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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROBERT F. SNAPP, MICHAEL C. GARNER,
EDGAR H. II GILLOCK II, and JAMES D. WILSON

Appeal 2016-008262
Application 13/599,632
Technology Center 3600

Before MICHAEL L. HOELTER, BENJAMIN D. M. WOOD, and
ANNETTE R. REIMERS, *Administrative Patent Judges*.

WOOD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants¹ appeal under 35 U.S.C. § 134 from a rejection of claims 6–8, 15–17, 23, 25, 26, and 28–30. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

THE INVENTION

The claims are directed to systems and methods for obtaining secondary address information for business addresses. Independent claim 6, reproduced below, is illustrative of the claimed subject matter:

6. A computer-implemented method comprising:
 - receiving, using at least one processor, a name of a business and primary address information associated with the business, the business name comprising two or more words;
 - creating, using the at least one processor, (i) a first code word representative of a combination of the business name and a default extended delivery code assigned to the primary address information, and (ii) second code words representative of corresponding ones of words in the business name and the default extended delivery code;
 - searching, using the at least one processor, a data table using the first and second code words, at least a portion of the data table comprising candidate secondary address information;
 - determining, using the at least one processor, one or more matches between the first and second code words and data that is stored in the data table;
 - when the first code word fails to match the stored data, identifying, using the at least one processor, elements of the candidate secondary address information that match corresponding ones of the second code words;
 - determining, using the at least one processor, that a number of matches between a first element of the candidate secondary

¹ Appellants state that the real party in interest is the United States Postal Service. App. Br. 4.

address information and the second code words meets or exceeds a threshold number;

establishing, using the at least one processor, the first element of the candidate secondary address information as secondary address information for the business name from the stored data; and

based on the stored data, identifying, using the at least one processor, an extended delivery code that corresponds to the combination of the primary and secondary address information.

REFERENCES

Mihm	US 5,387,783	Feb. 7, 1995
Gustafson	US 5,659,731	Aug. 19, 1997
Payne	US 7,204,415 B2	Apr. 17, 2007
Snapp	US 8,280,745 B2	Oct. 2, 2012
Lush	US 2001/0051503 A1	Dec. 13, 2001
Wilson	US 2004/0049682 A1	Mar. 11, 2004

REJECTIONS

Claims 6–8, 15–17, and 23 stand rejected on the ground of non-statutory obviousness-type double patenting over claim 7 of Payne and claims 1–11 of Snapp. Final Act. 3.

Claims 6–8, 15–17, 23, 25, 26, and 28–30 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. *Id.* at 4.

Claims 6, 8, 15, 17,² 23, 25, 26, and 28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wilson and Gustafson. *Id.* at 7.

² The heading on page 7 of the Examiner’s Final Office Action lists claim 16 rather than claim 17 as subject to this rejection. But the Examiner’s discussion of this rejection (Final Act. 10), as well as the fact that the Examiner addresses claim 16 in a separate rejection, makes clear that claim 17 rather than claim 16 is rejected as unpatentable over Wilson and Gustafson.

Claims 7 and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wilson, Gustafson, and Lush. *Id.* at 11.

Claims 29 and 30 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wilson, Gustafson, and Mihm. *Id.* at 12.

ANALYSIS

Claims 6–8, 15–17, and 23—Double Patenting

Appellants have not responded to the Examiner’s rejection of claims 6–8, 15–17, and 23 on the ground of non-statutory double patenting over claim 7 of Payne and claims 1–11 of Snapp. Therefore, Appellants have waived any argument of error, and we summarily sustain this rejection. *See In re Berger*, 279 F.3d 975, 984, 985 (Fed. Cir. 2002) (holding that the Board did not err in sustaining a rejection under 35 U.S.C. § 112, second paragraph, when the applicant failed to contest the rejection on appeal).

Claims 6–8, 15–17, 23, 25, 26, and 28–30—Non-Statutory Subject Matter

Appellants argue the pending claims as a group. App. Br. 24–33. We select independent claim 6 as representative of the group, and decide the appeal of this rejection on the basis of claim 6 alone. 37 C.F.R. § 41.37(c)(1)(iv).

To determine whether a claim falls within a judicially recognized exception to patent eligibility under 35 U.S.C. § 101, we apply the two-step framework set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 132 S. Ct. 1289, 1293–94 (2012), and reaffirmed in *Alice Corporation Proprietary LTD. v. CLS Bank International*, 134 S. Ct. 2347, 2355 (2014). For the first step, we determine whether the claims at issue are directed to a patent-ineligible concept such as an abstract idea, law of nature,

or natural phenomenon. *Alice*, 134 S. Ct. at 2355 (citing *Mayo*, 132 S. Ct. at 1296–97). If so, we advance to the second step where “we consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application” of the otherwise patent-ineligible concept. *Id.* (quoting *Mayo*, 132 S. Ct. at 1298, 1297). The Court has described this second step “as a search for an inventive concept—i.e., an element or combination of elements that is sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the ineligible concept itself.” *Id.* (citing *Mayo*, 132 S. Ct. at 1294 (internal quotation marks and alterations omitted)).

Regarding the first step in the *Alice* framework, the Examiner finds that the claims are directed to the abstract idea of “matching words by creating code words for each word and matching the code words with words stored in a database.” Final Act. 4; *see also* Ans. 4–5 (determining that the claims are directed to “gathering, manipulating, combining and outputting data” to “determin[e] secondary address information . . . that may be missing from an address”). Regarding the second step, the Examiner finds that the claims recite “generic computing elements” that are “known and conventional” and thus do not add significantly more to the abstract idea. Final Act. 5.

We agree with the Examiner that claim 6 is directed to the abstract idea of gathering, manipulating, combining, and outputting data to determine secondary address information for business addresses. Claim 6 is thus similar to claims directed to the collection, organization, and manipulation of data that our reviewing court has found to be directed to patent-ineligible

abstract ideas. For example, in *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (2016), the court held that claims drawn to systems and methods for performing real-time performance monitoring of an electric power grid by collecting data from multiple data sources, analyzing the data, and displaying the results were directed to the abstract idea of “collecting information, analyzing it, and displaying certain results of the collection and analysis.” *Id.* at 1352, 1353. Similarly, in *Content Extraction & Transmission LLC v. Wells Fargo Bank, National Ass’n*, 776 F.3d 1343 (Fed. Cir. 2014), the court held that claims generally reciting “a method of 1) extracting data from hard copy documents using an automated digitizing unit such as a scanner, 2) recognizing specific information from the extracted data, and 3) storing that information in a memory,” were drawn to an abstract idea. *Id.* at 1345, 1347. Other more recent cases have reached similar results. *See Zuili v. Google LLC*, ---Fed. Appx.---, 2018 WL 798666, at *2 (Feb. 9, 2018) (holding that claims at issue were directed to the abstract idea of “collecting, transmitting, analyzing, and storing data to detect fraudulent and/or invalid clicks based on the time between two requests by the same device or client”); *Move, Inc. v. Real Estate Alliance Ltd.*, ---Fed. Appx.---, 2018 WL 656377, at *3 (Feb. 1, 2018) (affirming district-court determination that claim 1 was directed to “the abstract idea of a method for collecting and organizing information about available real estate properties and displaying this information on a digital map that can be manipulated by the user” (internal quotation marks omitted)).

We have reviewed Appellants’ arguments in support of their contention that claim 6 is not directed to an abstract idea, but find them unpersuasive. Appellants argue that the claims are not directed to an

abstract idea because they are directed to methods and systems “that improve the automated sorting of mail by developing more accurate extended delivery codes for mailpieces that include incomplete addresses.” App. Br. 26. But claim 6 does not recite the sorting of mail, or even the application of the determined extended delivery codes to mailpieces. Instead, it merely recites determining an extended delivery code corresponding to a combination of primary and secondary address information. *Id.* at 35 (Claims App.).

Appellants also argue that the pending claims are not directed to an abstract idea because “they do not seek to ‘disproportionately t[ie] up the use of the underling’ ideas.” *Id.* (citing *Alice*, 134 S. Ct. at 2354 (alteration added by Appellants)). This argument is not persuasive. While we acknowledge that the *Alice* Court discussed the pre-emption of abstract ideas as the reason to exclude them from patent eligibility under Section 101, *Alice*, 134 S. Ct. at 2354, the Court did not require a pre-emption analysis to determine patent eligibility. Indeed, the *Alice* Court performed no such analysis of the specific claims at issue in that case.

Regarding step two of the *Alice* framework, we agree with the Examiner that the elements of claim 6, considered both individually and as an ordered combination, do not transform the nature of the claim into a patent-eligible application of the abstract idea. Claim 6 recites a “computer-implemented” method that uses “at least one processor” and “stored” data. App. Br. 35–36 (Claims App.). “[M]ere . . . generic computer implementation” of an abstract idea does not transform the abstract idea into patent-eligible subject matter. *Alice*, 134 S. Ct. at 2357. Appellants argue that the pending claims “allow for accurate sorting and ordering of the

mailpieces to facilitate efficient delivery of the mailpieces.” App. Br. 29. But, as noted above, claim 6 does not require mail sorting or the use of a determined extended delivery code. Appellants also argue that that pending claims are similar to those found patent eligible in *SiRF Technology, Inc. v. International Trade Commission*, 601 F.3d 1319 (Fed. Cir. 2010) and *DDR Holdings, LLC v. Hotels.com*, 773 F.3d 1245 (Fed. Cir. 2014). We disagree. *SiRF* concerned a “method for calculating an absolute position of a GPS receiver and an absolute time of reception of satellite signals,” and a GPS receiver was “integral to each of the claims at issue.” *SiRF*, 601 F.3d at 1331–32. Here, the claims do not require any specialized technology or device, but only generic computer equipment. In *DDR Holdings*, the court held that claims “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks,” such as the Internet, were patent eligible. *DDR Holdings*, 773 F.3d at 1257. Here, however, claim 6 does not recite a specific technological solution to a specific problem unique to the Internet, as was the case in *DDR Holdings*.

For the above reasons, we sustain the Examiner’s rejection of claims 6–8, 15–17, 23, 25, 26, and 28–30 as directed to patent-ineligible subject matter.

*Claims 6, 8, 15, 17, 23, 25, 26, and 28—
Unpatentable over Wilson and Gustafson*

Independent claim 6 recites “determining, using the at least one processor, that a number of matches between a first element of the candidate secondary address information and the second code words meets or exceeds a threshold number.” App Br. 35 (Claims App.). Independent claims 15 and 23 contain similar limitations. *Id.* at 37 (claims 15), 39 (claim 23). The

Examiner relies on Gustafson’s teaching to use, in a method for rating a match for a given entity found in a list of entities, a “threshold confidence code” to make an intermediate determination as to which one of a plurality of identified entities matches the given entity. Final Act. 9 (citing Gustafson, 4:3–5). Appellants disagree that Gustafson’s threshold confidence code corresponds to the claimed threshold number. App. Br. 20. According to Appellants, the threshold confidence code “do[es] not provide any indication of the number of matching entities (i.e., how many matching entities) that have been generated.” *Id.* at 22. Appellants therefore assert that Gustafson does not teach determining that a number of matches meets or exceeds a threshold number.

We are not persuaded that Gustafson teaches the determining step. According to the Examiner, “Gustafson’s ‘threshold confidence code’ indicates a value above which the match is true and below which there is no match.” Ans. 19. The Examiner does not explain how assigning a confidence value to a match equates to determining whether a number of matches meets or exceeds a threshold number. For this reason, we are not persuaded that claims 6, 8, 15, 16, 23, 25, 26, and 28 would have been obvious over the combination of Wilson and Gustafson, and we decline to sustain this rejection.

*Claims 7 and 16—Unpatentable over Wilson, Gustafson, and Lush;
Claims 29 and 30—Unpatentable over Wilson, Gustafson, and Mihm*

The Examiner’s rejection of claims 7 and 16 relies on the finding that Gustafson teaches the determining step in independent claim 15, from which claims 7 and 16 depend. Final Act. 11–12. As discussed above, we are not persuaded that this finding is correct. Further, Lush is not relied upon to

cure this deficiency. Likewise, the Examiner's rejection of claims 29 and 30 relies on the same finding, and Mihm is not relied upon to cure the deficiency in that rejection. Accordingly, for the reasons discussed above, we do not sustain the Examiner's rejections of claim 7, 16, 29, and 30.

DECISION

For the above reasons, we: (1) summarily affirm the Examiner's rejection of claims 6–8, 15–17, and 23 on the ground of non-statutory obviousness-type double patenting over claim 7 of Payne and claims 1–11 of Snapp; (2) affirm the Examiner's rejection of claims 6–8, 15–17, 23, 25, 26, and 28–30 as directed to non-statutory subject matter; and (3) reverse the Examiner's rejections of claims 6–8, 15–17, 23, 25, 26, and 28–30 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).

AFFIRMED