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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MUTHUVEL RAMALINGAMOORTHY,
SIVAKUMAR BALAKRISHNAN, and
NANDAKUMAR DHANDAPANI

Appeal 2016-004675
Application 13/151,580
Technology Center 3600

Before JUSTIN BUSCH, JAMES W. DEJMEK, and JASON M. REPKO,
Administrative Patent Judges.

BUSCH, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–6 and 8–21. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

CLAIMED SUBJECT MATTER

The claims relate generally to visitor management systems and methods and, more specifically, to providing an e-badge to a visitor upon authorization of a pre-registration request for a future visit to a building.

Spec. ¶ 1. Claim 1 is reproduced below:

1. A method comprising:

a processor receiving a pre-registration request for a future visit to a building;

the processor transmitting the pre-registration request to a personal device of a host of the future visit to the building;

the processor receiving authorization for the pre-registration request from the personal device of the host of the future visit to the building;

based on the received authorization, the processor identifying the pre-registration request as authorized; and

the processor providing an e-badge to a guest mobile device for the future visit to the building.

REJECTIONS

Claims 1–6 and 8–21 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. Ans. 10–11.

Claims 1–6, 8–11, 15–19, and 21 stand rejected under 35 U.S.C. § 103(a) as obvious in view of Lakin (US 2008/0120243 A1; May 22, 2008) and Chung (2007/0136154 A1; June 14, 2007). Final Act. 2–7.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as obvious in view of Lakin, Chung, and Plutowski (US 2005/0096960 A1; May 5, 2005). Final Act. 7–8.

Claims 13, 14, and 20 stand rejected under 35 U.S.C. § 103(a) as obvious in view of Lakin, Chung, and Official Notice. Final Act. 8–10.

ANALYSIS

REJECTION OF CLAIMS UNDER 35 U.S.C. § 101

The Examiner rejects all of the pending claims under 35 U.S.C. § 101 because the claims as a whole are directed to the abstract idea of registering, such as to allow for future access to a building, and do not contain significantly more than the abstract idea so as to transform the claimed abstract idea into a patent-eligible application. Ans. 10–11. The Examiner finds the additional combination of elements beyond the abstract idea are simply instructions to implement the abstract idea on a computer using generic computer structure to perform well-understood, conventional, and routine generic computer functions. *Id.*

Appellants contend the claims are patent eligible because they “are directed to concrete, well-defined apparatus that receives specific inputs and provides a tangible, useful output that is well-defined in its scope and use.” Reply Br. 2. Appellants present no other argument or evidence in support of their assertion that the claims are not directed to abstract ideas. *Id.* Appellants do not clearly articulate whether they assert the claims are not directed to an abstract idea or whether the claims recite significantly more than the abstract idea itself. *Id.* Nevertheless, we disagree with Appellants’ arguments for the reasons that follow and agree with the Examiner that Appellants’ claims are directed to ineligible subject matter under 35 U.S.C. § 101.

First, we note Appellants argue all the claims as a group; therefore, with respect to the rejection under § 101, all claims stand or fall together. Notably, claim 1 is directed to a method. Thus, although the method recites using processors receiving and transmitting information, claim 1 is not

directed to a concrete apparatus. Moreover, whether something claimed is “concrete” and “physical” is not the test for determining whether claimed subject matter is judicially-excepted from patent-eligibility. If that were the case, any claims to computers would necessarily be patent eligible. But that is not the case. *See Alice*, 134 S. Ct. at 2358–59 (internal citation omitted):

The fact that a computer “necessarily exist[s] in the physical, rather than purely conceptual realm” is beside the point. There is no dispute that a computer is a tangible system (in § 101 terms, a “machine”), or that many computer-implemented claims are formally addressed to patent-eligible subject matter. But if that were the end of the § 101 inquiry, an applicant could claim any principle of the physical or social sciences by reciting a computer system configured to implement the relevant concept.

As discussed in more detail below, we find Appellants’ claims are similar to claims the Federal Circuit has found are directed to ineligible subject matter, namely abstract ideas. Accordingly, we find Appellants’ claims also are directed to abstract ideas and sustain the Examiner’s rejection.

In *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66, 70 (2012), and *Alice Corp. v. CLS Bank International*, 134 S. Ct. 2347, 2354 (2014), the Supreme Court explained that § 101 “contains an important implicit exception” for laws of nature, natural phenomena, and abstract ideas. *See Diamond v. Diehr*, 450 U.S. 175, 185 (1981). In *Mayo* and *Alice*, the Court set forth a two-step analytical framework for evaluating patent-eligible subject matter: (1) “determine whether the claims at issue are directed to” a patent-ineligible concept, such as an abstract idea; and, if so, (2) “consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements” add enough to transform the “nature of the claim” into “significantly more” than

a patent-ineligible concept. *Alice*, 134 S. Ct. at 2355 (quoting *Mayo*, 566 U.S. at 79); see *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016).

