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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* RICHARD CRUM and JOHN GANDER

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Appeal 2016-008499<sup>1</sup>  
Application 13/955,838<sup>2</sup>  
Technology Center 3600

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Before BRUCE T. WIEDER, TARA L. HUTCHINGS, and  
MATTHEW S. MEYERS, *Administrative Patent Judges*.

HUTCHINGS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellants appeal from the Examiner’s decision to reject claims 1–20. We have jurisdiction under § 6(b).

We AFFIRM.

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<sup>1</sup> Our decision refers to Appellants’ Appeal Brief (“Br.,” filed Nov. 18, 2015) and Specification (“Spec.,” filed Feb. 27, 2015), and the Examiner’s Answer (“Ans.,” mailed May 13, 2016) and Final Office Action (“Final Act.,” mailed May 14, 2015).

<sup>2</sup> Appellants identify Mastercard International Incorporated as the real party in interest. Br. 2.

### SUBJECT MATTER ON APPEAL

The invention “relate[s] in general to financial services.” Spec. ¶ 1. Claims 1, 9, and 16 are the independent claims on appeal. Independent claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A payment processor method comprising:
  - receiving transaction data regarding a financial transaction, the transaction data including a Primary Account Number and a transaction type;
  - matching, with a processor, the Primary Account Number with an employer from a database;
  - retrieving an employer travel policy from the database;
  - determining whether the employer travel policy applies to the financial transaction; and,
  - executing with the processor, the employer travel policy when the employer travel policy applies.

### REJECTIONS<sup>3</sup>

Claims 1–20 are rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more.

Claims 9–14 are rejected under 35 U.S.C. § 102(a)(2) as anticipated by Martin (US 2011/0015960 A1, pub. Jan. 20, 2011).

Claims 1–7 and 16–20 are rejected under 35 U.S.C. § 103 as unpatentable over Martin and Boppert (US 2012/0054000 A1, pub. Mar. 1, 2012).

Claim 8 is rejected under 35 U.S.C. § 103 as unpatentable over Martin, Boppert, and Praisner (US 2002/0174030 A1, pub. Nov. 21, 2002).

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<sup>3</sup> The Examiner has withdrawn the rejection of claims 10, 11, and 13 under 35 U.S.C. § 112(d), and the objection to claim 16. Ans. 2.

Claim 15 is rejected under 35 U.S.C. § 103 as unpatentable over Martin and Praisner.

## ANALYSIS

### *Patent-Ineligible Subject Matter*

Appellants argue claims 1–20 as a group. Br. 5–13. We select independent claim 1 as representative. The remaining claims stand or fall with independent claim 1. 37 C.F.R. § 41.37(c)(1)(iv).

An invention is patent eligible if it is 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.” *See, e.g., Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 133 S. Ct. 2107, 2116 (2013)).

To “distinguish[] patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts,” the Supreme Court has provided a two-step framework. *Alice*, 134 S. Ct. at 2355 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289 (2012)). The first step considers whether a claim is directed to a patent-ineligible concept, e.g., an abstract idea. *Id.* (citing *Mayo*, 132 S. Ct. at 1296–97). If so, the second step then considers whether the claim recites an inventive concept—an element or combination of elements sufficient to ensure the claim amounts to significantly more than the abstract idea and transform the nature of the

claim into a patent-eligible application. *Id.* (citing *Mayo*, 132 S. Ct. at 1294, 1297–98).

In rejecting the pending claims under 35 U.S.C. § 101, the Examiner determined that the claim are directed to “receiving transaction data . . . , analyzing received data with rules, determining which rules apply based on transaction data and then applying the rules,” which the Examiner determined is analogous to concepts previously held by courts to be abstract, such as “mere data gathering” and “comparing new and stored information and using rules to identify options.” Final Act. 11; *see also id.* at 12 (identifying the abstract idea as “performing data analysis in order to implement rules”). The Examiner also determined that the claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception. *Id.* at 11–12.

Under the first step of the *Alice* analysis, Appellants argue that the claims are not directed to an abstract idea, but rather “solve a problem in the field of electronic payments, which is a branch of computer networking, a field of computer science.” Br. 5–6. Specifically, Appellants contend that “the claimed invention manages and executes functionality based on employer travel policies.” *Id.* at 6. Yet, there is no *technological* problem arising in the field of electronic payments that the claimed invention seeks to address. Nor is there any indication that the claimed invention is directed to improvements in the way computers or computer networks carry out their basic functions. *See SAP America, Inc. v. Investpic LLC*, 2018 WL 3656048, \*6 (Fed. Cir. Aug. 2, 2018) (citations omitted).

