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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
14/523,521 10/24/2014 Mohamed Safir SALIHU GNRT-32206 2084

25883 7590 04/16/2018
MUNCK WILSON MANDALA L.L.P
P.O. Drawer 800889
DALLAS, TX 75380

Table with 1 column: EXAMINER
ANDREI, RADU

Table with 2 columns: ART UNIT, PAPER NUMBER
3682

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE
04/16/2018 ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MOHAMED SAFIR SALIHU, WAYNE THOMAS MCHUGH,
ARTHUR MARTIN HOLBROOK, PURNENDU MISHRA, and
LEE COLEMAN

(Applicant: GANART TECHNOLOGIES, INC.)

Appeal 2017-000228
Application 14/523,521¹
Technology Center 3600

Before ALLEN R. MacDONALD, BRADLEY W. BAUMEISTER, and
AMBER L. HAGY, *Administrative Patent Judges*.

HAGY, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ Appellant has identified several applications as related to the present application: Application Serial No. 13/915,387; Application Serial No. 13/826,537 (*see* Appeal No. 2017-003799); Application Serial No. 14/245,523 (*see* Appeal No. 2017-003828); Application Serial No. 14/309,699 (*see* Appeal No. 2017-003598); Application Serial No. 14/278,843; and Application Serial No. 12/684,932 (*see* Appeal No. 2017-004356). (App. Br. 1–2.)

Appellant² appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–18, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Introduction

According to Appellant, the “disclosure relates to a system and method of enabling an employee to utilize earned and unpaid earnings and a method and system for an accretive value store loyalty card program.” The claims are directed to method and system of accretive value store loyalty card program. (Spec. ¶ 1.) By way of Background, Appellant's Specification provides the following summary:

Employers typically pay employees accrued earnings on a fixed schedule, for example every two weeks. At the end of a pay period, employees are paid the earnings they have accrued during the pay period. During the pay period, before the designated payday, employees typically have no means or method of accessing or using the earnings that they have accrued during the pay period. Although payday loans may be available, typically such loans involve high interest rates and have no direct connection to the employee's accrued earnings. Thus, there exists a system and method for enabling [an] employee to access and utilize accrued and unpaid earnings during the pay period in which the earnings have accrued.

(*Id.* ¶ 2.)

² References herein to “Appellant” are to applicant Ganart Technologies, Inc., who is also identified in the Appeal Brief as the real party in interest. (Br. 1.)

Appellant purports to address this need by enabling employees to access their record of accrued but unpaid earnings and convey a portion of those unpaid earnings to a participating store, from which the employees may purchase items. (*Id.* ¶ 9.) Appellant’s claimed invention also includes at least one participating store offering to the employees “at least one incentive” for purchasing goods and services at that store. (*Id.* ¶ 10.)

Exemplary Claim

Claims 1 and 11 are independent. Claim 1, reproduced below with the disputed limitations italicized, is exemplary of the claimed subject matter:

1. A method of enabling an employee to utilize earned and unpaid earnings; comprising:

receiving, from an employer database associated with the employer’s payroll record, with a central office processor, a record of an employee’s accrued and unpaid earnings for a predetermined time period and storing the employee’s accrued and unpaid earnings in a central office database;

receiving, by an employee, at a remote network access device, an electronic request to access the employee’s record of accrued and unpaid earnings for the predetermined time period stored at the central office database and transmitting the request to the central office;

receiving, from a remote network access device, with the central office processor, the electronic request from the employee to access the employee’s record of accrued and unpaid earnings for the predetermined time period;

accessing, with the central office processor, the central office database including the record of the requested employee’s accrued and unpaid earnings for the predetermined time period and determining an amount of the employee’s accrued and unpaid earnings for the predetermined time period available to the employee;

transmitting, with the central office processor, the employee's available accrued and unpaid earnings to the remote network access device for display to the employee with the remote network access device;

receiving, with the central office processor, an electronic request from the remote network access device to transfer a desired portion of the employee's accrued and unpaid earnings and comparing the desired portion of the employee's accrued and unpaid earnings to the employee's available accrued and unpaid earnings;

comparing, with the central office processor, the amount of the desired portion of the employee's accrued and unpaid earnings with the employee's available accrued and unpaid earnings and transmitting, from the central office processor, to the remote network access device, at least one participating store and *at least one incentive offered to [the] employee for purchasing goods and services at the participating store with the employee's accrued and unpaid earnings and displaying the at least one participating store and the at least one incentive with the remote network device and wherein the incentive is defined by the at least one participating store;*

generating, at the remote network device, an electronic request for the desired portion of the employee's accrued and unpaid earnings to be transferred for the employee's benefit to an employee[-]selected participating store;

receiving, with the central office processor, the electronic request from the employee to transfer the desired portion of the employee's available accrued and unpaid earnings to the employee[-]selected participating store;

transferring, from a bank associated with the central office, the desired amount of accrued and unpaid earnings to a sponsoring bank where the participating store maintains an account wherein the employee's conveyed accrued and unpaid earnings are held; and

updating, with the central office processor, the employee's record of accrued and unpaid earnings for the predetermined time

period in the database to reflect the transferred desired amount of the employee's accrued and unpaid earnings.

References

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

Cacheria, III et al. ("Cacheria")	US 2010/0179887 A1	July 15, 2010
Hunt	US 2010/0257040 A1	Oct. 7, 2010

Rejections³

Claims 1–18 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. (Final Act. 2–3, 10–13.)

Claims 1–18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cacheria and Hunt. (Final Act. 4–10, 13–14.)

Issues

1. Whether the Examiner erred in rejecting claims 1–18 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

2. Whether the Examiner erred in finding the combination of Cacheria and Hunt teaches or suggests

at least one incentive offered to [the] employee for purchasing goods and services at the participating store with the employee's accrued and unpaid earnings and displaying the at least one participating store and the at least one incentive with the remote network device and wherein the incentive is defined by the at least one participating store[.]

³ All rejections are under the provisions of 35 U.S.C. in effect prior to the effective date of the Leahy-Smith America Invents Act of 2011.

as recited in independent claim 1 and commensurately recited in independent claim 11.

3. Whether the Examiner erred in finding the combination of Cacheria and Hunt teaches or suggests “transferring, from a bank associated with the central office, the desired amount of accrued and unpaid earnings to a sponsoring bank where the participating store maintains an account wherein the employee’s conveyed accrued and unpaid earnings are held,” as recited in independent claim 1 and commensurately recited in independent claim 11.

ANALYSIS

A. Rejection Under 35 U.S.C. § 101

The Supreme Court has set forth an analytical “framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2355 (2014) (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 71–73 (2012)). In the first step of the analysis, we determine whether the claims at issue are “directed to” a judicial exception, such as an abstract idea. *Alice*, 134 S. Ct. at 2355. If not, the inquiry ends. *Thales Visionix Inc. v. U.S.*, 850 F.3d 1343, 1346 (Fed. Cir. 2017); *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1339 (Fed. Cir. 2016). If the claims are determined to be directed to an abstract idea, then we consider under step two whether the claims contain an “inventive concept” sufficient to “transform the nature of the claim into a patent-eligible application.” *Alice*, 134 S. Ct. at 2355 (quotations and citation omitted).

Noting that the two stages involve “overlapping scrutiny of the content of the claims,” the Federal Circuit has described “the first-stage inquiry” as “looking at the ‘focus’ of the claims, their ‘character as a whole,’” and “the second-stage inquiry (where reached)” as “looking more precisely at what the claim elements add—specifically, whether, in the Supreme Court’s terms, they identify an ‘inventive concept’ in the application of the ineligible matter to which (by assumption at stage two) the claim is directed.” *Electric Power Grp, LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). In considering whether a claim is directed to an abstract idea, we acknowledge, as did the Court 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: (1) whether the claims focus on a specific means or method that improves the relevant technology, or (2) are directed to a result or effect that itself is the abstract idea, in which the claims merely invoke generic processes and machinery. *See Enfish*, 822 F.3d at 1336.

Step One: Whether the Claims Are Directed to a Patent-Ineligible Concept (Abstract Idea)

The Examiner concludes the claims are directed to an abstract ideas of “enabling an employee to utilize earned and unpaid earnings” and marketing to consumers by offering incentives to patronize a store, which the Examiner finds are “fundamental economic practice[s].” (Final Act. 2–3.) We agree. Appellant’s claims are directed to allowing employees to receive payday advances that the employees may then use to shop at participating stores, which may offer incentives to the employees to shop there. Payday advances and marketing to consumers by offering shopping incentives are fundamental economic practices.

Appellant, however, argues that the claimed concept is not “similar to those found by the courts to be abstract.” (App. Br. 22.) We disagree. Our reviewing court has explained that claims directed to “the mere formation and manipulation of economic relations” and “the performance of certain financial transactions” are properly held to be directed to abstract ideas. *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014); *see also, e.g., Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) (finding computer-implemented system for “using advertising as a currency [on] the Internet” to be ineligible); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1352, 1355 (Fed. Cir. 2014) (finding computer-implemented system for guaranteeing performance of an online transaction to be ineligible.); *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1370 (Fed. Cir. 2011) (finding computer-implemented system for “verifying the validity of a credit card transaction[] over the Internet” to be ineligible). (See Final Act. 2–3; Ans. 10–11.)

The Examiner further finds additional limitations in the claims are directed to the abstract idea of “receiving, storing, and processing data.” (Ans. 11.) In particular, “in the claimed invention, the system receives employee records, an access request (receiving data), stores [all] records and requests (storing data) and compares the available accrued and unpaid earnings with the amount needed for redeeming an option (processing data).” (*Id.*)

We agree. Our reviewing court has repeatedly held that information collection and analysis, including when limited to particular content, is within the realm of abstract ideas. *See, e.g., Elec. Power Grp.*, 830 F.3d at

1353 (holding that “collecting information, analyzing it, and displaying certain results of the collection and analysis” are “a familiar class of claims ‘directed to’ a patent-ineligible concept”); *Fair Warning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1093–94 (Fed. Cir. 2016) (claims directed to collecting information and analyzing it according to certain rules were directed to an abstract idea); *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1370 (Fed. Cir. 2011) (computer-implemented system for “verifying the validity of a credit card transaction[] over the Internet” was patent-ineligible).

We additionally note that a claim need not be addressed to a single abstract idea to be patent ineligible. As our reviewing court has held, combining several abstract ideas does not render the combination any less abstract. *RecogniCorp, LLC v. Nintendo Co., Ltd.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) (“Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract.”); *see also FairWarning IP*, 839 F.3d at 1093–94 (patent-ineligible claims were directed to a combination of abstract ideas).

Appellant’s argument that the Examiner has failed to consider the claims as a whole is not persuasive. (*See* App. Br. 20–21; Reply Br. 2–3.) The Examiner explicitly points out that each claim was considered as a whole (Final Act. 3; *see also* Ans. 2), and the Examiner’s overall analysis bears this out. In addition, the Examiner’s characterization of the claims as directed to “enabling an employee to utilize earned and unpaid earnings” (Final Act. 2) is consistent with Appellant’s statement in the Specification that the “disclosure relates to a system and method of enabling an employee to utilize earned and unpaid earnings and a method and system for an

accretive value store loyalty card program.” (Spec. ¶ 1; *see also* App. Br. 2 (“The present invention, as set forth in independent claim 1, relates to a method of enabling an employee to utilize earned and unpaid earnings.”).)

Appellant also argues error in the Examiner’s analysis for failing to provide “evidence” to support the Examiner’s “assertion that the invention, defined by the above-listed particular claim limitations, is directed to prevalent and well-known commercial methods.” (Br. 23.) First, Appellant misstates the Examiner’s rejection, which does not make such an assertion. Second, to the extent Appellant argues that the Court’s decisions in *Alice* and *Bilski* (*Bilski v. Kappos*, 561 U.S. 593 (2010)) require “evidence” to support a § 101 rejection, Appellant misstates the law. Nothing in *Alice* or *Bilski* requires the Examiner to provide evidence as part of the Examiner’s prima facie case.

Moreover, the Federal Circuit has repeatedly noted that “the prima facie case is merely a procedural device that enables an appropriate shift of the burden of production.” *Hyatt v. Dudas*, 492 F.3d 1365, 1369 (Fed. Cir. 2007) (citing *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)). The court has, thus, held that the Office carries its procedural burden of establishing a prima facie case when its rejection satisfies the requirements of 35 U.S.C. § 132 by notifying the applicant of the reasons for rejection, “together with such information and references as may be useful in judging of the propriety of continuing the prosecution of [the] application.” *See In re Jung*, 637 F.3d 1356, 1362 (Fed. Cir. 2011).

Put simply, all that is required of the Office is that it set forth the statutory basis of the rejection in a sufficiently articulate and informative manner as to meet the notice requirement of § 132. *Id.*; *see also Chester v.*

Miller, 906 F.2d 1574, 1578 (Fed. Cir. 1990) (noting that section 132 “is violated when a rejection is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection”).

Here, in rejecting the pending claims under § 101, the Examiner analyzed the claims using the *Mayo/Alice* two-step framework, consistent with the guidance set forth in the USPTO’s “2014 Interim Guidance on Patent Subject Matter Eligibility,” 79 Fed. Reg. 74618 (Dec. 16, 2014), in effect at the time the Final Office Action was mailed. (Final Act. 2–3.) In so doing, the Examiner notified Appellant of the reasons for the rejection “together with such information and references as may be useful in judging of the propriety of continuing the prosecution of [the] application.”

35 U.S.C. § 132.

Because we agree with the Examiner, at step one of the *Alice* analysis, that the claims are directed to one or more abstract ideas, we turn to the second step of the *Alice* analysis, in which we must determine whether the additional elements of the claims transform them into patent-eligible subject matter.

Step Two: Whether Additional Elements Transform the Idea into Patent-Eligible Subject Matter

Having concluded that the claims are directed to an abstract idea, the Examiner also concludes that the additional elements or combinations of elements beyond the abstract idea do not amount to “significantly more” than the abstract idea itself, finding “the generically recited computer elements . . . do not add a meaningful limitation to the abstract idea because they would be routine in any computer implementation.” (Final Act. 3.)

Appellant argues the claims amount to “significantly more” than “some unidentified abstract idea,” and cites as support, the Federal Circuit’s

holding in *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014). (App. Br. 23.) Appellant also argues the claims “include specific steps that cannot be performed mentally and do not describe conventional well-known generic computer functions.” (Reply Br. 4.)

We disagree. Appellant overstates the technical nature of the claims. At most, the claims (and Specification) refer to the use of a “network access device” to access records via a “central office processor” from a “central office database.” But even under Appellant’s argument that the claimed invention requires the use of a computer, mere application of an abstract idea on a computer system does not make a claimed invention patentable. *See Alice Corp.*, 134 S. Ct. at 2358 (“[I]f a patent’s recitation of a computer amounts to a mere instruction to ‘implemen[t]’ an abstract idea ‘on . . . a computer,’ []that addition cannot impart patent eligibility.”) (citations omitted). Notably, Appellant’s Specification broadly describes a “network access device” as including generic computing devices such as a “smart phone” or “personal computer.” (Spec. ¶ 36.) Appellant does not argue, nor does Appellant’s Specification state, that the claimed “processor” and “database” require specialized or improved technology.

In that regard, we conclude Appellant’s claims are distinguished from those claims that our reviewing court has found to be patent eligible by virtue of reciting technological improvements to a computer system. *See, e.g., DDR Holdings*, 773 F.3d at 1249, 1257 (holding that claims reciting computer processor for serving “composite web page” were patent eligible because “the claimed solution is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks”); *Enfish*, 822 F.3d at 1338 (holding that claims directed to a self-

referential table for a computer database were patent eligible because the claims were directed to an improvement in the functioning of a computer); *Visual Memory LLC v. NVIDIA Corp.*, 867 F.3d 1253, 1259 (Fed. Cir. 2017) (holding that claims directed to “an improved computer memory system” having many benefits were patent eligible).

Unlike the situations addressed in cases such as these, Appellant does not claim to change how the underlying technology operates. (*See* Ans. 16.) Moreover, the tasks recited in the claims—such as receiving, accessing, transmitting, comparing, and updating records (e.g., pertaining to an employee’s payroll), and generating, receiving, and transferring data (e.g., pertaining to an electronic request to transfer funds)—are common computer functions. (*See id.* at 16, 18.)

In short, and contrary to Appellant’s argument, the solution here is not a technical solution. Rather, the solution here is rooted in routine use of conventional computer technology to carry out the abstract idea of enabling employees to use their accrued and unpaid earnings at participating stores that offer the employees incentives to shop there. (*See also* Ans. 14–19.)

For at least the aforementioned reasons, Appellant has not persuaded us the Examiner erred in rejecting independent claims 1 and 11 under 35 U.S.C. § 101 as directed to patent-ineligible subject matter, or in rejecting on the same basis dependent claims 2–10 and 12–18, which Appellant argues collectively with the independent claims. (App. Br. 25.) Accordingly, we sustain the Examiner’s rejection of claims 1–18.⁴

⁴ To the extent Appellant has not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

B. Rejection Under 35 U.S.C. § 103(a)

The Examiner also rejects claims 1–18 under 35 U.S.C. § 103(a) as unpatentable over the combination of Cacheria and Hunt. (Final Act. 4–10, 13–14.) Appellant argues the claims collectively (App. Br. 28); accordingly, we designate claim 1 as representative. 37 C.F.R. § 41.37(c)(1)(iv).

1. “*at least one incentive offered to the employee . . . defined by the . . . participating store*”

Appellant argues “Cacheria and Hunt, alone or in combination, do not teach or suggest offering an employee a store-defined incentive to use accrued and unpaid earnings to purchase goods and services, as recited in independent claims 1 and 11.” (App. Br. 27.) Appellant concedes Hunt depicts a shopper interface that shows a discounted price offered to the consumer, but argues that merely offering discounted merchandise does not fall within the scope of the disputed limitation. (*Id.* at 26–27; *see* Hunt Fig. 2A.) In particular, Appellant argues the discount depicted in Hunt is “available to any shopper using any method of payment.” (*Id.* at 26.)

From this argument, we understand Appellant’s position to be premised on the claims requiring the “incentive” offered by a participating store be available *only if* the employee uses “accrued and unpaid earnings” for the purchase, as opposed to any other form of payment. Appellant’s argument is unpersuasive because it is not commensurate with the scope of the claims. *See In re Self*, 671 F.2d 1344, 1348 (CCPA 1982) (“[A]ppellant’s arguments fail from the outset because, . . . they are not based on limitations appearing in the claims.”).

Although the claims require “at least one incentive offered to [the] employee,” and also require the incentive to be “defined by the at least one participating store,” the claims do not require the incentive be available *only*

if the employee pays with “accrued and unpaid earnings.” The phrase “for purchasing goods and services at the participating store with the employee’s accrued and unpaid earnings,” broadly but reasonably construed, encompasses an incentive (e.g., discount) offered by a store to the employees who purchase items using their accrued and unpaid earnings, even if the same discount is offered to shoppers who use another form of payment.

Thus, we are not persuaded of error in the Examiner’s finding that Cacheria combined with Hunt’s disclosure of merchants that offer discounted merchandise to consumers as an incentive and also allow them to purchase the discounted merchandise using “reward points”—even if the same discount is available to those who pay with cash—teaches or suggests the disputed limitation. (Final Act. 6–7; Ans. 19–20.)

2. *“transferring . . . the desired amount of accrued and unpaid earnings to a sponsoring bank”*

Appellant also argues the Examiner’s findings are in error because, although Cacheria discloses a funds transfer, “there is no teaching or suggestion that the transfer is to *a sponsoring bank where the participating store maintains an account* wherein the employee’s conveyed accrued and unpaid earnings are held.” (App. Br. 28 (emphasis added).) In the Reply Brief, Appellant further argues that the claims require a “functional relationship between a sponsoring bank (as defined) and a participating store, [point-of-sale (POS)] operator[,] and subscribing employee.” (Reply Br. 9.) Appellant argues the Examiner’s findings regarding Cacheria’s disclosure “ignore[]” this requirement. (*Id.*) We disagree with Appellant’s contentions, and we are not persuaded of error.

The Examiner finds:

Pursuant [to] the broadest reasonable interpretation requirement (MPEP 2111), Examiner interpret[s] that disbursing funds to [the] payee, i.e. to the participating store, is a transfer from the accrued and unpaid earnings account of the employee (the collection of all employees' accounts [from] a bank) to the participating store (the payee) bank account. The participating store bank account must have a mechanism to identify the payer, i.e. the customer who is paying with the accrued and unpaid earnings. This mechanism [need] not be separate physical accounts for each customer; it can be virtual accounts (i.e. identifiable based on customer personal data).

(Final Act. 14.)

In other words, the Examiner finds, and we agree, a “sponsoring bank” is a bank at which the participating store maintains an account, and into which the desired amount of the employee’s accrued and unpaid earnings are transferred on behalf of the employee, from a bank associated with the central office. (*See id.*) This reading is supported by Appellant’s Specification, which states:

As used herein, a “sponsoring bank” 124 is a financial institution such as a bank or credit union that *maintains an account for a participating store* and has elected to *interface directly or indirectly* with central office 102, a participating store 126, and/or a POS operator 122 to provide the earned and unpaid earnings service to subscribing employees. . . . A participating bank 124 may *maintain an account on behalf of a participating store 126* and receive transfers of accrued and unpaid earnings from central office 102 on behalf of employees and maintain records of such transfers and employee balances.

(Spec. ¶ 46 (emphases added).)

Cacheria discloses a bill pay service that an employee may use to pay bills with the employee’s accrued but unpaid earnings. (Cacheria ¶¶ 119, 122.) As part of that service, Cacheria’s system, through a central office

processor, electronically disburses funds to a payee on behalf of the employee. (*Id.* ¶ 122.)

In particular, Cacheria discloses a “central processing center” that includes “an employee access node to execute a predetermined sequence of actions to enable a subscribing employee *to transfer value to a third party provider* in exchange for a selected goods or services based upon the subscribing employee’s accrued and unpaid earnings.” (*Id.* at claim 1 (emphasis added).) Cacheria also discloses the “central office processor” is connected to one or more “financial institution(s),” as are the “service provider[s],” via a “financial network.” (*Id.* ¶ 122, Figs. 18, 19.)

As the Examiner finds, and we agree, Cacheria’s payee “must maintain an account” at a financial institution for this electronic disbursement of funds (“transfer [of] value”) to take place. (Final Act. 20.) As the Examiner also finds, and we further agree, Cacheria teaches the employee’s funds are transferred to the payee’s (participating store’s) bank account, whereupon the funds are held there. (*Id.* at 14.)

Thus, we agree Cacheria teaches or suggests transferring, from a bank associated with the central office, “the desired amount of accrued and unpaid earnings to a sponsoring bank where the participating store [Cacheria’s payee] maintains an account wherein the employee’s conveyed accrued and unpaid earnings are held,” as recited in the claims.

For the foregoing reasons, we are not persuaded of error in the Examiner’s 35 U.S.C. § 103(a) rejection of independent claims 1 or 11, or of dependent claims 2–10 and 12–18, which are argued collectively with claim 1. We, therefore, sustain the rejection of those claims.

Appeal 2017-000228
Application 14/523,521

DECISION

The Examiner's 35 U.S.C. § 101 rejection of claims 1–18 is affirmed.

The Examiner's 35 U.S.C. § 103(a) rejection of claims 1–18 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