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Mailstop: IP Docketing - 22
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte THANIGAIVEL ASHWIN RAJ,
JACOB SAUL FUENTES, JOHN TULLIS, and
VISHWANATH SHASTRY

Appeal 2017-005144
Application 13/681,220¹
Technology Center 3600

Before ALLEN R. MacDONALD, IRVIN E. BRANCH, and
AARON W. MOORE, *Administrative Patent Judges*.

BRANCH, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 11, 21, 25, 28, 39, 40, 42, 43, 46, 48, and 49, which are all of the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

Technology

The application relates to “conducting alias management and value transfer claim processing.” Spec., ¶ 18.

¹ According to Appellants, the real party in interest is Visa International Service Association. App. Br. 3.

Illustrative Claim

Claim 11 is illustrative and reproduced below:

11. A method for transferring value from a sending entity to a recipient entity, the method comprising:

receiving, by a sending entity issuer computer, a first message from a server computer of a payment processing network, the first message instructing the sending entity issuer computer to reserve an amount of funds for a recipient entity identified by a recipient entity alias, wherein the amount of funds corresponds to a transfer amount indicated by a request to transfer value, the request including the recipient entity alias and a sending entity identifier of a sending entity, wherein the first message is received by the sending entity issuer computer based on a determination that the recipient entity alias is not registered with the payment processing network, wherein a registration request message is sent by the server computer of the payment processing network to the recipient entity associated with the recipient entity alias based on the determination, and wherein the registration request message includes a request for the recipient entity to register with the payment processing network;

responsive to the first message received from the server computer, reserving, by the sending entity issuer computer, the amount of funds corresponding to the transfer amount, the amount of funds being reserved in a source account of the sending entity identified by the sending entity identifier;

determining, based on a second message received from the server computer of the payment processing network, whether the server computer received a response, from the recipient entity, to the registration request message for registration of the recipient entity with the payment processing network;

upon determining that the server computer did not receive the response to the registration request message, removing a reservation of the reserved amount of funds in the source account;

upon determining that the server computer received the response to the registration request, debiting, by the sending entity issuer computer, the reserved amount of funds; and

sending a confirmation message to the server computer, the confirmation message indicating that the reserved amount of funds have been debited.

*Rejection*²

Claims 11, 21, 25, 28, 39, 40, 42, 43, 46, 48, and 49 stand rejected under 35 U.S.C. § 101 as being directed to a judicial exception without significantly more. Final Act. 2–5.

ANALYSIS

Section 101 defines patent-eligible subject matter as “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” 35 U.S.C. § 101. The Supreme Court has “long held that this provision contains an important implicit exception[:] Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013) (internal brackets omitted) (quoting *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 70 (2012)).

To distinguish “patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts,” the Supreme Court has set up an analytical framework. *Alice*

² Rather than repeat the Examiner’s positions and Appellants’ arguments in their entirety, we refer to the above mentioned Appeal Brief, as well as the following documents for their respective details: the Final Action mailed June 21, 2016 (“Final Act.”), the Examiner’s Answer mailed December 27, 2016 (“Ans.”), and Appellants’ Reply Brief filed February 10, 2017 (“Reply Br.”).

Corp. v. CLS Bank Int'l, 134 S. Ct. 2347, 2355 (2014) (citing *Mayo*, 566 U.S. at 71–73). 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 whether the claims focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that in itself is the abstract idea and 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)

Claim 11, which is representative of the claims before us, is directed to “transferring value from a sending entity to a recipient entity.” The Examiner concludes that claim 11 is directed towards the “abstract idea” of a fundamental economic practice. Final Act. 4. We agree, and adopt the Examiner’s findings as our own.

Appellants raise several arguments challenging the Examiner’s conclusion that the claims are directed to an abstract idea. *See* App. Br. 7–14. For instance, Appellants argue that the claims here are akin to those found patent eligible in *DDR Holdings, LLC v. Hotels.com, et al.*, 773 F.3d 1245 (Fed. Cir. 2014). *See* App. Br. 7–10. Appellants do not point to – and we do not find – limitations in the pending claims that support this contention. To the contrary, we find the claims amount to no more than using generic computer hardware and technology to implement the fundamental economic practice of transferring value from one entity to another. We find unconvincing Appellant’s reference to Appellants’ Specification (App. Br. 8–9) because the items Appellants describe, such as application programming interfaces (“APIs”) and software development kits (“SDKs”), are neither recited in the claims nor anything but generic, even if they were to be recited in the claims.

We are not persuaded that the Examiner has oversimplified and mischaracterized the claims as Appellants argue. App. Br. 10–11; Reply Br. 2–3. We are not persuaded because Appellants do not identify with sufficient specificity which elements remove the pending claims from

implementing a fundamental economic practice using generic computer technology and hardware.

Accordingly, because we agree with the Examiner, at step one of the *Alice* analysis, that the claims are directed to an abstract idea, 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 Abstract Idea Into Patent-Eligible Subject Matter

The Examiner finds that the claims do not amount to significantly more than the abstract idea. Final Act. 4–5. Notably, the Examiner finds the ability to receive and send data, create and remove reservations of funds and use a processor to make a determination is something that every “off the shelf computer” is configured to do by virtue of having a processor that can execute whatever software is loaded into the computer. The claimed steps do not require a particular machine.

Ans. 5. We agree and do not otherwise find limitations that amount to “significantly more,” such that the abstract idea becomes patent eligible.

Appellants argue – again, without reference to specific elements of the claims – that “the present claims are directed towards solving problems in facilitating secure electronic communication between computer systems of different issuers.” Reply Br. 6–7; *see* App. Br. 15–16. To whatever extent this may be true, the contention is unpersuasive because this improvement is not apparent from a reading of the claims, which amount to sending messages among computers and decision making based on the content of the messages or other data. Such routine data processing using generic

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computers and technology does not add significantly more to the abstract idea of transferring value, which is a fundamental economic practice.

Accordingly, for the foregoing reasons, we are not persuaded the Examiner erred in rejecting independent claim 11 under 35 U.S.C. § 101 as directed to patent-ineligible subject matter, or in rejecting on the same basis independent claims 21 and 28, as well as dependent claims 25, 39, 40, 42, 43, 46, 48, and 49.

DECISION

For the reasons above, we affirm the Examiner's decision rejecting claims 11, 21, 25, 28, 39, 40, 42, 43, 46, 48, and 49.

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