Instead, Appellants’ Specification makes clear that the problem solved by the claimed invention arises due to the complexity of the employee travel

policy itself. *See* Spec. ¶ 3 (“[M]any companies have policies on the type of expenses that are reimbursable, and . . . restrictions on the vendor used. Because of the complexity of some company policies, employees may not realize the policy . . . —such as preferred company vendors and negotiated rates with the preferred vendors.”); *see also* Br. 2–3. The claimed invention thus fits into the familiar class of claims that do not focus on an improvement in computers as tools, but rather on certain independently abstract ideas that use computers as tools. *SAP America*, 2018 WL 3656048, \*6 (citation omitted).

Appellants assert that the Examiner “has not established that the claims of the present application are directed towards an ‘abstract idea,’ as meant in the relevant case law.” Br. 6. Yet, the Examiner determined that the claimed invention is akin concepts of data collection and manipulation that the courts have held to be in the realm of abstract ideas. *See* Final Act. 11; Ans. 6; *see also e.g., Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (finding claims directed to an abstract idea where “[t]he advance they purport to make is a process of gathering and analyzing information of a specified content, then displaying the results, and not any particular assertedly inventive technology for performing those functions.”); *FairWarning IP., LLC v. Iatric Systems, Inc.*, 839 F.3d 1089, 1094 (Fed. Cir. 2016) (“the claims here are directed to collecting and analyzing information to detect misuse and notifying a user when misuse is detected.”); *Accenture Global Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1344 (Fed. Cir. 2013) (“[t]he abstract idea at the heart of system claim 1 . . . is ‘generating tasks [based on] rules . . . to be completed

upon the occurrence of an event.”) (citation omitted). The claims here are directed to abstract ideas under those principles.

Appellants argue that the pending claims are analogous to those described in January 2015 Guidance<sup>4</sup>, Example 2, which is modeled after the claims in *DDR Holdings*.<sup>5</sup> Br. 6–8. Appellants assert that the claims, like those in *DDR Holdings*, are “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” Br. 7 (quoting Jan. 2015 Guidance 6 (citing *DDR Holdings*, 773 F.3d at 1257)). Specifically, Appellants contend that the pending claims “address a business challenge that arises due to technical challenges in electronic wallets,” and “enable intelligent management and implementation of travel policies related to expenses occurred using a payment card.” Br. 7. Yet, managing and implementing travel policies does not arise due to a technical challenge in electronic wallets, nor is it a challenge rooted in technology. Instead, Appellants explain that the invention addresses issues related to an employer travel policy being too complex for employees to realize. *See* Spec. ¶ 3; Br. 2–3. At best, the pending claims use a computer network in its ordinary capacity (e.g., retrieving data) to serve a conventional business purpose (i.e., managing and implementing employer travel policies). *See DDR Holdings*, 773 F.3d at 1257 (distinguishing the claims at issue from patent-ineligible claims that simply use computers to serve a conventional business purpose). Unlike the situation in *DDR Holdings*, there is no indication that Appellants’ claims change the routine,

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<sup>4</sup> *See* Examples: Abstract Ideas (Jan. 2015) (available at [https://www.uspto.gov/sites/default/files/documents/abstract\\_idea\\_examples.pdf](https://www.uspto.gov/sites/default/files/documents/abstract_idea_examples.pdf)) (hereinafter “*Jan. 2015 Examples*”)

<sup>5</sup> *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014).

conventional functioning of computer networks. *See DDR Holdings*, 773 F.3d at 1257 (determining that the claims changed the routine, conventional functioning of Internet hyperlink protocol).

Turning to the second step, Appellants argue that “[e]ven if the claims are considered by the Office to be directed to an ‘abstract idea,’ the present claims include additional limitations[,] such as using a payment network device . . . and network interface to carry out the method of claim 9.” Br. 8. Yet, there is no indication that the particular operations recited in the claims are implemented using other than generic computer components to perform the claimed method steps. *See, e.g., Spec.* ¶¶ 23–26, 37 (“[n]etwork interface 2300 may be any data port as is known in the art”); *see also DDR Holdings*, 773 F.3d at 1256 (“after *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible”).

Appellants further assert that the claims “facilitate for a new manner in which to update or refine a computerized model via methods and systems *rooted in computer technology.*” Br. 8 (citing July 2015 Guidance<sup>6</sup>, Example 21). Appellants argue that the claims are analogous to patent-eligible claim 2 of Example 21, not ineligible claim 1. *See id.* (“the present claims are similar to . . . Example 21”); *see also* July 2015 Guidance 4.

We do not agree with Appellants that claim 2 of Example 21 is comparable to the present claims. Claim 2 “recites a series of acts for distributing stock quotes to selected remote devices.” July 2015 Guidance 4.

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<sup>6</sup> *See* July 2015 Update Appendix 1: Examples (available at <https://www.uspto.gov/sites/default/files/documents/ieg-july-2015-app1.pdf>).

Applying the first step of the *Alice* analysis, the July 2015 Guidance determines that steps of comparing and organizing data are a mental process, similar to other concepts held by the courts to be abstract. *Id.* Turning to the second step, the July 2015 Guidance explains that some of the additional limitations (e.g., storing subscriber preferences and transmitting an alert), viewed individually, do not amount to significantly more than the abstract idea. *Id.* However, when viewed as an ordered combination, the claimed invention “amounts to significantly more than the abstract idea of organizing and comparing data.” *Id.* Specifically, the claimed invention “addresses the Internet-centric challenge of alerting a subscriber with time sensitive information when the subscriber’s computer is offline” by transmitting the alert over a wireless communication channel to activate the stock viewer application, thereby causing an alert to display and enabling a connection over the Internet when the remote subscriber computer comes online. *Id.* We are not persuaded that the present claims address any comparable Internet-centric challenge.

We also are not persuaded of Examiner error by Appellants’ argument regarding preemption. Br. 8–10. There is no dispute that the Supreme Court has described “the concern that drives [the exclusion of abstract ideas from patent eligible subject matter] as one of pre-emption.” *Alice Corp.*, 134 S. Ct. at 2354. But characterizing preemption as a driving concern for patent eligibility is not the same as characterizing preemption as the sole test for patent eligibility. “The Supreme Court has made clear that the principle of preemption is the basis for the judicial exceptions to patentability” and “[f]or this reason, questions on preemption are inherent in and resolved by the § 101 analysis.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d

1371, 1379 (Fed. Cir. 2015) (citing *Alice Corp.*, 134 S. Ct. at 2354).

“[P]reemption may signal patent ineligible subject matter, [but] the absence of complete preemption does not demonstrate patent eligibility.” *Id.*

Appellants argue that the claims are inextricably tied to a computer-implemented environment to overcome a problem that has arisen in updating a computer model, analogous to the claims in *DDR Holdings*. Br. 10; *see also id.* at 11 (“the recited elements **cannot** be separated from the computer-implemented environment (e.g., specific tangible parts programmed in specific ways to communicate very specific data”). However, limiting the use of the abstract idea to a particular technological environment (e.g., a computer-implemented environment) is insufficient to transform an otherwise patent-ineligible abstract idea into patent-eligible subject matter. *See Alice*, 134 S. Ct. at 2358; *see also Elec. Power Grp.*, 830 F.3d at 1355 (“the claims’ invocation of computers, networks, and displays does not transform the claimed subject matter into patent-eligible applications”). We also see no parallel to the claims at issue in *DDR Holdings* for the reasons described above.

Appellants argue that the claims “do not merely implement the abstract idea on a generic computer, but rather, specif[y] how the computer processor acts in a very specific manner, communicate/receive specific information, evaluates and allocates data (funds) in a specific manner.” Br. 11. “[T]hese activities go well beyond what is routine and conventional.” *Id.* However, “[a]s many cases make clear, even if a process of collecting and analyzing information is ‘limited to particular content’ or a particular ‘source,’ that limitation does not make the collection and analysis other than abstract.” *SAP America*, 2018 WL 3656048, \*6 (citing *Elec.*

*Power Grp.*, 830 F.3d at 1355); *see also id.* (distinguishing cases in which “claims were patent-eligible because they were directed to improvements in the way computers and networks carry out their basic functions” and claims focused on certain independently abstract ideas that use computers as tools) (citations omitted). The claims here, like the claims in *SAP America*, fit into the familiar class of claims that focus on independently abstract ideas that use computers as tools, and not on any improvement in the way computers and networks carry out their basic functions.

We are not persuaded by Appellants’ argument that the claims “require specific programming, [and] the resulting computer would be a *specific purpose* computer.” Br. 12 (citing *In re Alappat*, 33 F.3d 1526, 1543 (Fed. Cir. 1994)). In *Eon Corp. v. AT&T Mobility LLC*, 785 F.3d 616 (Fed. Cir. 2015), the Federal Circuit explicitly noted that “*Alappat* has been superseded by *Bilski* and *Alice Corp.*” *Id.* at 623 (citations omitted). Here, there is no indication that the claimed devices, e.g., “processor,” “database,” “network interface,” “computing device,” are other than generic computer limitations. And, as the Supreme Court made clear in *Alice*, the recitation of generic computer limitations is not enough to transform an otherwise patent-ineligible abstract idea into a patentable invention. *See Alice Corp.*, 134 S. Ct. at 2358.

We also are not persuaded by Appellants’ arguments that the claims solve a technological problem, analogous to the claims at issue in *Diamond v. Diehr*, 450 U.S. 175 (1981). Br. 12–13. The claims in *Diehr* were directed to a process for curing synthetic rubber, and recited a series of steps (e.g., the loading of a mold with raw, uncured rubber, closing the mold, constantly determining the mold temperature, constantly recalculating the

cure time, and automatically opening the press at the proper time) that together provided a significant and novel practical application of the well-known Arrhenius equation and transformed uncured synthetic rubber into a new state or thing. *See Diehr*, 450 U.S. at 184–87.

Appellants argue that the present claims “store, receive, model and additionally generate *very specific and sensitive information in a very specific manner in a hardware-based system* that has not been done before in the industry.” Br. 13. Yet, determining whether an employer travel policy applies (e.g., receiving transaction data, matching the primary account number with an employer, retrieving an employer travel policy, and determining whether the employer travel policy applies), and executing the policy if it applies is not similar to controlling a physical process that involves the transformation of an article into a different state or thing, like the rubber molding process in *Diehr*.

Appellants argue that the Examiner erred in determining that the claims do not require “significantly more” than the abstract idea, because “[t]he Final Office Action has failed to teach each of the recitations” recited in the claims. Br. 13. But it is not enough for subject-matter eligibility that the claimed techniques be novel and nonobvious in light of prior art. *SAP America*, 2018 WL 3656048, \*1; *see also Mayo*, 132 S. Ct. at 1304. Much like the claims at issue in *SAP America*, the claims here are ineligible because their innovation is in ineligible subject matter. *SAP America*, 2018 WL 3656048, \*1 (“No matter how much of an advance in the finance field the claims recite, the advance lies entirely in the realm of abstract ideas, with no plausibly alleged innovation in the non-abstract application realm.”); *see also Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed.

Cir. 2016) (“a claim for a new abstract idea is still an abstract idea. The search for a § 101 inventive concept is thus distinct from demonstrating § 102 novelty”). Appellants have not identified, and we do not find, any plausible alleged innovation in the non-abstract realm.

In view of the foregoing, Appellants do not apprise us of error in the Examiner’s determination that independent claim 1 is patent-ineligible. Accordingly, we sustain the rejection of independent claim 1 under 35 U.S.C. § 101, with claims 2–20 falling therewith.

*Anticipation*

*Independent Claim 9 and Dependent Claim 14*

Appellants argue that the Examiner erred in rejecting claim 9 under 35 U.S.C. § 102(a)(2) because Martin does not teach each and every limitation, as recited in claim 9. Br. 13–14. The Examiner maintains Martin discloses each of the limitations, as recited in claim 9. Final Act. 13 (citing Martin, Figs. 1 and 3, and their associated text, and ¶¶ 20, 68–72, 77, and 78); *see also* Ans. 13–18 (quoting Martin ¶¶ 20, 68–72, 77, 78, Fig. 1).

By way of background, Martin provides techniques for rewarding healthy behaviors or encouraging appropriate purchases with a reward card. Martin ¶ 5. The reward card stores transaction card data, such as a user’s primary account number and/or personal identification number. *Id.* ¶ 20. With reference to Figure 3, Martin describes that employers design and administer matching criteria and thresholds that enable system inquires to identify qualifying cardholder transactions. *Id.* ¶ 68. Once a qualifying transaction is identified, the system notifies the employer of the transaction, and the employer loads funds to the cardholder’s prepaid card. *Id.* For example, an employer rewards an employee participating in a smoking

cessation with a prepaid card for \$50. If the employee spends these funds at a gym, the employer provides a matching usage reward of \$50 to employee; but if the employee spends these funds at a liquor store, the employer provides no matching usage reward. *Id.* ¶ 70. Merchant category codes or other transaction indicators identify spend categories and allow employers to match dollars spent in qualified categories. *Id.* ¶ 71. Structurally, an incentive platform tracks goals, and a prepaid platform initiates loading value onto the card due to achieving wellness goals, and tracks how funds on the reward card are spent. *Id.* ¶ 72. Specifically, the prepaid platform compares transaction details, such as merchant category codes (“MCC”), merchant identity, or identity and/or category of items purchased, to parameters in a database to determine if the funds are being spent in a manner consistent with the grant of additional value. *Id.* ¶¶ 72, 77. A matching configuration module allows employers to set allowable purchase level data that triggers matchings. *Id.* ¶ 78.

Appellants argue that “the Martin reference fails to teach or suggest an employer travel policy” (Br. 14) and, as such, “does not teach or suggest the retrieval, determination of applicability or execution of employer travel policies as required by independent claim 9” (*id.*). Appellants’ argument is not persuasive because the feature that Appellants rely upon for patentability — whether the employer policy is a travel policy — constitutes nonfunctional descriptive material.

Therefore, we sustain the rejection of independent claim 9 and dependent claim 14.

*Dependent Claims 10–13 and 15*

We are persuaded by Appellants’ argument that Martin’s disclosure of merchant category codes does not teach an indicator of a location of the financial transaction, as recited in dependent claim 10. *See* Br. 14. Directing us to the Internal Revenue Service website, Appellants argue that a merchant category code is a four-digit number assigned to a business that classifies the business by the type of goods or services it provides, and is not merchant-specific. *Id.* (citing Internal Revenue Bulletin: 2004-31, available at [https://www.irs.gov/irb/2004-31\\_IRB/ar17.html](https://www.irs.gov/irb/2004-31_IRB/ar17.html)). The Martin reference also describes using the merchant category code to indicate an acceptable category for a merchant, such as a “gym,” instead of a particular merchant at a particular location. *See* Martin ¶¶ 70–72, 77. Therefore, we do not sustain the rejection of dependent claim 10 and claims 11–13 and 15, which depend therefrom.

*Obviousness*

*Independent Claim 1, and Dependent Claims 6 and 7*

We are not persuaded by Appellants argument that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because Boppert does not teach an employer travel policy. Br. 15–16. In rejecting claim 1, the Examiner finds Martin teaches each of the claim limitations, except that the employer policy is a travel policy. Final Act. 17. The Examiner relies on Boppert at paragraphs 49 and 66 as disclosing that in the context of reward policies applied to transactions, a travel policy is another consideration to reduce customer attrition. *Id.* at 18. However, the Examiner further found that data content, i.e., whether the policy is a travel policy or reward policy, refers to data content and does not make the method unique. *Id.*

Appellants argue that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) because Boppert does not teach or suggest an employer travel policy. Br. 15–16. We agree with Appellants that the Boppert generally relates to managing a rewards program. *See* Boppert ¶ 1. For example, paragraph 49 of Boppert describes a qualification criteria for a rewards program includes a geographic area where the reward points were earned. However, Appellants’ argument is not persuasive of Examiner error for the same reasons discussed above with respect to claim 9, namely, the argued limitation constitutes nonfunctional descriptive material.

Therefore, we sustain the rejection of claim 1 and claims 6 and 7, depending therefrom.

*Dependent Claims 2–5*

We are not persuaded by Appellants’ argument that the Examiner erred in rejecting claim 2 because Martin’s disclosure of MCC is not an indicator of a location of a financial transaction. Br. 16. Appellants’ argument is not persuasive because the Examiner further relies on Boppert as disclosing a location of a financial transaction. *See* Final Act. 18–19 (citing Boppert ¶¶ 49, 56, 62, 79). Boppert describes at paragraphs 49 and 79 using the geographic area where the reward points were earned as qualification criteria, and further describes at paragraph 62 classifying spend data based on the geographic area.

Therefore, we sustain the rejection of dependent claim 2 and claims 3–5, depending therefrom.

*Dependent Claim 8*

We are not persuaded by Appellants’ argument that the Examiner erred in rejecting claim 8 under 35 U.S.C. § 103(a) because Praisner does

not teach matching transaction data to an elite cardholder policy, and applying the elite cardholder policy, as recited in claim 8. Br. 17–18 (citing Spec. ¶ 12 (identifying World™ and World Elite™ branded cards from MasterCard® as non-limiting examples of elite payment cards)). Appellants argue that Praisner teaches spending control activities, but not an elite cardholder policy or status, such as World™ and World Elite™ branded cards from MasterCard®. Appellants’ argument is not persuasive, at least because the feature that Appellants rely upon for patentability — whether the policy is an elite cardholder policy — constitutes nonfunctional descriptive material.

Additionally, we are not persuaded that the Examiner erred in determining that Praisner discloses the argued limitations at paragraph 114. By way of background, Praisner relates to purchasing management systems for product and service procurement, purchasing mechanisms, including payment cards, and related processing infrastructure. Praisner ¶ 2. With reference to Figure 8A, Praisner describes that spending control activities include a wide variety of mechanisms for controlling corporate spending, such as various sets of spending rules that can be set by an administrator, including organizational rules, financial rules, and any other set of spending rules. *Id.* ¶ 114. Organizational rules and policies include creating hierarchies of groups, assigning users to the groups, and creating any desired organizational related rule. *Id.* Financial rules include implementing corporate-wide or group-level spending policy rules, and implementing other spending policy rules. *Id.*

The Examiner determines that applying spending rules to groups in a hierarchy, as taught by Praisner, teaches “matching the transaction data to an

elite cardholder policy in the database,” and “applying the elite cardholder policy,” as required by claim 8. Ans. 21 (finding that Praisner describes a “hierarchy” as “ranking one group of people above the other according to authority,” and that a higher ranking in the hierarchy discloses the claimed elite card holder policy); *see also* Final Act. 21–22 (finding Praisner uses different rule sets).

Appellants’ Specification describes at paragraph 31 that classes may be determined by an analysis of cardholder elite status. At paragraph 39, the Specification provides that an elite cardholder database is configured to store data and policies for elite cardholders. In our view, one of ordinary skill in the art would understand in light of the Specification that an “elite cardholder policy,” as recited in claim 8, constitutes a cardholder having an elite status, such as member of a high-ranking group in a hierarchy. As such, we are not persuaded that the Examiner erred in finding that Praisner describes the argued limitations, as recited in claim 8.

Therefore, we sustain the rejection of dependent claim 8.

#### *Independent Claim 16*

Independent claim 16 recites language similar to independent claim 1, and stands rejected based on similar findings. *See* Final Act. 23–25. Appellants argue that the Examiner erred in rejecting claim 16 for the same reason as claim 1, i.e., Boppert does not teach an employer travel policy.

Therefore, we sustain the rejection of independent claim 16 for the same reasons set forth above with respect to independent claim 1.

#### *Dependent Claims 17, 19, and 20*

Appellants argue that dependent claim 17 is allowable because Martin’s MCC is not an indicator of a location. Br. 19. Appellants’

argument is unpersuasive because the Examiner additionally relies on Boppert for this limitation. *See* Final Act. 26 (citing Boppert ¶¶ 49, 56, 62, 79).

Therefore, we sustain the rejection of independent claim 17 for the same reasons set forth above with respect to claim 1. We also sustain the rejection of claims 19 and 20, which depend from claim 17.

*Dependent Claim 18*

Appellants argue that dependent claim 18 is allowable because the Examiner's citations to paragraphs 46, 56, 63, 71, and 77 of Martin all relate to the merchant category code, not a geographic location component of an employer travel policy. Br. 19. However, the Examiner additionally cites Boppert for this limitation. *See* Final Act. 27 (citing Boppert ¶¶ 49, 56, 62, 79).

Therefore, we sustain the rejection of independent claim 18.

DECISION

The Examiner's decision to reject claims 1–20 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). 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED