



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
**United States Patent and Trademark Office**  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/395.669	03/01/2009	Abhinav Aggarwal		4820

59597                      7590                      10/17/2017  
DR. ABHINAV AGGARWAL  
100 SAINT AYERS WAY  
CHAPEL HILL, NC 27517

EXAMINER
----------

HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
----------	--------------

2689

MAIL DATE	DELIVERY MODE
-----------	---------------

10/17/2017

PAPER

**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.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* ABHINAV AGGARWAL, PARV AGGARWAL, and  
SARITA AGGARWAL

---

Appeal 2016-003468  
Application 12/395,669  
Technology Center 2600

---

Before CAROLYN D. THOMAS, LINZY T. McCARTNEY, and  
ADAM J. PYONIN, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

This is a decision on appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 52–57, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

---

<sup>1</sup> An oral hearing was held for this appeal on September 19, 2017.

## STATEMENT OF THE CASE

### *Introduction*

The Application is directed to “a system and method for uniquely identifying biological humans.” Spec. 1.<sup>2</sup> Claim 52, the sole independent claim, is reproduced below for reference (formatting added):

52. A system for  
linking, issuing, and authenticating identifications, credit and debit cards, airline and hotel loyalty programs, shoppers rewards programs, passports and visas;  
tracking and rescue using radio frequency identification, microwave, cellular, and satellite communication, computer processing, secured messaging, and database access,  
such that it acts as a unique global identification system and cross-reference identifier, overcoming the limitations of any national level identification system, and protects against identity fraud by limiting information access only to authorized seekers on a need to know basis.

### *References and Rejections*

The following is the prior art relied upon by the Examiner in rejecting the claims on appeal:

Iida	US 5,440,541	Aug. 8, 1995
Ludtke	US 2002/0128980 A1	Sept. 12, 2002
Lepkofker	US 2004/0021569 A1	Feb. 5, 2004
Howard	US 2004/0213437 A1	Oct. 28, 2004
Gangi	US 6,938,821 B2	Sept. 6, 2005

---

<sup>2</sup> We refer to the Specification as filed on March 1, 2009, which does not contain page numbers. We note that specification pages must be consecutively numbered. *See* Manual of Patent Examining Procedure (MPEP) § 608.01 (“The pages of the specification including claims and abstract must be numbered consecutively, starting with 1, the numbers being centrally located above or preferably, below, the text.”). Throughout this opinion, references to the Specification are to the printed pages as if numbered consecutively starting on the first page.

Sunstein	US 6,985,887 B1	Jan. 10, 2006
Gottlieb	US 2008/0021814 A1	Jan. 24, 2008
Salva Calcagno	US 2008/0238613 A1	Oct. 2, 2008

Appellants appeal the following rejections:

Claims 52–57 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. *See* Final Act. 2.

Claims 52–57 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description and enablement requirements. *See* Final Act. 4.

Claims 53–56 stand rejected under 35 U.S.C. § 112, second paragraph, for insufficient antecedent basis. *See* Final Act. 5.

Claims 52–56 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. *See* Final Act. 5–6.

Claim 52 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Iida, Gangi, and Howard. Final Act. 12.

Claims 52–56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sunstein, Salva Calcagno, Gottlieb, and Ludtke. Final Act. 15.

Claim 57 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sunstein, Salva Calcagno, Gottlieb, Ludtke, and Lepkofker. Final Act. 23–24.

## ANALYSIS

We review the appealed rejection for error based upon the issues identified by Appellants and in light of the arguments and evidence

produced thereon. *See Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). We do not find the Examiner erred; we adopt the Examiner’s findings and conclusions (*see* Final Act. 2–25; Ans. 4–8) as our own, and we add the following primarily for emphasis.

*A. 35 U.S.C. § 101*

In rejecting the claims under 35 U.S.C. § 101, the Examiner finds the claimed invention is unpatentable for being directed to non-statutory subject matter. Final Act. 2. Particularly, the Examiner finds the claims are directed to the abstract idea of “a fundamental identification process,” and consist of limitations “that are well understood, routine, and conventional activities,” including generic computing functions, that “do not provide meaningful limitation(s) to transform the abstract idea into a patent eligible application of the abstract idea such that the claim(s) amounts to significantly more than the abstract idea itself.” *Id.* at 2–3. The Examiner finds, therefore, that claim 52 “could be realized by nothing more than a paper printout of cross-referenced information that links all of these disparate identifiers and is only allowed to be looked at by a certain group of people.” Ans. 6–7.

Appellants argue the Examiner’s rejection is in error, because “no parts or components of the invention are abstract and unrealizable ideas,” as described in the Application and by “a working prototype of the invention under disclosure [which] was demonstrated.” App. Br. 3–4.<sup>3</sup> Appellants further argue that the “[E]xaminer seems to have failed to take notice of the

---

<sup>3</sup> We refer to the Appeal Brief filed on July 27, 2015 (“App. Br.”), which does not contain page numbering. Throughout this opinion, page number references to the Appeal Brief refer to the brief as if numbered consecutively starting on the first page.

technical details” recited by the claims, including “[r]adio and computing technologies [which] are not implementable on a mere paper printout.”

Reply Br. 3.<sup>4</sup>

We are not persuaded the Examiner erred. The Examiner’s rejection is based on the “abstract idea” analysis of 35 U.S.C. § 101 provided by the Supreme Court. *See* Ans. 7. That is, an invention is patent eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. The Supreme Court, however, has long interpreted § 101 to include an implicit exception: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014) (internal citation and quotation marks omitted). The Supreme Court, in *Alice*, reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories., Inc.*, 566 U.S. 66, 79 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice*, 134 S. Ct. at 2355. The first step in that analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts,” e.g., to an abstract idea. *Id.* If the claims are directed to a patent-ineligible concept, the inquiry proceeds to the second step, where the elements of the claims are considered “individually and ‘as an ordered combination’” to determine whether there are additional elements that “transform the nature

---

<sup>4</sup> We refer to the Reply Brief filed on January 29, 2016 (“Reply Br.”), which does not contain page numbering. Throughout this opinion, page number references to the Reply Brief refer to the brief as if numbered consecutively starting on the first page.

of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*, 566 U.S. at 79, 78).

The Court acknowledged in *Mayo*, that “all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.” *Mayo*, 566 U.S. at 71. We, therefore, look to whether the claims focus on a specific means or method that improves the relevant technology, or instead are directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016).

We agree with the Examiner that the claims are directed to an abstract idea, pursuant to step one of the *Alice* framework. *See* Final Act. 2–3. Claim 1 recites a system for “linking, issuing, and authenticating identifications” and “tracking and rescue,” which “acts as a unique global identification system and cross-reference identifier.” That is, claim 1 is directed to a system for various functions relating to an identification number. Appellants’ Specification describes the invention similarly:

this invention comprises the steps of issue of a globally unique identification as universal identification number (UIN) to each individual human being on the planet, such that this number is issued only once, and linking all existing identifications to it, and using this system to access data for the applications like law enforcement check point and credit/debit card transaction verification, issue of passport/visa, loyalty programs, and human/patient monitoring, tracking, and rescue using satellite, cellular, RFID, wi-fi, biosensing, and secured network and database access technologies and a messaging framework.

Spec. 5.

We find Appellants’ claims are directed to an abstract idea of itself, or a method of organizing human activity. This determination is consistent

with prior case law, which found claims that are similarly directed to correlating information (such as identifiers) fall squarely within the realm of abstract ideas implemented on computers. *See, e.g., CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1370 (Fed. Cir. 2011) (verifying credit card transactions); *NexusCard, Inc. v. Kroger Co.*, 173 F. Supp. 3d 462, 467 (E.D. Tex. 2016) (collecting customer information and membership discount programs), *aff'd*, 688 F. App'x 916 (Fed. Cir. 2017); *Cyberfone Systems, LLC v. CNN Interactive Grp, Inc.*, 558 F. App'x 988, 992 (Fed. Cir. 2014) (nonprecedential) (“using categories to organize, store, and transmit information is well-established”); *Elec. Power Grp, LLC v. Alstom S.A.*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016) (characterizing collecting information, analyzing information by steps people go through in their minds, or by mathematical algorithms, and presenting the results of collecting and analyzing information, without more, as matters within the realm of abstract ideas); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1354–55 (Fed. Cir. 2014) (finding claims for guaranteeing a party’s performance of its online transaction were directed to the abstract idea of “creating a contractual relationship”); *Intellectual Ventures I LLC v. Erie Indem. Co.*, 850 F.3d 1315, 1328 (Fed. Cir. 2017) (“the heart of the claimed invention lies in creating and using an index to search for and retrieve data . . . an abstract concept”).

