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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte AYMAN HAMMAD, PATRICK FAITH and MARK CARLSON

Appeal 2017-004004
Application 11/764,343¹
Technology Center 3600

Before TERRENCE W. McMILLIN, KARA L. SZPONDOWSKI, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 11–17, 30, 31, 46, 53–57, and 68–78, which constitute all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ Appellants identify Visa U.S.A. Inc. as the real party in interest. App. Br. 4.

THE INVENTION

The disclosed and claimed invention is directed to “[s]ystems and methods for improved consumer and portable consumer device authentication.” Spec. ¶ 5.²

Claim 11, reproduced below, are illustrative of the claimed subject matter:

11. A method comprising:

receiving, by a server computer from an access device, an authorization request message generated by the access device for a transaction between a merchant and a consumer, the authorization request message including *first dynamic data generated by a portable consumer device* used by the consumer after the portable consumer device interacts with the access device at the merchant, wherein the access device is a point of sale terminal, and wherein the authorization request message further includes an account number associated with the portable consumer and a transaction amount for the transaction;

authenticating, by the server computer, the portable consumer device by using the first dynamic data received in the authorization request message, wherein the first dynamic data is different for each transaction and is generated from at least one of transaction-specific data and consumer-specific data, wherein the portable consumer device is authenticated when the first dynamic data matches second dynamic data generated by the server computer; and

authenticating, by the server computer, the consumer by

retrieving, by the server computer, a challenge message from a database, wherein the challenge message

² We refer to the Specification filed June 18, 2007 (“Spec.”); Final Office Action mailed Nov. 12, 2015 (“Final Act.”); Appeal Brief filed April 8, 2016 (“App. Br.”); Examiner’s Answer mailed Nov. 4, 2016 (“Ans.”); and the Reply Brief filed Jan. 4, 2017 (“Reply Br.”).

is dynamic, and wherein the challenge message is based on a previous transaction associated with the consumer,

sending, by the server computer, the challenge message to the access device, wherein the challenge message is sent based on a set of criteria,

receiving, by the server computer from the access device, a challenge response from the consumer, and

validating the received challenge response.

REFERENCES

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

Evans US 2004/0078340 A1 Apr. 22, 2004

REJECTIONS

Claims 11–17, 30, 31, 46, 53–57, and 68–78 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to a judicial exception without significantly more. Final Act. 2.

Claims 11, 12, 14–17, 30, 31, 46, 57, 68–74, 77, and 78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans. Final Act. 3.

Claims 13, 53–56, 75, and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans and Official Notice. Final Act. 7.

ANALYSIS

We have reviewed the Examiner’s rejections in light of Appellants’ arguments that the Examiner erred. In reaching this decision, we have

considered all evidence presented and all arguments made by Appellants. We are not persuaded by Appellants' arguments.

Section 101 Rejection

The Alice/Mayo Framework Governing Patent-Eligible Subject Matter

Patent-eligible subject matter is defined in § 101 of the Patent Act, which recites: “Whoever 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.”

There are, however, three judicially created exceptions to the broad categories of patent-eligible subject matter in § 101: laws of nature, natural phenomena, and abstract ideas. *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014); *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 70–71 (2012). Although an abstract idea, itself, is patent-ineligible, an application of the abstract idea may be patent-eligible. *Alice*, 134 S. Ct. at 2355. Thus, we must 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). The claim must contain elements or a combination of elements that are “sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [abstract idea] itself.” *Id.* (citing *Mayo*, 566 U.S. at 72–73).

The Supreme Court set forth a two-part “framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas

from those that claim patent-eligible applications of those concepts.” *Id.* at 2355.

First, we determine whether the claims at issue are directed to one of those patent-ineligible concepts. [*Mayo*,] 132 S. Ct., at 1296–1297. If so, we then ask, “[w]hat else is there in the claims before us?” *Id.*, at —, 132 S. Ct., at 1297. 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. *Id.*, at —, 132 S. Ct., at 1298, 1297. 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 ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.” *Id.*, at —, 132 S. Ct., at 1294.

Id.

“The ‘abstract idea’ step of the inquiry calls upon us to 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. v. DirectTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016) (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016)); *see also Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016). There is no definitive rule to determine what constitutes an “abstract idea.” Rather, the Federal Circuit has explained that “both [it] and the Supreme Court have found it sufficient to compare claims at issue to those claims already found to be directed to an abstract idea in previous cases.” *Enfish*, 822 F.3d at 1334; *see also Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016) (explaining that, in determining whether claims are patent eligible under § 101, “the decisional mechanism courts now apply is to examine earlier cases in which a similar

or parallel descriptive nature can be seen—what prior cases were about, and which way they were decided”).