Step one in the *Mayo/Alice* framework involves looking at the “focus” of the claims at issue and their “character as a whole.” *Elec. Power Grp., LLC v. Alstrom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). In this case, we are not persuaded the Examiner erred in concluding that the claims are directed to an abstract idea. In particular, the Examiner finds the focus of the claims is on registering a person for a future visit to a building. Ans. 11. Notably, the Examiner’s characterization is consistent with Appellants’ description of the problem and solution. See Spec. ¶ 6 (describing “a continuing, ongoing need for systems and methods for establishing an e-badge via mobile pre-registration for a visitor management system”), see also *id.* ¶¶ 12–15. Thus, we agree with the Examiner that the claims’ character as a whole lies in longstanding conventional conduct—i.e., registration requests and authorization for a visitor to enter a building at a future time.

The claims recite processes or methods implemented by processors that receive and transmit registration requests, receive authorizations for registration requests, identify those registration requests as authorized, and provide an e-badge. The Federal Circuit has recognized that “[t]he concept of data collection, recognition, and storage is undisputedly well-known,” and “humans have always performed these functions.” *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014), cited in Ans. 4. We agree with the Examiner’s findings because the claimed concept is similar to the above-discussed concepts

found to be abstract by the Federal Circuit. Accordingly, we are unpersuaded that the Examiner erred in concluding that the claims are directed to an abstract idea.

Step two involves the search for an “inventive concept.” *Alice*, 134 S. Ct. at 2355; *Elec. Power Grp.*, 830 F.3d at 1353. For an inventive concept, “more is required than ‘well-understood, routine, conventional activity already engaged in’” by the relevant community. *Rapid Litig. Mgmt. Ltd. v. CellzDirect, Inc.*, 827 F.3d 1042, 1047 (Fed. Cir. 2016) (quoting *Mayo*, 566 U.S. at 79–80). Thus, because Appellants’ claims are directed to an abstract idea, we must determine whether the limitations, when considered both “individually and as an ordered combination” contain an “inventive concept” sufficient to transform the claimed “abstract idea” into a patent-eligible application. *Alice*, 134 S. Ct. at 2355–58.

First, we consider the claims’ limitations individually. *See Alice*, 134 S. Ct. at 2355–58. The claims recite conventional uses of a processor, such as receiving and transmitting requests, identifying the requests as authorized based on receiving an authorization of the request, and providing an electronic badge. To perform these functions, the claims do not call for non-conventional computer components. Rather, these functions—transmission, reception, analysis, modification (i.e., identifying a request as authorized), and generation (i.e., providing an electronic badge) of data—merely require a generic processor, which does not supply an inventive concept. *Ans. 5–7; FairWarning IP, LLC v. Iatric Sys. Inc.*, 839 F.3d 1089, 1095 (Fed. Cir. 2016).

Additionally, the steps acting upon the data are abstractly and broadly recited as “receiving,” “transmitting,” “identifying,” and “providing”

functions, instead of a concrete solution for carrying out these identifications and determinations. Thus, the recited identifications and determinations “do not invoke any assertedly inventive programming” to supply an inventive concept. *Elec. Power*, 830 F.3d at 1354. In sum, the limitations, considered individually, do not contain an inventive concept.

Next, we consider the limitations as an ordered combination. Unlike the inventive distribution of function between the local computer and an ISP server in *BASCOM*, the claims here merely recite a generic processor to carry out the abstract idea. *See BASCOM*, 827 F.3d at 1352 (discussing the specific location for the filtering system and role of networking accounts in concluding that the claims did not preempt the abstract idea’s use). Essentially, the claim recites an abstract idea with the instruction to apply it on generic computing components.

“[R]elying on a computer to perform routine tasks more quickly or more accurately is insufficient to render a claim patent eligible.” *OIP Techs. Inc., v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir.), *cert. denied*, 136 S. Ct. 701, 193 L. Ed. 2d 522 (2015). So, even if a computer performs the claimed steps with fewer errors or redundancies, we agree with the Examiner that using a computer in this conventional way does not supply an inventive concept. Ans. 5–7. For the reasons discussed above, we agree with the Examiner that the claims are directed to ineligible subject matter under 35 U.S.C. § 101

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

The Examiner rejects each of the pending claims under 35 U.S.C. § 103(a) as being obvious in view of the combination of Lakin and Chung, the combination of Lakin, Chung, and Plutowski (claim 12), or the

combination of Lakin, Chung, and Official Notice (claims 13, 14, and 20).
Final Act. 2–10.

