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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/462,999	05/03/2012	Deborah D. McWhinney	CITI-0709	5924

13708 7590 12/21/2018

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ART UNIT	PAPER NUMBER
3696	

MAIL DATE	DELIVERY MODE
12/21/2018	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DEBORAH D. McWHINNEY, JULIA C. PUKAS, KEVIN TISSOT, GUY B. SEREFF, CECILIA LEUNG, JULIE MONACO, DAVID STRONG, and CRAIG HANSEN

Appeal 2017-005839
Application 13/462,999
Technology Center 3600

Before HUBERT C. LORIN, ANTON W. FETTING, and ROBERT J. SILVERMAN, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE[1]

Deborah D. McWhinney, Julia C. Pukas, Kevin Tissot, Guy B. Sereff, Cecilia Leung, Julie Monaco, David Strong, and Craig Hansen (Appellants[2]) seek review under 35 U.S.C. § 134 of a final rejection of claims 1–10, 16,

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[1] Our Decision will make reference to the Appellants' Appeal Brief ("Br.," filed January 25, 2016) and the Examiner's Answer ("Ans.," mailed October 4, 2016), and Final Office Action ("Final Act.," mailed July 27, 2015).

[2] According to Appellants, the real party in interest is Citigroup Technology Incorporated. Br. 3.

and 18–20, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

The Appellants invented a way of routing and settling payment transactions electronically for vendors. Spec. para. 1.

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below (bracketed matter and some paragraphing added).

> 1. A method for routing and settling payment transactions electronically for multinational vendors in a transnational business environment, comprising:
>
> [1] receiving, by an integrated payments platform processor of a financial institution, payment transactions
>
> > consisting of both transaction card payment transactions and non-transaction card payment transactions related to a plurality of different countries for online purchases by purchasers from at least one vendor having an account with the financial institution;
>
> [2] interrogating, by the integrated payments platform processor, each said payment transaction
>
> > to identify each said payment transaction as an internal type of transaction processed internally by the financial institution or an external type of transaction processed other than internally by the financial institution and a country to which each said external type payment transaction relates;
>
> [3] interrogating, by the integrated payments platform processor, each payment transaction identified as an internal type transaction
>
> > to identify each said internal type of transaction as one of an internal funds transfer transaction and an internal merchant acquirer transaction;

[4] routing, by the integrated payments platform processor, each of said internal types of transactions identified as an internal funds transfer transaction

> to an internal funds transfer processor and each of said internal types of transactions identified as an internal merchant acquirer transaction to an internal merchant acquirer processor of the financial institution;

[5] crediting, by the internal funds transfer processor, said at least one vendor's account

> with the financial institution and debiting a purchaser's payment source account with the financial institution for each of said internal types of transactions identified as an internal transfer transaction;

[6] crediting, by the internal merchant acquirer processor, said at least one vendor's account

> with the financial institution and debiting a purchaser's transaction card account with the financial institution for each of said internal types of transactions identified as an internal merchant acquirer transaction;

[7] routing, by the integrated payments platform processor, each of said external types of transactions identified as an external type of transaction processed other than internally by the financial institution[],

> via a regional transaction processor of the financial institution, to one of a regional central bank processor for the country to which the transaction relates, a regional financial institution partner processor for the country to which the transaction relates, and a regional card processing association processor for the country to which the transaction relates or, via an in-country transaction processor of the financial institution, to one of an in-country central bank processor for the country to which the transaction relates, a local financial institution partner processor for the country to which the transaction relates,

> and a local card processing association processor for the country to which the transaction relates.

Claims 1–10, 16, and 18–20 stand rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more.[3]

ISSUES

The issues of eligible subject matter turn primarily on whether the claims recite more than abstract conceptual advice of what a computer is to provide without implementation details.

ANALYSIS

Claims 1–10, 16, and 18–20 rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more

> The Examiner determines that the claims are directed
>
> to the abstract idea of comparing new and stored information and using rules to identify options. While the claims do not explicitly recite "comparing new and stored information and using rules to identify options", the concept of "comparing new and stored information and using rules to identify options" is described by the receiving, interrogating, routing, and crediting steps in claim 1.

Final Act. 5.

> The Examiner goes on to determine:
>
> The claims do not include additional elements that are sufficient to amount to significantly more than the judicial

[3] Rejections under 35 U.S.C. § 103(a) were withdrawn. Ans. 9.

> exception because the computer as recited is a generic computer component that performs functions (*i.*e., receiving, by an integrated payments platform processor of a financial institution, payment transactions and interrogating, by the integrated payment platform processor, each said payment transaction to identify each said payment transaction). These are generic computer functions (*i.e.*, receiving, by an integrated payments platform processor of a financial institution, payment transactions and interrogating, by the integrated payment platform processor, each said payment transaction to identify each said payment transaction) that are well-understood, routine, and conventional activities previously known to the industry. The claims also recite interrogating, by the integrated payments platform processor, each payment transaction identified as an internal type transaction to identify each said internal type of transaction as one of an internal funds transfer transaction and an internal merchant acquirer transaction, which do not add meaningful limitations to the idea of comparing new and stored information and using rules to identify options beyond generally linking the system to a particular technological environment, that is, implementation via computers. The claims do not amount to significantly more than the underlying abstract idea of comparing new and stored information and using rules to identify options.

Final Act. 5–6.

We adopt the Examiner's determinations and analysis from the Final Office Action at pages 5–6 and the Answer at pages 8–18 and reach similar legal conclusions.

In particular, we are not persuaded by Appellants' argument that "the Examiner must cite authoritative documentary evidence, such as textbooks or similar publications to support a conclusion that a claim recites a judicial exception or that certain practices are well known, conventional or routine." Br. 10. Method claim 1 recites receiving, interrogating, and routing transaction data, crediting account data and further routing transaction data.

Thus, claim 1 recites receiving, analyzing, updating, and transmitting data. None of the limitations recite implementation details for any of these steps, but instead recite functional results to be achieved by any and all possible means.

Data reception, analysis, update, and transmission are all generic, conventional data processing operations to the point they are themselves concepts awaiting implementation details. *See Elec. Power Grp. v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016) (holding that "collecting information, analyzing it, and displaying certain results of the collection and analysis" are "a familiar class of claims 'directed to' a patent ineligible concept"). *See also In re Katz*, 639 F.3d 1303, 1316 (Fed. Cir. 2011) ("Absent a possible narrower construction of the terms 'processing,' 'receiving,' and 'storing,' . . . those functions can be achieved by any general purpose computer without special programming"). The sequence of data reception-analysis-update-transmission is equally generic and conventional or, otherwise, held to be abstract. *See Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014) (sequence of receiving, selecting, offering for exchange, display, allowing access, and receiving payment recited an abstraction), *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378 (Fed. Cir. 2017) (sequence of data retrieval, analysis, modification, generation, display, and transmission), *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1339 (Fed. Cir. 2017) (sequence of processing, routing, controlling, and monitoring).

As to the criteria data operated upon, "even if a process of collecting and analyzing information is 'limited to particular content' or a particular

'source,' that limitation does not make the collection and analysis other than abstract." *SAP Am. Inc. v. InvestPic LLC*, 898 F.3d 1161, 1168 (Fed. Cir. 2018) (internal citation omitted).

We are also not persuaded by Appellants' argument that

> Applicants' claims are directed to the internal operation of a particular physical infrastructure (an integrated payments platform), with particular physical components (an integrated payments platform processor, an internal funds transfer processor, an internal merchant acquirer processor, a regional transaction processor, a regional central bank processor, a regional partner processor, a regional card processor, an in-country central bank processor, a local partner processor, and a local card association processor), using specific multiple different relationships that differ completely from the prior art.

Br. 11–12. The "particular physical infrastructure (an integrated payments platform), with particular physical components" discussed *supra* is a collection of appropriately programmed general purpose processors.[4] "When claims like the Asserted Claims are directed to an abstract idea and merely require generic computer implementation, they do not move into section 101 eligibility territory." *Smart Systems Innovations, LLC v. Chicago Transit Authority*, 873 F.3d 1364, 1374 (2017) (internal citations, bracketed alterations, and quotations omitted).

As to "using specific multiple different relationships that differ completely from the prior art," this is a rejection under 35 U.S.C. § 101 rather than §§ 102 and 103.

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[4] The Specification describes the computers as any suitable type of processor-based platform or processor-based device. Spec. para. 48.

> We may assume that the techniques claimed are "[g]roundbreaking, innovative, or even brilliant," but that is not enough for eligibility. *Ass'n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 591 . . . (2013); *accord buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1352 (Fed. Cir. 2014). 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. *See Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 89–90 . . . (2012); *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. The search for a § 101 inventive concept is thus distinct from demonstrating § 102 novelty."); *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1315 (Fed. Cir. 2016) (same for obviousness) (*Symantec*). The claims here are ineligible because their innovation is an innovation in ineligible subject matter. Their subject is nothing but a series of mathematical calculations based on selected information and the presentation of the results of those calculations (in the plot of a probability distribution function). No matter how much of an advance in the finance field the claims recite, the advance lies entirely in the realm of abstract ideas, with no plausibly alleged innovation in the non-abstract application realm. An advance of that nature is ineligible for patenting.

SAP Am. Inc., 898 F.3d at 1163.

We are also not persuaded by Appellants' argument that "[t]aken as a whole, the claim recitations amount to significantly more than the alleged abstract idea itself." Br. 17. The claims do not recite any technological implementation, but instead only recite functions to be performed by any and all means.

> At that level of generality, the claims do no more than describe a desired function or outcome, without providing any limiting detail that confines the claim to a particular solution to an

> identified problem. The purely functional nature of the claim confirms that it is directed to an abstract idea, not to a concrete embodiment of that idea.

Affinity Labs of Texas, LLC v. Amazon.com Inc., 838 F.3d 1266, 1269 (Fed. Cir. 2016). As to the remaining arguments, again, we adopt the Examiner's determinations *supra*.

CONCLUSIONS OF LAW

The rejection of claims 1–10, 16, and 18–20 under 35 U.S.C. § 101 as directed to a judicial exception without significantly more is proper.

DECISION

The rejection of claims 1–10, 16, and 18–20 is 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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED