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EXAMINER
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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* EVANS MEHEW and KIMBERLY DUNWOODY

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Appeal 2017-002489  
Application 12/890,296  
Technology Center 3600

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Before ST. JOHN COURTENAY III, LINZY T. McCARTNEY, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

McCARTNEY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1, 6, 8, 9, and 15–17. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

## CLAIMED INVENTION

Claim 1 illustrates the claimed subject matter:

1. A method for providing financial services to a disaster area, the method comprising:

receiving, by a remote server system, a first record for an intended financial transaction, wherein the record comprises: a first set of biographical information of a disaster victim received from a payor, a first image of the disaster victim's face received from the payor, and an indication of an amount of funds has been received from the payor;

storing the first record within a plurality of records for intended financial transactions;

providing a vehicle outfitted with a computer system, wherein the computer system comprises: a user terminal, a camera, and a wireless communication interface in communication with the remote server system;

receiving, by the user terminal, a second set of biographical information of the disaster victim;

capturing, by the camera, a second image of the disaster victim's face;

transmitting, by the computer system, the second set of biographical information and the second image of the disaster victim's face to the remote server system via the wireless communication interface;

comparing, by the remote server system, the second set of biographical information to the plurality of records for intended financial transactions to identify the first record as having the first set of biographical information which matches the second set of biographical information;

based at least in part on the the first record being identified, comparing, by the remote server system, the first image of the disaster victim's face with the second image of the disaster victim's face;

based on the first image of the disaster victim's face corresponding to the second image of the disaster victim's face,

sending, by the remote server system, to the computer system, an indication of an amount of funds to be distributed to the disaster victim;

based on receipt of the indication of the amount of funds to be distributed, causing, by the computer system, a locked container containing cash on the vehicle to be unlocked; and

providing, to the disaster victim, from the locked container, cash corresponding to the amount of funds to be distributed.

#### REJECTION<sup>1</sup>

<b>Claims Rejected</b>	<b>Basis</b>
1, 6, 8, 9, 15–17	§ 101

#### DISCUSSION

Appellants do not present separate patentability arguments for the Examiner’s rejection of claims 1, 6, 8, 9, and 15–17 under 35 U.S.C. § 101. *See* App. Br. 7–15. As permitted by 37 C.F.R. § 41.37, we select claim 1 as representative of the claims for this ground of rejection and decide the appeal for this ground based on claim 1.

Appellants argue the Examiner erroneously found claim 1 directed to the abstract idea of “providing financial services to a disaster area.” App. Br. 11; Reply Br. 1–2, 3–4<sup>2</sup>. Appellants contend the Examiner oversimplified claim 1 because, in Appellants’ view, claim 1 recites “far

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<sup>1</sup> The Examiner entered a new ground of rejection for claims 1, 6, 8, 9, and 15–17 under 35 U.S.C. § 101 in the Answer. Ans. 3–6. Because we sustain the Examiner’s original ground of rejection of these claims under § 101, we do not address the Examiner’s new ground of rejection.

<sup>2</sup> The Reply Brief lacks page numbers. We treat the Reply Brief as if it were sequentially numbered beginning with the page containing the “Status of Claims” header.

more than routine financial relief in a disaster situation.” App. Br. 11. Appellants argue that even if claim 1 were directed to an abstract idea, claim 1 would still be patent eligible because the claim (1) presents no pre-emption risk, (2) requires specialized computing devices, (3) recites a novel, nonobvious method, and (4) corresponds to claims determined patent eligible in *Diehr*,<sup>3</sup> *DDR Holdings*,<sup>4</sup> and *SiRF Tech*.<sup>5</sup> App. Br. 11–14; Reply Br. 4

Appellants have not persuaded us the Examiner erred. Under § 101 of the Patent Act, “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” 35 U.S.C. § 101. “[T]his provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. Pty. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014). The Supreme Court has set forth the following two-step test for determining whether a patent claim falls within one of these exceptions:

First, we determine whether the claims at issue are directed to one of those patent-ineligible concepts. If so, we then ask, “[w]hat else is there in the claims before us?” To answer that question, 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. We have described step two of this analysis as a search for an “inventive concept”—*i.e.*, an element or combination of elements that is “sufficient to

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<sup>3</sup> *Diamond v. Diehr*, 450 U.S. 175 (1981).

<sup>4</sup> *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014).

<sup>5</sup> *SiRF Tech., Inc. v. Int’l Trade Comm’n*, 601 F.3d 1319 (Fed. Cir. 2010).

ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.”  
*Alice*, 134 S. Ct. at 2355 (citations omitted) (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 77–79 (2012)).

As required by this test, we first consider whether claim 1 is directed to an abstract idea. To determine whether a claim is directed to an abstract idea, “we must look at the ‘focus of the claimed advance over the prior art’ to determine if the claim’s ‘character as a whole’ is directed to excluded subject matter.” *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016). This often involves “ask[ing] whether the claim[] [is] directed to an improvement to computer functionality versus being directed to an abstract idea.” *In re TLI Commc ’ns LLC Patent Litig.*, 823 F.3d 607, 612 (Fed. Cir. 2016).

By its own terms, claim 1 is drawn to providing financial services in a disaster area by comparing disaster victim data. *See* App. Br. 17–18. Although the claimed invention requires, among other things, “a remote server system” and “a vehicle outfitted with a computer system,” Appellants’ written description makes clear claim 1 is not directed to an improvement in computer functionality but instead to an abstract idea.

The written description discloses that the recited vehicle (referred to as a “mobile response vehicle”) “may be a car, truck, airplane, helicopter, boat, ATV, motorcycle, bicycle, etc.” Spec. ¶ 39. The written description does not explain in detail how one of ordinary skill in the art would outfit any of these vehicles with the recited computer system; the written description simply notes the claimed vehicle “may be equipped with a computer system.” Spec. ¶ 38. The written description then discloses that “[t]o perform the actions of . . . the computer system of the mobile response

vehicle . . . or any other previously mentioned computing devices, a computer system as illustrated in FIG. 6 may be used.” Spec. ¶ 68. The written description indicates that the “other previously mentioned computing devices” include “the money transfer system, the various components of the money transfer system, . . . the handheld device,” and a remote server. Spec. ¶ 68; *see also id.* ¶ 41 (explaining that “a remote server . . . may be part of money transfer server system 110”).

Figure 6 and the accompany portion of the written description describe a generic computer system. Specifically, Figure 6 depicts a block diagram of computer system 600 that includes boxes labeled “Processor(s),” “Storage Device(s),” “Input Device(s),” “Output Device(s),” “Communications Subsystem,” and “Working Memory.” Spec., Fig. 6. The accompanying portion of the written description discloses that each of these elements may consist of generic components. *See* Spec. ¶ 69 (disclosing processors 610 can include “one or more general purpose processors,” input devices 615 can include “a mouse, a keyboard, and/or the like,” output devices 620 can include “a display device, a printer, and/or the like”), ¶ 70 (storage devices 625 can include “a disk drive”), ¶ 71 (communications subsystem 630 can include, among other things, “a wireless communication device and/or chipset” and working memory 635 can include “a RAM or ROM device”).

Other parts of the written description also indicate the recited computer system is generic. For the example, the written description describes an embodiment of the computer system in largely functional terms, with little to no technical detail. *See* Spec. ¶¶ 39–41; *see also TLI Commc’ns*, 823 F.3d at 612 (concluding a claim recited an abstract idea

where “the specification fail[ed] to provide any technical details for the tangible components, but instead predominately describe[d] the system and methods in purely functional terms”). This same section discloses that elements of the recited computer system may consist of off-the-self components. Spec. ¶ 39 (explaining that user terminals can include “[c]ommerically available tablet computers” such as “an APPLE iPad”). In light of these disclosures, claim 1 is not directed to an improvement in computer functionality. Instead, claim 1 recites using generic technology to implement the abstract idea of providing financial services in a disaster area by comparing disaster victim data.

Moreover, we frequently look to prior decisions to determine whether a claim is directed to an abstract idea. *See Amdocs (Isr.) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016). Here, claim 1 recites a method that essentially collects data about a disaster victim from different sources, compares that data, and based on that comparison, provides cash to the victim. *See App. Br. 17–18*. The Federal Circuit has concluded claims reciting similar steps are directed to abstract ideas. *See, e.g., Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (“The advance [the claims] 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. They are therefore directed to an abstract idea.”). Although claim 1 recites other steps, such as “providing a vehicle outfitted with a computer system,” these additional steps merely limit the abstract idea to a particular environment, which does not transform the abstract idea into a patent-eligible application of the idea. *See TLI Commc’ns*, 823 F.3d at 613

(“Lastly, although the claims limit the abstract idea to a particular environment—a mobile telephone system—that does not make the claims any less abstract for the step 1 analysis.”).

Because we agree with the Examiner that claim 1 is directed to an abstract idea, we next consider whether claim 1 has an “inventive concept.” It does not. Contrary to Appellants’ argument, *see* App. Br. 13; Reply Br. 3–4, claim 1 does not require specialized devices. As discussed above, Appellants’ written description describes using generic technology to perform an abstract idea. *See, e.g.*, Spec. ¶¶ 68–79. And even assuming Appellants are correct that claim 1 does preempt all uses of the abstract idea, *see* App. Br. 12, this fact does not render claim 1 patent eligible. *See Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015) (“While preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.”). As noted above, simply limiting an abstract idea to a particular environment does not make the idea any less abstract. *See TLI Commc’ns*, 823 F.3d at 613.

As for Appellants’ argument that claim 1 recites a novel and nonobvious method and is therefore patent eligible, *see* App. Br. 11, even assuming claim 1 is novel and nonobvious, a novel and nonobvious abstract idea is still patent ineligible. *See SAP Am., Inc. v. Investpic, LLC*, 890 F.3d 1016, 1018 (Fed. Cir. 2018) (“Nor is it enough for subject-matter eligibility that claimed techniques be novel and nonobvious in light of prior art, passing muster under 35 U.S.C. §§ 102 and 103.”); *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.”); *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1315 (Fed. Cir. 2016) (explaining that a

jury’s determination that certain prior art did not anticipate or render obvious the asserted claims did “not resolve the question of whether the claims embody an inventive concept at the second step of *Mayo/Alice*”).

Finally, Appellants have not persuaded us that claim 1 is analogous to the claims at issue in *Diehr*, *DDR Holdings*, and *SiRF Tech*. Appellants contend claim 1 is similar to the claims discussed in these cases in part because claim 1 is allegedly directed to “operating an electronic environment where a host of securities in a client portfolio can be analyzed and recommended allocations can be performed before a host of tables are provided with discrete reasons for providing the recommendations” and “transmission of real-time security data from financial server systems coupled with the market trading platforms to client computer systems for display in real time.” App. Br. 13, 14. But claim 1 does not recite analyzing client securities, recommending allocations, or financial server systems coupled with market trading platforms. *See* App. Br. 17–18.

Claim 1 recites using generic technology to provide financial services in a disaster area by comparing disaster victim data. Claim 1 is not directed to a solution to a “technological problem” as in *Diehr*. *Diehr*, 450 U.S. at 177–79; *Alice*, 134 S. Ct. at 2358 (explaining that the claim at issue in *Diehr* “employed a ‘well-known’ mathematical equation, but it used that equation in a process designed to solve a technological problem in ‘conventional industry practice’”). Nor does claim 1 recite specific interactions that yield a result that overrides the routine and conventional sequence of events as in *DDR Holdings*. *See DDR Holdings*, 773 F.3d at 1258. And contrary to Appellants’ argument that claim 1 is similar to the claims at issue in *SiRF Tech* because claim 1 requires specialized hardware, Reply Br. 4, as

discussed above, Appellants written description makes clear claim 1 uses generic computing devices. Moreover, using a “physical machine” does not impart patent eligibility. *See Mayo*, 566 U.S. at 84. In *Alice*, for example, “[a]ll of the claims [we]re implemented using a computer.” 134 S. Ct. at 2353, 2360.

In sum, the claimed elements, whether considered individually or as a combination, simply disclose using generic components to perform an abstract idea. This is not enough to transform the abstract idea into a patent-eligible application of the idea. “It is well-settled that mere recitation of concrete, tangible components is insufficient to confer patent eligibility to an otherwise abstract idea.” *TLI Commc’ns*, 823 F.3d at 613. For the above reasons, we sustain the Examiner’s rejection of claim 1 under 35 U.S.C. § 101.

CONCLUSION

<b>Claims Rejected</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1, 6, 8, 9, 15–17	§ 101	1, 6, 8, 9, 15–17	
<b>Summary</b>		1, 6, 8, 9, 15–17	

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED