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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* GLEN MICHAEL FAFARA

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Appeal 2017-002159  
Application 14/613,199  
Technology Center 3600

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Before JEAN R. HOMERE, NABEEL U. KHAN, and  
DAVID J. CUTITTA II, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1, 2, 4–10, 19, 21, and 23–29, which constitute all claims pending in this application.<sup>1</sup> Claims 3, 11–18, 20, and 22 have been canceled. App.

Br. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

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<sup>1</sup> Appellant identifies the real party in interest as Systems Made Simple, Inc. App. Br. 2. The Examiner withdraws the obviousness rejection previously entered against the pending claims. Ans. 2.

*Introduction*

According to Appellant, the claimed subject matter relates to a method and system for enabling a social media platform user to securely access sensitive health care event information through communications distributed within the social media platform. Spec. ¶¶ 3–8. In particular, a computer system generates a hash value that represents an anonymized version of the health care event information item including a uniform resource locator (URL) associated with an authorized recipient of the health care event information item so as to enable the authorized recipient and other non-administrative users of the social media platform to securely and confidentially access the health care event information. *Id.*

*Representative Claim*

Independent claim 1 is representative, and reads as follows:

1. A method for communicating health care information via a hybrid architecture including a social media platform and a website external to the social media platform, comprising:
  - obtaining, by a computer system, a first health care event information item associated with an event pertaining to a first individual;
  - generating, by the computer system, a first hash value that represents at least part of the first health care event information item;
  - generating, by the computer system, an anonymized version of the first health care event information item that comprises the first hash value such that the anonymized version of the first health care event information item refers to but does not specifically identify the first individual and refers to but does not specifically identify the event, wherein the anonymized version of the first health care event information item comprises the first hash value in lieu of the at least part

of the first health care event information that the first hash value represents;

determining, by the computer system, an authorized recipient of the anonymized version of the first health care event information item;

generating, by the computer system, a first communication at the social media platform to the authorized recipient using a social media platform address associated with the authorized recipient such that the first communication is accessible to the authorized receipt and other non-administrative users of the social media platform that are permitted to access communications directed to the authorized receipt, wherein the first communication comprises the anonymized version of the first health care event information item and a URL to a specific portion of the website that pertains to the first health care event information item associated with the first individual, wherein the URL enables the authorized recipient to initiate a request to fill and/or refill a prescription, and the URL comprises the first hash value as a parameter related to the request to fill and/or refill the prescription, and wherein, responsive to the generation of the first communication at the social media platform, the first hash value is accessible to the authorized receipt and the other non-administrative users of the social media platform;

receiving, at the website external to the social media platform, via the first communication, a request from the authorized recipient for access to the first health care event information item associated with the URL, wherein the request received at the website is based on the first hash value in the URL; and

determining, by the computer system, if the request should be authorized, and, in response to a determination that the request should be authorized, providing access to a non-anonymized version of the first health care event information item.

*Rejection on Appeal*

Claims 1, 2, 4–10, 19, 21, and 23–29 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Final Act. 2–4.

## ANALYSIS

We consider Appellant’s arguments, as they are presented in the Appeal Brief, pages 6–20, and the Reply Brief, pages 1–18.<sup>2</sup>

Appellant argues the Examiner erred in rejecting claims 1, 2, 4–10, 19, 21, and 23–29 as being directed to patent ineligible subject matter because the rejection is devoid of any meaningful analysis as to how the claims are drawn to the alleged abstract idea of accessing a health care event by a generated hash value. App. Br. 8–15. In particular, Appellant argues that the Examiner overgeneralizes the claims by merely parroting the claim language, stripping therefrom essential limitations, and somehow concludes that the combination thereof is similar to “comparing new and stored information and using rules to identify options, and using categories to organize, store, and transmit information.” *Id.* at 9. According to Appellant, similarly to *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014), the claims on appeal are directed to a “solution [that] is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *Id.* at 13. More particularly, Appellant argues that the claims recite a particular technical solution to a problem of how to enable social media platform users to access sensitive health care event information through a generated hash value so as not to reveal their sensitive health care event information even if

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<sup>2</sup> Rather than reiterate Appellant’s arguments, and the Examiner’s findings/conclusions in their entirety, we refer to the Appeal Brief (filed March 30, 2016) (“App. Br.”), the Reply Brief (mailed November 7, 2016) (“Reply Br.”), the final rejection from which the appeal is taken (mailed November 9, 2015) (“Final Act”), and the Answer (mailed September 8, 2016) (“Ans.”) for the respective details.

those social media communications become publicly available or are compromised. *Id.* at 13–14.

These arguments are persuasive. The U.S. Supreme Court provides a two-step test for determining whether a claim is directed to patent-eligible subject matter under 35 U.S.C. § 101. In the first step, we determine whether the claims are directed to one or more judicial exceptions (i.e., law of nature, natural phenomenon, and abstract ideas) to the four statutory categories of invention (i.e., process, machine, manufacture, and composition of matter). *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2355 (2014) (citations omitted) (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–79 (2012)) (“*Mayo*”). In the second step, we “consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *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 73).

We agree with the Appellant the Examiner’s conclusion that the claims are directed merely to the abstract idea “of comparing new and stored information and using rules to identify options” is not supported by the record before us. In particular, we agree with Appellant that the Examiner’s mere parroting of the claim language followed by the conclusion of abstract idea is not a meaningful analysis supported by evidence and the controlling case law. Ans. 3–4. The Federal Circuit, applying the Supreme Court’s

*Alice* framework, cautions that “describing the claims at such a high level of abstraction and untethered from the language of the claims all but ensures that the exceptions to § 101 swallow the rule.” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1337 (Fed. Cir. 2016). The claims require particularly generating a hash value representing a health care information event including a URL that enables an authorized social network user to securely access the health information event without being compromised. As persuasively argued by Appellant, the Examiner’s analysis is insufficient to show the claims are abstract, and fails to appreciate that they are instead directed to a technological solution only made possible when implemented in a computer network-based context. Further, although the claimed methods and systems are perhaps simple and straightforward, the Examiner does not provide sufficient evidence to demonstrate that the claimed process is merely the automation of the same process previously performed by a human. *See McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314 (Fed. Cir. 2016) (“While the rules are embodied in computer software that is processed by general-purpose computers, Defendants provided no evidence that the process previously used by animators is the same as the process required by the claims.”) We thus fail to grasp from the Examiner’s rejection how the claimed solution for securely accessing health event in a social network relates to the alleged abstract idea “of comparing new and stored information and using rules to identify options.”

Because Appellant has shown at least one reversible error in the Examiner’s rejection, we need not reach Appellant’s remaining arguments. Accordingly, we are persuaded of error in the Examiner’s conclusion that

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claims 1, 2, 4–10, 19, 21, and 23–29 are directed to patent-ineligible subject matter.

### DECISION

For the above reasons, we reverse the Examiner’s subject matter ineligibility rejection of claims 1, 2, 4–10, 19, 21, and 23–29.<sup>3</sup>

### REVERSED

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<sup>3</sup> In the event of further prosecution, the Examiner should determine whether independent claims 1 and 19 meet the requirements of 35 U.S.C. 112, second paragraph, to particularly point out and distinctly define the metes and bounds of the subject matter to be protected by the patent grant. Namely, the Examiner should determine whether there is sufficient antecedent basis for the limitation “the authorized *receipt*,” as in claims 1 and 19.