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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/720,215	12/19/2012	Eric Connors	12233-0027002	1500
26181	7590	04/02/2019	EXAMINER	
FISH & RICHARDSON P.C. (SV) PO BOX 1022 MINNEAPOLIS, MN 55440-1022			MADAMBA, CLIFFORD B	
			ART UNIT	PAPER NUMBER
			3692	
			NOTIFICATION DATE	DELIVERY MODE
			04/02/2019	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ERIC CONNORS, JORDAN REED, PETER HAZLEHURST, and
SUMAN SARKAR

Appeal 2017-008914
Application 13/720,215
Technology Center 3600

Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and
CYNTHIA L. MURPHY, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1–7, and 9–14. We have jurisdiction under 35 U.S.C. § 6(b).

THE INVENTION

Appellants claim a method related to the purchase and use of gadgets (computer programs) that use financial information. (Spec. 1, 10; Title).

Claim 1 is representative of the subject matter on appeal.

1. A computer-implemented method, comprising:
collecting, in a server computer system, user-specific financial information from a computer system of a financial institution,

the user-specific financial information associated with an account of a user at the financial institution;
storing the user-specific financial information in the server computer system;
receiving in the server computer system a plurality of gadgets from at least one computer system of a plurality of developers other than the server computer system and the computer system of the financial institution, wherein each gadget is configured to request user-specific financial information associated with a user of the server computer system and determines a respective output based on the user-specific financial information and a respective functionality of the gadget;
storing, in the server computer system, respective indications of certifications of one or more of the plurality of gadgets;
storing, in the server computer system, indications of rights of the user to run an initial set of gadgets from the plurality of gadgets;
generating a first web page with the server computer system and providing the first web page to a client computer of the user, the first web page including a first portion displaying at least some of the user-specific financial information and a second portion displaying the respective output of the initial set of gadgets;
generating a second web page with the server computer system and providing the second web page to the client computer of the user, the second web page including a user interface through which the user can select one or more gadgets from the one or more certified gadgets;
receiving in the server computer system a notification from the client computer that the user has selected a gadget from the one or more certified gadgets that are not included in the initial set of gadgets, wherein selecting the gadget includes updating rights of the user to run the selected gadget on the server computer system and updating indications of rights of the user to run an updated set of gadgets that includes the selected gadget;
updating a set of gadgets that display in the second portion to include the initial set of gadgets and the selected gadget;

calling the selected gadget from the server computer system, including providing the user-specific financial information to the selected gadget and receiving output from the selected gadget, wherein the selected gadget runs on the server computer system;
modifying the user-specific financial information in the server computer system in response to the output of the selected gadget or providing user-specific financial information based on the output of the selected gadget to the client computer of the user; and
generating a third web page with the server computer system and providing the third web page to the client computer of the user, the third web page including the first portion displaying at least some of the user-specific financial information and the second portion displaying the respective output of the updated set of gadgets.

THE REJECTION

Claims 1–7 and 9–14 are rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more.

ANALYSIS

35 U.S.C. § 101 REJECTION

We will not sustain the rejection of claims 1–7 and 9–14 under 35 U.S.C. § 101.

The Supreme Court

set forth a framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts. First, . . . determine whether the claims at issue are directed to one of those patent-ineligible concepts. . . . If so, . . . then ask, “[w]hat else is there in the claims before us?” . . . To answer that question, . . . 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. . . . [The Court] 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.”

Alice Corp. Pty. Ltd. v. CLS Bank Int’l, 573 U.S. 208, 217–18 (2014) (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 72–73 (2012)) (citations omitted).

To perform this test, we must first determine whether the claims at issue are directed to a patent-ineligible concept. The Federal Circuit has explained that “the ‘directed to’ inquiry applies a stage-one filter to claims, considered in light of the [S]pecification, based on whether ‘their character as a whole is directed to excluded subject matter.’” *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016) (quoting *Internet Patents Corp.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015)). It asks whether the focus of the claims is on a specific improvement in relevant technology or on a process that itself qualifies as an “abstract idea” for which computers are invoked merely as a tool. *See id.* at 1335–36.

In so doing we apply a “directed to” two prong test: 1) evaluate whether the claim recites a judicial exception, and 2) if the claim recites a judicial exception, evaluate whether the judicial exception is integrated into a practical application. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 at 50–57 (Jan. 7, 2019).

The Examiner determines that the claims are directed to a method of collecting user specific financial information and storing it in a computer system which includes a server. (Final Act. 5). The Examiner finds that the claim is drawn to generic computer functions which undertake their roles in performance of their activities according to their generic functionalities which are well-understood, routine and conventional. (Final Act. 6).

Claim 1 recites “receiving in the server computer system a plurality of gadgets” and “calling the selected gadget from the server computer system . . . wherein the selected gadget runs on the server computer system.”

Therefore, claim 1 requires that the user is able to select gadgets and run these gadgets not on the user’s device but on the server computer. The Specification discloses that because the gadgets are resident on the server computer, the gadgets make use of the user’s financial information essentially in real time without needing to access the user’s financial information over the Internet from a computer system operated by another entity. (Spec. 12).

According to the Appellants it is conventional to run the gadgets recited in claim 1 on the user’s device. The Appellants argue that running the gadgets instead on the server computer (as required by the claim 1) improves security because financial data from the computer system of the financial institution is sent to the server computer system instead of the client computer. Since the client computer is typically less secure, less data needs to be sent to the client and thus the chance of a security breach is reduced. (Brief 6). Appellants argue that multiple courts have found that where software operations are performed is pertinent to providing a technical solution to the technological problems related to data security.

(Brief 7). Appellants also argue that even if the individual components are generic, changing which components performed which function would provide eligible subject matter. (Brief 8).

The Examiner finds that running gadgets on the server computer is not a technological improvement because servers don't necessarily preclude the ability to serve as a platform for storing and/or running applications and software while networked to a remoter computer. (Ans. 11). However, the Examiner does not provide support for this finding.

We agree with the Appellant and conclude that this limitation integrates any recited judicial exception into a practical application. In particular, we find that locating the gadgets on the server computer provides a technological improvement because storing and running the gadgets on the server computer allows the gadgets to make use of the user's financial information essentially in real time and improves the security of the financial information.

We will not sustain this rejection because we find that claim 1 recites an improvement which imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception and therefore recites a practical application. *See 2019 Revised Patent Subject Matter Eligibility Guidance* 84 Fed. Reg. at 54.

In view of the foregoing, we will not sustain the Examiner's rejection of claim 1. We will also sustain this rejection as it is directed to claims 3, 4, 7, 9, 11, 12 and 14 because the Appellants have not argued the separate eligibility of these claims. We will also sustain the Examiner's rejection of claims 2, 5, 6, 10 and 13 for the same reason.

CONCLUSIONS OF LAW

We conclude the Examiner erred in rejecting claims 1–7, 9–14 under 35 U.S.C. § 101.

DECISION

The decision of the Examiner is reversed.

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