We also do not find the claims recite elements that transform the nature of the claims into a patent-eligible application, under the second step of the *Alice* test. Appellants argue that claim 52 “makes use of” various technologies including computer processing (Reply Br. 3); however, to the extent the claim relies on any specific technology, we agree with the



Examiner that such technology consists of merely “well understood, routine, and conventional” techniques to implement the underlying idea (Final Act. 3). *See, e.g., Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1342 (Fed. Cir. 2017) (concluding it was insufficient to overcome a judicial exception rejection where the claims “provide[] only a result-oriented solution, with insufficient detail for how a computer accomplishes it”); *see also Elec. Power Grp.*, 830 F.3d at 1356 (cautioning against claims “so result focused, so functional, as to effectively cover any solution to an identified problem”); *Intellectual Ventures I LLC v. Erie Indem. Co.*, 850 F.3d at 1328–29 (“While limiting the index to XML tags certainly narrows the scope of the claims, in this instance, it is simply akin to limiting an abstract idea to one field of use or adding token post solution components that do not convert the otherwise ineligible concept into an inventive concept.”).

Separately, we note claim 52 recites “a system for...” without specifying any particular structure for the system. Thus, the limitation, “tracking and rescue using radio frequency identification, microwave, cellular, and satellite communication, computer processing, secured messaging, and database access,” is in essence an intended use of the recited system, rather than a positively recited technical feature. We see no error in the Examiner’s finding that “claim 52 if read in its broadest reasonable interpretation, could be realized by nothing more than a paper printout,” as such paper printout can be the system used “for . . . tracking and rescue,” with the tracking and rescue also using the technologies listed in the claim. Ans. 6. Nor do Appellants show how use of the technologies would be anything more than using well known, generic functions to automate such a

paper printout. *See* Final Act. 3. Furthermore, the recited “tracking and rescue” is open-ended, as claim 52 fails to recite what precisely is being tracked and rescued.

For the foregoing reasons, we are not persuaded the Examiner erred in rejecting the claims as being directed to patent-ineligible subject matter. *See* Final Act. 2–3. Therefore, we sustain the Examiner’s 35 U.S.C. § 101 rejection.

*B. 35 U.S.C. § 112, first paragraph*

The Examiner finds claims 52–57 fail to comply with the written description and enablement requirements of 35 U.S.C. § 112, first paragraph. *See* Final Act. 4; Ans. 4–5. We agree. Appellants do not persuasively show the Examiner erred. *See, e.g.,* App. Br. 4.

Further, we note claim 52 recites “a system for” various functional purposes; thus the claim comprises, at best, a single means claim. Such a single means claim is not commensurate in scope with the Appellants’ disclosure. *See In re Hyatt*, 708 F.2d 712, 714 (Fed. Cir. 1983) (“The long-recognized problem with a single means claim is that it covers every conceivable means for achieving the stated result, while the specification discloses at most only those means known to the inventor.”).

Accordingly, we sustain the Examiner’s rejections of claims 52–57 under 35 U.S.C. § 112, first paragraph.

*C. 35 U.S.C. § 112, second paragraph*

The Examiner finds claims 53–56 recite limitations with insufficient antecedent bases, and claims 52–56<sup>5</sup> fail to particularly point out and distinctly claim the subject matter, pursuant to the requirements of 35 U.S.C. § 112, second paragraph. *See* Final Act. 5–6. We agree with the Examiner’s findings. *See id*; *see also* Ans. 6. Appellants do not persuasively show the Examiner erred.

Additionally, we note claim 52 is a system claim, and dependent claims 53–56 are procedure (i.e., method) claims. Thus, the dependent claims are further unclear as to the extent of their scope. *See IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3d 1377, 1384 (Fed. Cir. 2005) (“Because claim 25 recites both a system and the method for using that system, it does not apprise a person of ordinary skill in the art of its scope, and it is invalid under section 112, paragraph 2.”).

Accordingly, we sustain the Examiner’s rejections of claims 52–56 under 35 U.S.C. § 112, second paragraph.

*D. 35 U.S.C. § 103(a)*

The Examiner finds the claims to be obvious in view of various combinations of the cited references. *See* Final Act. 12–24; Ans. 8. Appellants present arguments regarding features of some of the cited references (*see* App. Br. 5–7), but do not provide persuasive evidence or technical reasoning to show the Examiner erred in finding the combinations of references teach or suggest the claims. Thus, we agree with the Examiner

---

<sup>5</sup> We note dependent claim 57, although otherwise rejected, does not stand separately rejected for being indefinite. *See* Final Act. 5–6.

Appeal 2016-003468  
Application 12/395,669

that “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.” Final Act. 11; *see also KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007).

Accordingly, we sustain the Examiner’s rejections of claims 52–57 under 35 U.S.C. § 103(a).

#### DECISION

The Examiner’s decision rejecting claims 52–57 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED