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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ZANE DICK, GARY LALONDE, JANNA PULVER,
ROWAN C. SEIDEL, and LORA THODY

Appeal 2017-000057
Application 13/422,949¹
Technology Center 3600

Before CARLA M. KRIVAK, HUNG H. BUI, and
JON M. JURGOVAN, *Administrative Patent Judges*.

BUI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) from the Examiner’s Final Rejection of claims 1, 3–10, 12–14, 18–20, 23, 25, 26, and 29–33, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.²

¹ According to Appellants, the real party in interest is Thomson Reuters Global Resources. App. Br. 2.

² Our Decision refers to Appellants’ Appeal Brief (“App. Br.”) filed January 11, 2016; Reply Brief (“Reply Br.”) filed September 27, 2016; Examiner’s Answer (“Ans.”) mailed August 3, 2016; Final Office Action (“Final Act.”)

STATEMENT OF THE CASE

Appellants' Invention

Appellants' invention relates to “systems and methods for automated compliance verification” and “automatically verifying the accuracy of rules used in a compliance process” by an entity. Spec. ¶ 2. Appellants' invention uses a “transmission object . . . created based on the compliance documents. . . [and] includ[ing] general information pertinent to the rules and/or the entity (e.g., jurisdictional or topical information),” and “identifies rules pertinent to [the] transmission object and conducts a search to determine whether any of those rules have been modified.” Abstract.

Claims 1, 12, 23, and 30 are independent. Representative claim 1 is reproduced below:

1. A computer-based system for receiving information regarding an entity and automatically forwarding a compliance rule pertinent to the entity, the computer-based system comprising:

one or more processors;

a transmission object receiver configured to receive a transmission object using the one or more processors, the transmission object including only a subset of information from a compliance document of an entity, the subset of information including compliance rule information from the compliance document of the entity and location information that identifies at least one section of the compliance document of the entity in which the compliance rule information is located, the transmission object receiver being configured to parse the compliance rule information from the location information;

mailed August 13, 2015; and original Specification (“Spec.”) filed March 16, 2012.

a compliance rules database containing data regarding a set of compliance rules;

a compare module configured to identify a compliance rule applicable to the entity using the data in the compliance rules database and the compliance rule information from the transmission object, wherein the compare module is configured to receive the compliance rule information from the transmission object receiver;

a notification compilation module configured to compile an electronic notification indicative of the identified compliance rule and to compile the location information from the transmission object into the electronic notification, wherein the notification compilation module is configured to receive the location information from the transmission object receiver; and

a transmitter configured to transmit the electronic notification to the entity.

App. Br. 22–28 (Claims App’x).³

Evidence Considered

Rebstock	US 2012/0159296 A1	June 21, 2012
Hermann	US 2008/0015883 A1	Jan. 17, 2008
Dirisala	US 2006/0106763 A1	May 18, 2006
Black	US 2004/0243428 A1	Dec. 2, 2004
McKibben	US 2004/0123242 A1	June 24, 2004

³ Appellants’ Claim Appendix does not have numbered pages. We count the pages of the Claim Appendix starting from page 22, which follows the Appeal Brief’s page 21.

*Examiner's Rejections*⁴

(1) Claims 1, 3–10, 12–14, 18–20, 23, 25, 26, and 29–33 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Final Act. 2–3.⁵

(2) Claims 1, 5–8, 10, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Black and Hermann. Final Act. 6–15.

(3) Claims 12–14, 18, 19, 26, and 29–31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Black, Hermann, and Dirisala. Final Act. 15–27.

(4) Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Black, Hermann, Dirisala, and Rebstock. Final Act. 27–28.

(5) Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Black, Hermann, and Rebstock. Final Act. 28–30.

(6) Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Black, Hermann, and McKibben. Final Act. 30–31.

(7) Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Black, Hermann, Dirisala, and McKibben. Final Act. 31.

⁴ Claims 34 and 35 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Final Act. 3–6. However, that rejection is moot because claims 34 and 35 have been cancelled in an Amendment After-Final filed on October 14, 2015 entered by the Examiner on November 9, 2015.

⁵ Claims 34 and 35 listed in the Examiner's rejection (Final Act. 2) have been cancelled before the appeal.

ANALYSIS

§ 101 Rejection of Claims 1, 3–10, 12–14, 18–20, 23, 25, 26, and 29–33

In *Alice Corp. Pty. Ltd. v. CLS Bank International*, 134 S. Ct. 2347 (2014), the Supreme Court reiterates an analytical 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 the analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts,” such as an abstract idea. *Id.* If the claims are directed to a patent-ineligible concept, the second step in the analysis is to consider the elements of the claims “individually and ‘as an ordered combination’” to determine whether there are additional elements that “‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (citing *Mayo*, 566 U.S. at 79, 78). In other words, the second step is to “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*, 566 U.S. at 72–73).

In rejecting independent claims 1, 12, 23, and 30, and dependent claims 31–33 under 35 U.S.C. § 101, the Examiner finds these claims are directed to identification, comparison, and transmission of compliance rule information, analogous or similar to the abstract ideas of comparing new and stored information and using rules to identify options discussed in *SmartGene*, organizing, storing, and transmitting information discussed in

Cyberfone, and organizing human activities discussed in *Alice*. Ans. 28 (citing *SmartGene, Inc. v Advanced Biological Labs., SA*, 852 F. Supp. 2d 42 (D.D.C. 2012), *aff'd* 555 F. App'x 950 (Fed. Cir. 2014); *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App'x 988, 992 (Fed. Cir. 2014)); Final Act. 2–3 (citing *Alice*, 134 S. Ct. at 2347).

The Examiner also finds the additional claimed elements of processors, compliance rules database, compare module, notification module, transmitter, and computer readable medium are “generically-recited computers” and “generic computer structure[s] that serve[] to perform generic computer functions that are well-understood, routine, and conventional.” Final Act. 3; Ans. 30.

Appellants contend the Examiner erred in rejecting the claims under 35 U.S.C. § 101 as directed to non-statutory subject matter because: (1) the claims “are not directed to a mathematical relationship” or “organizing human activities” and (2) the claims amount to more than an abstract idea. App. Br. 16–18; Reply Br. 4–5. Particularly, Appellants argue “the pending claims recite specific processor-based systems and technical processes that enable an entity to receive updates to pertinent compliance rules *without placing its entire compliance document at risk of exposure, through the use of select, isolated information from compliance documents* (e.g., compliance manuals) for transmission.” App. Br. 17 (emphasis added). Appellants also argue the claims “solve an Internet-centric problem” by transmitting a “transmission object [that] *does not include the entire compliance document . . . in contrast to conventional systems . . . that simply rely on conventional technology to transmit entire documents with their sensitive information.*” App. Br. 18 (emphasis added); *see also* Reply Br. 4. Appellants explain

“[f]or example, claim 1 recites several components that handle compliance rule information, as well as location information . . . *without exposing confidential information in that compliance document to the risks created by hackers and others exploiting flaws in conventional technology.*” Reply Br. 4 (emphasis added).

We are not persuaded by Appellants’ arguments. At the outset, we note these arguments are not commensurate with the scope of claims 1, 12, 30, and 31. Instead, claims 1, 12, 30, and 31 merely recite a transmission object that includes “only a subset of information [or sections] from a compliance document of an entity,” but do not recite or require a transmission object *excluding confidential or sensitive information*. Claims 1, 12, 23, and 30–33 also do not indicate how “using th[e] location information . . . improves the operations of the computer systems” as Appellants advocate. *See* App. Br. 18.

We therefore agree with the Examiner that Appellants’ claims 1, 12, 23, and 30–33 are directed to identification, comparison, and transmission of compliance rule information—*analogous or similar to the abstract ideas of data manipulation and analysis identified in Cyberfone, SmartGene, Digitech, Content Extraction, and Electric Power Grp. Ans. 28–30; Final Act. 2–3; see SmartGene, Inc. v Advanced Biological Labs., SA, 852 F. Supp. 2d 42 (D.D.C. 2012), aff’d 555 F. App’x 950 (Fed. Cir. 2014); Cyberfone, 558 F. App’x at 988, 992; Digitech Image Techs., LLC v. Elecs. For Imaging, Inc., 758 F.3d 1344, 1351 (Fed. Cir. 2014) (employing mathematical algorithms to manipulate existing information), Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n, 776 F.3d 1343, 1347–48 (Fed. Cir. 2014) (finding that “[t]he concept of data*

collection, recognition, and storage is undisputedly well-known,” and “humans have always performed these functions”); *Electric Power Grp, LLC v. Alstom S.A.*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016) (collecting information and “analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, [are] essentially mental processes within the abstract-idea category”).

Additionally, we note Appellants’ claimed “transmission objects” can be generated and updated manually by a person (a compliance officer) by pen and paper (*see* Spec. ¶¶ 20, 24, 34–35, 44, 49–51, 55). *See CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372–73 (Fed. Cir. 2011) (“[A] method that can be performed by human thought alone is merely an abstract idea and is not patent-eligible under § 101.”); *see also In re Comiskey*, 554 F.3d 967, 979 (Fed. Cir. 2009) (“[M]ental processes—or processes of human thinking—standing alone are not patentable even if they have practical application.”); *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972) (“Phenomena of nature . . . , *mental processes*, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work” (emphasis added)). Additionally, mental processes remain unpatentable even when automated to reduce the burden on the user of what once could have been done with pen and paper. *CyberSource*, 654 F.3d at 1375 (“That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in *Gottschalk v. Benson*.”).

Furthermore, “a compliance rule pertinent to the entity” as claimed, is merely information, and as such is intangible. *See, e.g., Microsoft Corp. v. AT & T Corp.*, 550 U.S. 437, 451 n.12 (2007); *Alice*, 134 S. Ct. at 2355;

Benson, 409 U.S. at 67–68, 71–72 (“Phenomena of nature, though just discovered, mental processes, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work.”); and *Parker v. Flook*, 437 U.S. 584, 589, 594–95 (1978) (“Reasoning that an algorithm, or mathematical formula, is like a law of nature, *Benson* applied the established rule that a law of nature cannot be the subject of a patent”). Information collection and analysis, including when limited to particular content, is within the realm of abstract ideas. See, e.g., *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1349 (Fed. Cir. 2015); *Digitech*, 758 F.3d at 1351; and *CyberSource*, 654 F.3d at 1370. That is, “[w]ithout additional limitations, a process that employs mathematical algorithms to manipulate existing information to generate additional information is not patent eligible.” *Digitech*, 758 F.3d at 1349–51 (“Data in its ethereal, non-physical form is simply information that does not fall under any of the categories of eligible subject matter under section 101”).

Appellants also argue their claims, like the claims in *DDR*, are “necessarily rooted in computer technology” and “address a technical solution to a technical problem arising from the realm of computer networks” because the claims “recite a packet of information, i.e., the transmission object, whose contents are different than what is sent with conventional computer systems, as well as specific ways of acting on different types of information within that transmission object” and “enabl[e] a more efficient way to update compliance documents without exposing confidential information in those compliance documents.” Reply Br. 6–7; App. Br. 16, 18 (citing *DDR Holdings, LLC, v. Hotels.com, L.P.*, 773 F.3d 1245, 1257, 1259 (Fed. Cir. 2014)).

We are unpersuaded because Appellants have not demonstrated their claimed “transmission objects” are “different than what is sent with conventional computer systems” (*see* Reply Br. 6). Appellants’ claims 1, 12, 23, and 30 also do not identify non-conventional “ways of acting on different types of information within that transmission object” (*see* Reply Br. 6). Additionally, Appellants’ claims 1, 12, and 30 do not refer to “confidential information.”

Appellants also have not demonstrated their claimed generic computer components, in combination, are able to perform *functions that are not merely generic*, as the claims in *DDR*. *See DDR Holdings*, 773 F.3d at 1257–58 (holding the claims at issue patent eligible because “they do not broadly and generically claim ‘use of the Internet’ to perform an abstract business practice (with insignificant added activity),” and “specify how interactions with the Internet are manipulated to yield a desired result—a result that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink”). Additionally, Appellants’ claims focus on the *problem* of assisting entities in complying with rules pertinent to their operations—a problem that is not a technical problem or one rooted in computer technology or particular only to the Internet (*see* Spec. ¶¶ 4, 16).

In fact, none of the steps and elements recited in Appellants’ claims provide, and nowhere in Appellants’ Specification can we find, any description or explanation as to how the claimed transmission object manipulation steps and notification compilation are intended to provide: (1) a “solution . . . necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks,”

as explained by the Federal Circuit in *DDR*, 773 F.3d at 1257; (2) “a specific improvement to the way computers operate,” as explained in *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016); or (3) an “unconventional technological solution . . . to a technological problem” that “improve[s] the performance of the system itself,” as explained in *Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1300, 1302 (Fed. Cir. 2016).

Appellants further argue their claims are similar to the claims of *Enfish* and *Bascom* because Appellants’ claims “create discrete solutions that enable updating compliance documents without exposing the confidential information in those compliance documents to the risk of exposure.” Reply Br. 3–5, 7 (citing *Enfish*, 822 F.3d at 1327, and *Bascom Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016)). We disagree. As discussed *supra*, claims 1, 12 and 30 do not recite a transmission object excluding confidential or sensitive information; thus, these claims do not update compliance documents “without exposing the confidential information in those compliance documents to the risk of exposure,” as Appellants advocate (*see* Reply Br. 3–5, 7). Additionally, as discussed *supra*, claim 23 merely recites a transmission object that could be manually generated (e.g., by a compliance officer) to exclude the confidential information. In addition, claims 1, 12, 23, and 30 do not recite a specific improvement to the way computers operate, and Appellants do not present evidence establishing these claims recite a specific improvement to the computers. *See Enfish*, 822 F.3d at 1336, 1339. Appellants also have not demonstrated their claims “improve the way a computer stores and

retrieves data in memory,” as the claims in *Enfish* did via a “self-referential table for a computer database” (*see Enfish*, 822 F.3d at 1336, 1339).

We also find Appellants’ reliance on *McRO* unavailing. Reply Br. 2, 4–5, 7 (citing *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299 (Fed. Cir. 2016)). Particularly, Appellants argue their claims, like the claims of *McRO*, “recite specific systems and techniques *that parse and act on different types of information in the transmission object in a manner that enables the more efficient updating of the compliance documents without exposing confidential information in that compliance document.*” Reply Br. 4–5 (emphasis added). We are unpersuaded because Appellants’ Specification does not explicitly define, or even mention the term “parse.” Thus, the claimed “parsing” is merely a generic operation performed by a “generic computer.” Ans. 30.

The court determined that *McRO*’s claim was not directed to an abstract idea because it “uses the limited rules in a process specifically designed to achieve an improved technological result” over “existing, manual 3-D animation techniques”; in contrast, Appellants’ claims address a business problem of assisting entities in complying with rules pertinent to their operations, by informing the entities of changes or updates to the rules. *See* Spec. ¶ 4; *McRO*, 837 F.3d at 1316. Additionally, the claims in *McRO* were drawn to improvements in the operation of a computer at a task, rather than applying a computer system to perform generic data transmission and manipulation steps, as in Appellants’ claims 1, 12, 23, and 30–33. *See McRO*, 837 F.3d at 1314. Further, with respect to Appellants’ preemption argument (Reply Br. 4, 7), we note the *McRO* court also explicitly “recognized that ‘the absence of complete preemption does not demonstrate

patent eligibility.” See *McRO*, 837 F.3d at 1315 (quoting *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015)).

Accordingly, we agree with the Examiner that claims 1, 12, 23, and 30–33 are directed to an abstract idea.

Under step two of the *Alice* framework, we agree with and adopt the Examiner’s findings on pages 30 and 31 of the Answer. We find that the additional limitations, taken individually and as a whole in the ordered combination, do not add significantly more to the abstract idea of manipulating compliance rule data or transform the abstract idea into a patent-eligible application. *Alice*, 134 S. Ct. at 2357. Particularly, claims 1, 12, 23, and 30 recite well-understood, routine, and conventional elements (i.e., processors, compliance rules database, compare module, notification module, transmitter, and computer readable medium) that enable manipulation of compliance rule information and generate notifications of the compliance rules’ updates using a “generic computer structure” that “perform[s] generic computer functions that are well-understood, routine, and conventional activities.” Final Act. 3; see also Ans. 30. “[T]he use of generic computer elements like a microprocessor or user interface do not alone transform an otherwise abstract idea into patent-eligible subject matter.” *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016) (citing *DDR Holdings*, 773 F.3d at 1256); see also *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715–16 (Fed. Cir. 2014) (claims merely reciting the abstract idea of using advertising as currency as applied to particular technological environment of the Internet are not patent eligible); *Accenture Global Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1345 (Fed. Cir. 2013) (claims reciting “generalized software

components arranged to implement an abstract concept [of generating insurance-policy-related tasks based on rules to be completed upon the occurrence of an event] on a computer” are not patent eligible); and *Dealertrack, Inc. v. Huber*, 674 F.3d 1315, 1333–34 (Fed. Cir. 2012) (“[s]imply adding a ‘computer aided’ limitation to a claim covering an abstract concept, without more, is insufficient to render [a] claim patent eligible”).

Further, under the second step of the *Alice* inquiry, Appellants argue their claims “relate to an improvement to computer and network technology” and “harness[] particular technical features to overcome problems arising from computer and/or network security breaches present in conventional computer technology.” App. Br. 20; Reply Br. 3 (citing *Bascom Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed Cir. 2016)). Appellants’ arguments are not persuasive because Appellants have not identified a specific improvement to computer technology or network security effected by Appellants’ claims.

Because Appellants’ claims 1, 3–10, 12–14, 18–20, 23, 25, 26, and 29–33 are directed to a patent-ineligible abstract concept and do not recite something “significantly more” under the second prong of the *Alice* analysis, we sustain the Examiner’s rejection of these claims under 35 U.S.C. § 101.

*§ 103(a) Rejections of Claims 1, 3–8, 10,
12–14, 18–20, 23, 25, 26, and 29–31*

With respect to independent claim 1, and similarly independent claims 12, 23, and 30, the Examiner finds Black teaches the claimed (1) “transmission object receiver” configured to receive a “transmission object

including only a subset of information from a compliance document of an entity, the subset of information including compliance rule information from the compliance document of the entity,” (2) a “compliance rules database,” (3) a “compare module,” (4) a “notification compilation module,” and (5) a transmitter. Final Act. 6–8 (citing Black ¶¶ 13, 16, 31, 37–39, 43, 47–49, 53–56, 58, 66, Figs 1–2). To support the conclusion of obviousness, the Examiner relies on Hermann for teaching the claimed “location information that identifies at least one section of the compliance of the entity in which the compliance document of the entity in which the compliance rule information is located.” Final Act. 9–10 (citing Hermann ¶¶ 10, 13, 65, 69, 78, Figs. 2–3).

Appellants contend neither Black nor Hermann teach or suggest: (1) a “transmission object including only a subset of information from a compliance document of an entity” as recited in claim 1; (2) “a transmission object that includes only a subset of information from the compliance document” as recited in claim 12; (3) a “transmission object . . . including metadata identifying a section of a compliance document that references the compliance rule without transmitting confidential information” as recited in claim 23; and (4) “a transmission object . . . that includes information from only those particular sections of the compliance document” where the “particular sections form[] only a subset of the compliance document” as recited in claim 30. App. Br. 9–10. Appellants argue Black “simply describe[s] how clients complete templates and forms with status data and transmit those documents back to the internet-based system in their entirety,” and “Hermann . . . discusses submitting the entire Form I-9,

including any employee identification and other sensitive information.”
App. Br. 10–11.

We agree with Appellants that the Examiner has not identified sufficient evidence to show that Black’s forms—transmitted by a client to a server—include *only a subset of information* from a compliance document of the client. Rather, Black merely teaches “[t]he term ‘form’ and ‘human resources form’ should be broadly construed to include any employee form, template, manual or other material that can be used to implement a human resources process,” the “forms includ[ing] applications, authorizations, requests, disclosures, instruction materials, and training materials.” *See* Black ¶ 47. Further, Black teaches the forms include “‘status data’ [that] should be broadly construed to include any information corresponding to the client or client parties, such as, but not limited to, personalized information (e.g., name, address, birthday, etc.), as well as professional information (e.g., experience, title, position, compensation, etc.).” *See* Black ¶ 53. Thus, Black does not teach (i) the claimed transmission object including only a subset of information from a compliance document of an entity, and (ii) the claimed transmission object referencing a compliance rule without transmitting confidential information.

Hermann does not make up for the above-noted deficiencies of Black, as Hermann merely describes transmission of “information provided on an electronic [form] I-9 or other electronic employment eligibility form” to “perform computerized employment eligibility verification queries.” *See* Hermann Abstract. The Examiner does not use the additional teachings of Dirisala, Rebstock, and McKibben to cure the above-noted deficiencies of Black and Hermann. As the Examiner has not shown where the references

disclose the “transmission objects” recited in claims 1, 12, 23, and 30, we do not sustain the Examiner’s rejection of independent claims 1, 12, 23, and 30, and claims 3–8, 10, 13, 14, 18–20, 25, 26, 29, and 31–33 dependent therefrom.

CONCLUSION

On the record before us, we conclude Appellants have not demonstrated the Examiner erred in rejecting claims 1, 3–10, 12–14, 18–20, 23, 25, 26, and 29–33 under 35 U.S.C. § 101, but have demonstrated the Examiner erred in rejecting claims 1, 3–8, 10, 12–14, 18–20, 23, 25, 26, and 29–33 under 35 U.S.C. § 103(a).

DECISION

As such, we AFFIRM the Examiner’s final rejection of claims 1, 3–10, 12–14, 18–20, 23, 25, 26, and 29–33 under 35 U.S.C. § 101. However, we REVERSE the Examiner’s final rejection of claims 1, 3–8, 10, 12–14, 18–20, 23, 25, 26, and 29–33 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