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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RUSSELL G. BULMAN, SURESH KUMAR,
SANKET KARJAGI, RITWIK BOSE, RAJESH KUMAR,
BISWAJIT NAYAK, VIKRAM KAMATH, and BHAVANA SUMATHI

Appeal 2017-000406¹
Application 12/723,371²
Technology Center 3600

Before NINA L. MEDLOCK, CYNTHIA L. MURPHY, and
TARA L. HUTCHINGS, *Administrative Patent Judges*.

MEDLOCK, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner’s final rejection of claims 1, 3–8, 11–15, and 18–21. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

¹ Our decision references Appellants’ Appeal Brief (“Br.,” filed January 26, 2016) and the Examiner’s Answer (“Ans.,” mailed July 13, 2016) and Final Office Action (“Final Act.,” mailed July 24, 2015).

² Appellants identify Altisource Solutions S.à.r.l. of Luxembourg as the real party in interest. Br. 3.

CLAIMED INVENTION

Appellants' claimed invention "relates to a method and system for electronic ordering, invoice presentment, and payment" (Spec. ¶ 2).

Claims 1, 15, and 18 are the independent claims on appeal. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method of evaluating documents in an electronic invoice presentment and payment system, comprising:

providing, via at least one processor, to a user a first graphical user interface configured to present a field from which to enter a name for a new rule to be created, wherein the first graphical user interface includes a validate field which, when selected, causes the name of the rule to be checked for uniqueness;

generating, via the at least one processor, a second graphical user interface for selecting one or more document related functions and one or more document related attributes associated with each of the one or more document related functions, wherein the second graphical user interface is generated at least by the at least one processor querying a system database to retrieve the one or more document related functions and returning the one or more document related functions as menus with drop-down selectors for the one or more document related attributes associated with each of the one or more document related functions;

creating, via the at least one processor, one or more document processing rules based on:

the name entered via the first graphical user interface,

the one or more document related functions which were selected via the second graphical interface,

and the one or more document related attributes which were selected via the second graphical user interface;

designating a sequence in which the document processing rules are to be executed;

providing, via the at least one processor, a third graphical user interface configured to present a list of the one or more document processing rules to the user, to receive a selection of a subset of the one or more document processing rules from the user, and to associate the selected subset of rules with one or more groups to which the one or more document processing rules applies;

determining, via the at least one processor, which of the one or more document processing rules applies to a received document; and

invoking, via the at least one processor, the rules engine to process the received document according to the sequence of one or more document processing rules.

REJECTION

Claims 1, 3–8, 11–15, and 18–21 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

ANALYSIS

Under 35 U.S.C. § 101, an invention is patent-eligible if it claims 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).

The Supreme Court, in *Alice*, reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66 (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 Corp.*, 134 S. Ct.

at 2355. The first step in that analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts.” *Id.* If the claims are not directed to a patent-ineligible concept, e.g., an abstract idea, the inquiry ends. Otherwise, the inquiry proceeds to the second step where the elements of the claims are considered “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.* (quoting *Mayo*, 566 U.S. at 79, 78).

The Court acknowledged 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. Therefore, the Federal Circuit has instructed that claims are to be considered in their entirety to determine “‘whether their character as a whole is directed to excluded subject matter.’” *McRO, Inc. v. Bandai Namco Games Am., Inc.*, 837 F.3d 1299, 1312 (Fed. Cir. 2016) (quoting *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015)).

Here, in rejecting the claims under 35 U.S.C. § 101, the Examiner determines that the claims are directed to a method of evaluating documents (Final Act. 2). The Examiner posits that the claimed method of evaluating documents is “considered a fundamental economic practice and thus an abstract idea” (*id.*). Yet critically, the Examiner does not explain, or otherwise describe, the nature of the fundamental economic practice in a manner sufficient for us to evaluate whether it represents a practice long prevalent in our system of commerce, such that the assertion of being a fundamental economic practice is sufficiently supported.

The Examiner also does not explain why the claims do not include an inventive feature that constitutes more than an abstract idea. For example, the Examiner does not explain why generating graphical user interfaces (“GUIs”), as recited, for example, in claim 1, for use in creating and/or modifying a set of document processing rules, i.e., a rules engine, and automatically invoking the rules engine to process a received document according to one or more applicable processing rules and a designated sequence of the one or more rules, would not be considered substantially more than the judicial exception (*see id.*). The Examiner makes no mention of GUIs at all. Instead, the Examiner merely asserts, without any further analysis, that the claims do not “include additional elements that are sufficient to amount to significantly more than the judicial exception because the generically recited computer elements do not add a meaningful limitation to the abstract idea and would be routine in a computer implementation” (*id.*).

The Examiner has not sufficiently established that the claimed invention is directed to patent-ineligible subject matter. Therefore, we do not sustain the Examiner’s rejection of claims 3–8, 11–15, and 18–21 under 35 U.S.C. § 101.³

³ The Examiner provides further analysis of the § 101 rejection in the Answer:

In order to further explain and to update the 35 USC 101 rejection above based on developing examiner guidance and evolving case law, the examiner supplements the above rejection with the following rejection analysis

Ans. 4. And the Examiner designates this analysis as a new ground of rejection (*id.* at 10). However, it is not clear from the Answer that the

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DECISION

The Examiner's rejection of claims 3–8, 11–15, and 18–21 under 35 U.S.C. § 101 is reversed.

REVERSED

Examiner obtained the requisite approval to furnish an Answer that includes a new ground of rejection. *See* 37 C.F.R. § 41.39. Therefore, the Examiner's further analysis in the Answer was not considered in rendering the decision in this appeal.