the located account. Here, the above citations to Pollard fail to disclose this. For example, the Final Office Action at page 8 cites to paragraph 16 of Pollard as disclosing *account data stored in a plurality of different institutions*, but paragraph 16 fails to do so. Further, the Final Office Action at pages 9–11 cites to paragraphs 16, 22, 31, 33, and 100 of Pollard as disclosing “*receiving . . . from a third party requestor, a request to locate an account of the account holder*” but these portions do not disclose that. Note, for example, while paragraph 16 does detail the “propagation of personal data” and the management of data, it does not disclose a specific request from a third party to locate an account of an account holder in the specific manner claimed. Since the above claim limitations have not been shown in the prior art, the rejections of claim 1 and its dependent claims are not sustained. The remaining claims contain similar limitations, and the rejections of these claims are not sustained for the same reasons given above.

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CONCLUSIONS OF LAW

We conclude that Appellants have shown that the Examiner erred in rejecting the claims as listed above.

DECISION

The Examiner's rejections of claims 1–49 and 53–58 are reversed.

REVERSED