Appellants argue all of the claims as a group. *See* App. Br. 5–9. Accordingly, we select claim 1 as representative with respect to Appellants’ arguments responding to the Examiner’s rejection under 35 U.S.C. § 103. 37 C.F.R. § 41.37(c)(1)(iv). In particular, Appellants generally contend Lakin and Chung have “different functionality than” the claimed invention, and Lakin and Chung do not disclose allowing “authorization of a visitor by a host even if the host is out of his/her office (e.g., at lunch).” App. Br. 6. Appellants also assert Lakin and Chung do not teach or suggest the majority of the steps recited in claim 1 because Lakin is directed to obtaining building permits and Chung is directed to smart cards. App. Br. 8. Appellants expand on that argument in the Reply Brief, contending Lakin teaches “neither a request for entry into a building nor a request for future entry into the building” because Lakin simply discloses “a card that must be presented to building personnel for authorization.” Reply Br. 3–4 (citing Lakin ¶ 75 (disclosing that building security may check a card prior to authorizing entry into a building)).

The Examiner finds a general allegation that the functionality of the pending claims is different than what Lakin and Chung disclose does not identify specific differences between the claimed invention and the prior art. Ans. 13. The Examiner further finds Appellants’ argument that Lakin and Chung do not disclose allowing authorization even if the host is out of his/her office unpersuasive because the location of the host is not claimed. Ans. 13.

We agree with the Examiner's findings and conclusions. Specifically, the Examiner points to, in part, Lakin's Figures 1 and 2, and the accompanying description, as teaching or suggesting the majority of the steps recited in representative claim 1. Final Act. 3 (citing Lakin ¶¶ 33, 63, 65–73, 80, Figs. 1, 2). Reviewing Lakin, we agree that Lakin teaches or suggests receiving a pre-registration request, transmitting the request, receiving authorization, marking the request authorized and issuing an electronic badge.

In particular, the background of Lakin explains that the invention relates to a smart card device (i.e., an electronic badge) that provides contractors access to secure buildings. Lakin ¶ 2. Lakin further explains that, when a contractor requests approval for work in a building, the contractor must submit various information required by building security personnel, even for access to a non-secure facility. *Id.* ¶ 10. Lakin states its systems and processes address the problem of contractors working in various facilities having to repeat the registration and authorization process “for every building in which they must work.” *Id.* Lakin explains that, after a contractor enters all necessary information, the contractor may be issued a smart card that “can be used in multiple buildings provided they have the proper access terminals.” *Id.* ¶¶ 25–26.

Lakin further discloses that a contractor may apply for a card over the Internet, the agency may receive and authorize the request, and issue a smart card to the contractor. *Id.* ¶¶ 34–50. As explained above with respect to Lakin's background, a contractor applies for a card both to request permits and to gain access to buildings in which the contractor will be performing work. *Id.* ¶ 10. Thus, given that Lakin's agency receives requests from

contractors, performs necessary checks on the information, authorizes granting of credentials, and issues a smart card, we agree with the Examiner that Lakin teaches or suggests the relevant recited limitations.

For the reasons discussed above, we are not persuaded the Examiner erred in finding the combination of Lakin and Chung, the combination of Lakin, Chung, and Plutowski, or the combination of Lakin, Chung, and Official Notice teaches or suggests the subject matter recited in claims 1–6, 8–14, and 21. However, claim 15 recites additional limitations that the Examiner fails to address. *See* Final Act. 3; Ans. 3. In particular, claim 15 recites steps of displaying and updating appointments that are not commensurately recited in independent claim 1. Therefore, on this record, we cannot sustain the Examiner’s rejection of claims 15–20 because the rejection fails to identify what aspects of Lakin and/or Chung teach or suggest the displaying and updating steps. *See* Final Act. 3; Ans. 3. Accordingly, we sustain the Examiner’s rejection of claims 1–6, 8–14, and 21 under 35 U.S.C. § 103(a), but we do not sustain the Examiner’s rejection of claims 15–20 under 35 U.S.C. § 103(a).

DECISION

We affirm the Examiner’s rejection of claims 1–6 and 8–21 under 35 U.S.C. § 101.

We affirm the Examiner’s rejection of claims 1–6, 8–14, and 21 under 35 U.S.C. § 103(a).

We reverse the Examiner’s rejection of claims 15–20 under 35 U.S.C. § 103(a).

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).

Appeal 2016-004675
Application 13/151,580

AFFIRMED