Under the second step of the *Alice/Mayo* framework, we examine the claim limitations “more microscopically,” *Elec. Power*, 830 F.3d at 1354, to determine whether they contain “additional features” sufficient to “transform the nature of the claim’ into a patent-eligible application.” *Alice*, 134 S. Ct. at 2355, (quoting *Mayo*, 566 U.S. at 78). “Mere recitation of concrete, tangible components is insufficient to confer patent eligibility to an otherwise abstract idea. Rather, the components must involve more than performance of well-understood, routine, conventional activit[ies] previously known to the industry.” *In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 613 (Fed. Cir. 2016) (citing *Alice*, 134 S. Ct. at 2359).

Abstract Idea

The Examiner concludes the claims are directed to the “exchange of data tokens to ensure both parties of a transaction are verified, specifically transaction authentication using a network.” Final Act. 2. The Examiner further concludes the claims are directed to a fundamental economic practice, including concepts related to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations, similar to “mitigating settlement risk.” Ans. 2. Specifically, the Examiner concludes the claimed authenticating using first dynamic data and retrieving a challenge message is directed to “mitigating settlement risk” by addressing the business problem of reducing risk of fraudulent transaction and applying information concerning the account holder, which is not a technological solution. Ans. 4.

The Examiner further concludes the claims are directed to organizing human activity. Ans. 2–3. Specifically, the Examiner concludes the claimed receiving an authorization request message is similar to the abstract idea of “processing loan information” because it processes a transaction information, and the claimed retrieving a challenge message, receiving a challenge response, and validating the challenge response are similar to the abstract idea of “generating rule-based tasks for processing an insurance claim” because they generate rule-based tasks for processing a transaction. Ans. 4–5.

Appellants argue the Examiner misrepresents the invention and alleged abstract idea. App. Br. 12. Specifically, Appellants argue that the claims may relate to authenticating a portable consumer device used in a transaction and authenticating the consumer, but the claimed invention does not ensure *both* parties of a transaction are verified. *Id.*

Appellants contend the claims do not recite fundamental economic practice. App. Br. 13. According to Appellants, the claims, similar to the claims in *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014), are “necessarily rooted in computer technology to overcome a problem arising specifically in the realm of computer systems and networks” (App. Br. 13–14) as the claimed authentication processes are “performed by computing devices on transactions also performed by computing devices” (App. Br. 14). *See* Reply Br. 3.

Appellants further argue authentication, such as the claimed authenticating processes, using computerized content, does not constitute a fundamental economic practice. App. Br. 14 (citing *PNC Bank v. Secure Access, LLC*, CBM2014-00100, Paper 10, slip op. at 21 (PTAB Sept. 9,

2014)). Citing to *PNC Bank*, Appellants also argue the claims do not recite a method of organizing human activity because the claimed invention is directed to a fundamental transformation of data, and the recited computer-implementation is required for carrying out the invention rather than being a mere automation of a well-known human activity. App. Br. 16; *see* Reply Br. 4. According to Appellants, the claimed computerized modification of data cannot be performed in the human mind. *Id.*

We are not persuaded by Appellants' arguments that the Examiner erred. At this time, we decline to consider the Board's prior *PNC Bank* decision. *PNC Bank* is a non-precedential decision of the Board, and therefore, not binding on this panel. Moreover, following an appeal to our reviewing court, which vacated the decision, the Supreme Court granted certiorari, vacated the appeal as moot, and remanded the case back "to the United States Court of Appeals for the Federal Circuit with instructions to remand the case to the Patent Trial and Appeal Board to vacate the Board's order." *PNC Bank Nat'l Assoc. v. Secure Access, LLC*, 138 S. Ct. 1982 (2018). In light of its status as non-precedential and the Supreme Court's instructions, we will not consider it.

On their face, the claims in this case, as identified by the Examiner (Ans. 3–4), are drawn to the concept of reducing the risk of fraudulent transactions. Preventing fraudulent transactions, by authenticating a consumer and portable consumer device, has been previously determined to be an abstract idea. *See Cybersource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011) (determining a claim directed to determining the validity of credit card transactions to be patent-ineligible).

Moreover, we disagree with Appellants that the claims in this case are directed to a computer-centric problem or necessarily rooted in computer technology like the claims in *DDR*. In *DDR*, the Court found that the claims “do not merely recite the performance of some business practice known from the pre-Internet world along with the requirement to perform it on the Internet. Instead, the claimed solution is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *DDR*, 773 F.3d at 1257. Here, unlike the claims in *DDR*, the alleged problem being overcome is fraud in electronic payment transactions (*see* Reply Br. 3), a well-known problem that existed in the pre-Internet era in the form of fraudulent transactions (i.e., check fraud).

Furthermore, Appellants have not provided any evidence or support that fraudulent transactions are a new issue rooted in computer technology. The claimed invention in this case (i.e., a server computer receiving an authorization request message from an access device with dynamic data generated by a portable consumer device to authenticate the portable consumer device, and the server computer retrieving a challenge message and receiving a challenge response from the access device to be validated in order to authenticate the consumer) could be implemented directly by a human performing analogous functions by hand and/or with the assistance of a general purpose computer applied to facilitate the functions at a high level of generality or with the assistance of additional elements performing well-known, conventional functions. The claimed invention does not improve computers as tools but rather improves independently abstract ideas that use computers as tools.

Accordingly, we agree with the Examiner that the claims are directed to an abstract idea.

Significantly More

The Examiner determines that the claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception because they “recite the use of a generic computer performing generic computer tasks.” Final Act. 3.

Appellants argue the claimed computer systems are specially programmed machines and not generic. Reply Br. 6. Appellants further contend the claimed invention’s ability to run on a general-purpose computer does not doom the claims. Reply Br. 6 (citing *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016)). Appellants further argue the claimed invention “provides improvements to the technical field of authentication in electronic payment transaction to reduce the risk of fraud.” App. Br. 20–21.

We are not persuaded by Appellants’ argument that the Examiner erred. As discussed above, we disagree with Appellants that the claims in this case are directed to a computer-centric problem. We find the claimed invention does not improve computers as tools but rather improves independently abstract ideas that use computers as tools.

We agree with the Examiner’s determination that, similar to *Electric Power*, the claimed physical structures (i.e., server computer, portable consumer device, access device) are “used purely as a tool to enhance the processes focused on an abstract idea.” Ans. 8. The claimed “portable consumer device” encompasses a broad list of forms, including “cellular

phones, personal digital assistants (PDAs), pagers, payment cards, security cards, access cards, smart media, transponders, and the like.” Spec. ¶ 27. The claimed “access device” is a “point of sale terminal” and “any suitable point of sale terminal may be used including card readers” which “may include any suitable contact or contactless mode of operation.” Spec. ¶ 31. Examples of the claimed access device include “point of sale (POS) devices, cellular phones, PDAs, personal computers (PCs), tablet PCs, handheld specialized readers, set-top boxes, electronic cash registers (ECRs), automated teller machines (ATMs), virtual cash registers (VCRs), kiosks, security systems, access systems, and the like.” Spec. ¶ 30. The claimed “server computer is typically a powerful computer or cluster of computers,” including “a large mainframe, a minicomputer cluster, or a group of servers functioning as a unit.” Spec. ¶ 29.

Therefore, the claimed structures (i.e., server computer, portable consumer device, access device) are simply conventional computer and network components and merely perform the functions of collection, analysis, and display functions on generic computer components. *See Electric Power*, 830 F.3d at 1355 (citing *BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349–52 (Fed. Cir. 2016)) (“The claims at issue do not require any nonconventional computer, network, or display components, or even a ‘non-conventional and non-generic arrangement of known, conventional pieces,’ but merely call for performance of the claimed information collection, analysis, and display functions ‘on a set of generic computer components’ and display devices.”).

With regard to Appellants’ preemption argument (*see* App. Br. 18–19), although the extent of preemption is a consideration, the absence of

complete preemption is not dispositive. *See, e.g., 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.”); *Ultramercial, Inc. v. Hulu, LLC*, 722 F.3d 1335, 1346 (Fed. Cir. 2013) (“[T]he Supreme Court has stated that, even if a claim does not wholly pre-empt an abstract idea, it still will not be limited meaningfully if it contains only insignificant or token pre- or post-solution activity – such as identifying a relevant audience, a category of use, field of use, or technological environment.”) (citations omitted), *vacated and remanded, WildTangent, Inc. v. Ultramercial, LLC*, 134 S. Ct. 2870 (2014) (remanding for consideration in light of *Alice*, 134 S. Ct. 2347). Accordingly, even if the claims does not preempt the abstract idea, that alone is not enough to render the claims patent-eligible.

To the extent Appellant relies on a lack of prior art (*see* App. Br. 20), Appellants misapprehend controlling precedent. Although the second step in the *Alice* framework is termed a search for an “inventive concept,” the analysis is not an evaluation of novelty or non-obviousness. *Alice*, 134 S. Ct. at 2355. A novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible. *See Mayo*, 566 U.S. 66 at 78–79. Further, “under the *Mayo/Alice* framework, a claim directed to a newly discovered law of nature (or natural phenomenon or abstract idea) cannot rely on the novelty of that discovery for the inventive concept necessary for patent eligibility.” *Genetic Techs. Ltd. v. Merial L.L.C.*, 818 F.3d 1369, 1376 (Fed. Cir. 2016).

Accordingly, we sustain the Examiner’s rejection of claim 11 as being directed to patent-ineligible subject matter, as well as commensurate

independent claims 15, 16, and 17, and dependent claims 12–14, 30, 31, 46, 53–57, and 68–78, not separately argued.

Section 103 Rejection

Claims 11–17, 30, 31, 46, 53–56, and 69–78

Appellants contend Evans does not teach the claimed authenticating a portable consumer device or the claimed authenticating the consumer. *See* App. Br. 23–26; Reply Br. 7–10. Specifically, Appellants argue Evans’ “sequences of actions” and communications are not “generated by a portable consumer device.” App. Br. 24. Appellants further argue Evans’ data for authentication is static in nature and are “not generated by, or used to authenticate, a portable consumer device,” and thereby Evans does not teach “first dynamic data generated by a portable consumer device,” as recited in claim 11. App. Br. 24; Reply Br. 7–8.

Appellants further contend Evans’ “sequences of actions” and “communications” cannot teach both the claimed dynamic data to authenticate a portable consumer device and the claimed dynamic challenge message to authenticate a consumer. App. Br. 25; Reply Br. 9–10. According to Appellants, Evans teaches “the use or retrieval of *static* data and analyzing the *static* data in order to conduct validation of a transaction,” but does not teach the claimed challenge message that is *dynamic*. App. Br. 25 (emphasis added); *see* Reply Br. 10. Further according to Appellants, Evans’ data is not based on previous transaction associated with the consumer, as required by the claim. Reply Br. 10. Appellants further argue Evans’ “sequence of actions” and “communications” are not sent to an

access device, and thereby do not teach the challenge message that is sent to the access device, as required by claim 11. App. Br. 26; Reply Br. 9–10.

We are not persuaded of Examiner error by Appellants’ arguments.

During examination of a patent application, a claim is given its broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (internal citations and quotations omitted). There is a presumption that a claim term carries its ordinary and customary meaning. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). An applicant may rebut this presumption, however, by acting as his own lexicographer, providing a definition of the term in the specification with “reasonable clarity, deliberateness, and precision.” *See In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). In the absence of such a definition, limitations are not to be read from the specification into the claims. *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993). “[A]lthough the specification often describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments. . . . [C]laims may embrace ‘different subject matter than is illustrated in the specific embodiments in the specification.’” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc) (citations omitted).

Appellants’ Specification does not define “dynamic” data. Paragraph 65 provides an example where a read-write device “can also change dynamic data (e.g., a counter) on the magnetic stripe.” The claimed dynamic data, in light of Appellants’ Specification, merely provides an example that dynamic data *can be changed* and encompasses a counter. However, the claimed

dynamic data, in light of Appellants' Specification, does not preclude Evans' "sequences of actions and communications" that are "*dynamically* determin[ed]" for "*differing* conditions for *differing* transactions . . . based on information and parameters regarding the transaction." Evans ¶ 56 (emphasis added). The claimed dynamic data also does not preclude Evans' data which may be "*derived* from the initiating transaction message" (Evans ¶ 70) and is based on "*dynamically derived* rules" (Evans ¶ 71 (emphasis added)).

Appellants' Specification also does not define "challenge messages." Paragraph 57 describes "an alternative or additional authentication measure" providing that an "issuer may provide a challenge question (e.g., what is your birthday) to the consumer." Paragraph 90 describes a challenge message as being "dynamic or semi-dynamic in nature" and being generated and sent to the consumer "[w]hen the authorization request message is requested and analyzed." The claimed "challenge message," in light of the Specification, is merely a prompt for the purposes of authentication that can be dynamic, and does not preclude Evans' dynamically generated sequences of *actions and communications* for *different conditions* and transactions *based on the transaction*. See Evans ¶ 56.

As such, we agree with the Examiner's finding that Evans' data which is derived from the initiating transaction message is dynamic in nature and based on transactions, thereby teaching the claimed "first dynamic data" that is "different for each transaction." See Ans. 9–10 (citing Evans ¶ 70); Final Act. 4 (citing Evans ¶ 71). Specifically, Evans teaches that the data is used for each party to "confirm his/her identity and intentions" over a "communications link, using a means appropriate to his/her corresponding

communications device.” Evans ¶ 70. In other words, Evans’ data derived from the transaction message is used to authenticate the consumer (i.e., party’s identity) and the portable consumer device (i.e., party’s communications device). We further agree with the Examiner’s finding that Evans’ dynamically determined sequences of actions and communications based on transactions is dynamic in nature and based on transactions, thereby teaching the claimed “challenge message” that is “based on a previous transaction” and is “dynamic.” *See* Ans. 10 (citing Evans ¶ 56); Final Act. 4 (citing Evans ¶ 56).

With regard to Appellants’ argument that Evans’ data for authentication is not generated by a portable consumer device (App. Br. 24; Reply Br. 7–8), we agree with the Examiner that Evans’ data confirming identity is supplied “by said party via said communications link, using a means appropriate to his/her corresponding communications device.” *See* Ans. 9–10 (citing Evans ¶ 70); *see* Final Act. 4 (citing Evans ¶ 71). Evans teaches these communications devices can be portable consumer devices, including “mobile e-mail device (such as a PDA), e-mail capable cell phone or pager.” Evans, Table 1. In other words, Evans describes, for the purposes of authenticating a consumer, dynamic data for authentication that is “generated by a portable consumer device.”

With regard to Appellants’ argument that Evans’ sequence of actions and communications are not sent to the access device (App. Br. 26; Reply Br. 9–10), we agree with the Examiner’s findings that Evans’ results are “transmit[ted] to said second system or device,” and Evans teaches “transmitting and receiving signals to and from a specific class of devices (terminals).” Final Act. 4 (citing Evans ¶¶ 71, 170). Appellants do not rebut

the Examiner's findings that Evans teaches transmitting results to another device, or specifically that Evans teaches access devices including point of sale terminals.

Accordingly, we sustain the Examiner's rejection of independent claim 11, along with the rejections of commensurate independent claims 15, 16, and 17, and dependent claims 12–14, 30, 31, 46, 53–56, and 69–78, not separately argued. *See* App. Br. 26, 28.

Claim 57

Claim 57 further recites “the authorization request message is a first authorization request message” and “transmitting, by the server computer, the challenge response to an issuer server computer as part of a second authorization request message.”

Appellants contend Evans only teaches sending one message regarding the transaction *without subsequent messages*, and thereby does not teach sending a response to a challenge message in a *second authorization request*. App. Br. 27.

We agree with the Examiner's finding that Evans teaches a *plurality* of sequences of actions and communications, thereby teaching multiple messages (i.e., first authorization request message, second authorization request message). Ans. 12 (citing Evans ¶ 56).

For example, Evans discloses “dynamically determining a *plurality* of sequences of actions and communications to be taken under differing conditions for differing transactions.” Evans ¶ 56 (emphasis added). In other words, Evans teaches *multiple* actions and communications for different conditions and transactions (i.e., multiple authorization request

messages). Appellants have not provided persuasive evidence or argument to rebut the Examiner's finding.

Accordingly, we sustain the Examiner's rejection of dependent claim 57.

Claim 68

Claim 68 further recites "linking, by the server computer, the second authorization request message to the first authorization request message for the transaction by a transaction code."

Appellants contend Evans does not teach multiple authorization request messages, much less linking the multiple authorization request messages through a transaction code. App. Br. 28.

We agree with the Examiner's finding that Evans' identified assignment of roles teaches linking the messages. Ans. 13. For example, Evans teaches "the automatic assignment of Roles to the party or parties of the transaction, such that different actions may be taken in regard to each party based upon not only the party's identity but also the Role of the party in the transaction." Evans ¶ 123. In other words, Evans teaches assigning roles in transactions (i.e., transactions associated through assigned roles). As discussed above, Evans teaches multiple actions and communications for different conditions and transactions (i.e., multiple authorization request messages). See Evans ¶ 56.

Appellants do not provide persuasive evidence or argument that the claimed "second authorization request message" is linked "to the first authorization request message for the transaction by a transaction code"

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precludes Evans' multiple actions and communications for different transactions and the transactions being associated by assigned roles.

Accordingly, we sustain the Examiner's rejection of dependent claim 68.

DECISION

The Examiner's rejection of claims 11–17, 30, 31, 46, 53–57, and 68–78 under 35 U.S.C. § 101 is affirmed.

The Examiner's rejections of claims 11–17, 30, 31, 46, 53–57, and 68–78 under 35 U.S.C. § 103 are 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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED