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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* THOMAS PURVES and VIJAY HALEPET

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Appeal 2017-009946  
Application 13/542,535<sup>1</sup>  
Technology Center 3600

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Before DEBRA K. STEPHENS, DANIEL J. GALLIGAN, and  
DAVID J. CUTITTA II, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

DECISION ON APPEAL

*Introduction*

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1–25, which are all of the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.<sup>2</sup>

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

<sup>2</sup> Our Decision refers to Appellants’ Appeal Brief filed March 2, 2017 (“App. Br.”); Appellants’ Reply Brief filed July 14, 2017 (“Reply Br.”); Examiner’s Answer mailed May 18, 2017 (“Ans.”); and Final Office Action mailed October 5, 2016 (“Final Act.”).

STATEMENT OF THE CASE

*Claims on Appeal*

Claims 1, 6, 11, 16, 21, and 23 are independent claims. Claim 1 is reproduced below.

1. A method for making disbursements to one or more consumers via a platform, the method comprising:

receiving at a computer, a first request including first disbursement information and having a first format associated with a first disbursement processor, to make a first disbursement to a consumer, the first disbursement information including a first disbursement amount, consumer-identifying information, and a first merchant payment account, wherein the first request is received from a first merchant computer associated with a first merchant, and wherein the first merchant computer determines that the first disbursement amount is to be provided to the consumer based on one or more consumer transactions;

receiving at the computer, a second request including second disbursement information and having a second format associated with a second disbursement processor, to make a second disbursement to the consumer, the second disbursement information including a second disbursement amount, the consumer identifying information, and a second merchant payment account, wherein the second request is received from a second merchant computer associated with a second merchant, wherein the first and second formats are different, and wherein the first disbursement processor is different from the second disbursement processor, and wherein the second merchant computer determines that the second disbursement amount is to be provided to the consumer based on one or more consumer transactions;

reformatting, by the computer, the first and second disbursements, wherein reformatting includes:

determining, by the computer, the first format of the first request based on format information for a plurality of request formats in a request format database,

determining, by the computer, the second format of the second request based on the format information for a plurality of request formats in the request format database,

extracting, by the computer, the first disbursement information from the first request, wherein the first disbursement information is identified based on information about the first format in the request format database, and

extracting, by the computer, the second disbursement information from the second request, wherein the second disbursement information is identified based on information about the second format in the request format database;

issuing a new prepaid device to the consumer;

creating a new prepaid account associated with the new prepaid device; and

loading the new prepaid account with a value equal to a sum of the first disbursement amount extracted from the first request and the second disbursement amount extracted from the second request, wherein the new prepaid account is loaded in response to receiving the first request and the second request.

*Examiner's Rejection*

Claims 1–25 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. Final Act. 2–16.

Our review in this appeal is limited only to the above rejection and the issues raised by Appellants. Arguments not made are waived. *See* MPEP § 1205.02; 37 C.F.R. §§ 41.37(c)(1)(iv) and 41.39(a)(1).

ANALYSIS

35 U.S.C. § 101

The Examiner concluded claims 1–25 are directed to patent-ineligible subject matter. Final Act. 2–16. We agree with the Examiner.

In *Alice*, the Supreme Court set forth an analytical “framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2355 (2014) (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 77 (2012)). The first step in the analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts.” *Id.* If so, the second step is to consider the elements of the claims “individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*, 566 U.S. at 79, 78). In other words, the second step is to “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.* (alteration in original) (quoting *Mayo*, 566 U.S. at 72–73).

*First Step*

As an initial matter, we observe that independent claims 1, 6, 11, 16, 21, and 23 recite methods and systems. As such, the claims are directed to statutory classes of invention within 35 U.S.C. § 101.

Turning to the first step of the *Alice* analysis, we agree with the Examiner that the claims recite an abstract idea “directed toward the performance of a fundamental economic practice (i.e. making disbursements via a computer).” Ans. 4; Final Act. 4. Reflecting the claimed steps of receiving, reformatting, determining, and extracting, the Specification describes a process to “normalize the requests” of different businesses that use different formats to request disbursements of money to a customer. Spec. ¶¶ 26, 37, 43. After normalizing those different disbursement requests, the Specification further describes fulfilling the different disbursement requests in a “single disbursement” (Spec. ¶¶ 28, 43), reflecting the claimed steps of issuing a new prepaid device, creating a new prepaid account, and loading the new prepaid account with a value. That is, the claimed steps recite a process for aggregating different requests for payment to a single customer and then paying that customer in a single payment. We agree with the Examiner’s determination that such a claimed disbursement process is directed to a fundamental economic practice.

We further agree with the Examiner’s determination that the disbursement process recites a series of abstract-idea processes, namely, “collecting information [and] analyzing it,” “data recognition and storage,” and “settlement.” Ans. 14–16; Final Act. 7–8. In determining the claims include a combination of abstract-idea processes, among other cases, the Examiner relies on *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass’n*, 776 F.3d 1343 (Fed. Cir. 2014) and *Alice*. Ans. 16. Here, like *Content Extraction*, the claimed normalization process includes the abstract-idea processes of “1) collecting data, 2) recognizing certain data within the collected data set, and 3) storing that recognized data in a

memory.” 776 F.3d at 1347. And, after normalizing that data, the claims are further directed to the abstract concept of “settlement,” i.e., actually disbursing funds. *See Alice*, 134 S. Ct. at 2356.

Appellants’ argument that “a *prima facie* case of ineligibility has not been established” by the Examiner because the Examiner “mix[es] and match[es] . . . various [abstract idea] categories” and “effectively divides the claim[s] into individual components, and does not treat the claim[s] as a whole” (App. Br. 8–9; Reply Br. 2) is not persuasive. The Examiner identifies a series of abstract-idea processes; our reviewing court has held that “the combination of . . . abstract-idea processes” may be “directed to an abstract idea.” *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016). Moreover, although the Examiner analyzes each limitation individually to determine the claims are a collection of multiple abstract-idea processes, the Examiner determines that the ordered combination of those abstract-idea processes is part of the fundamental economic practice of “making disbursements” for consumers from different businesses (*see* Ans. 14–16), providing sufficient notice that the claims are directed to an abstract idea.

Further, Appellants’ argument that the Examiner’s analysis of the claims “ignore[s] claim limitations and [is] an oversimplification of the claim” (Reply Br. 4; App. Br. 13–15; *see* App. Br. 10–12) is not persuasive. Initially, on one hand, Appellants argue that the Examiner “alleges that different portions of the claim[s] are encapsulated by different abstract ideas” and analyzes the claims’ “individual components.” App. Br. 7–8. But, on the other hand, Appellants argue the Examiner “oversimplifies” the claims as directed to one abstract idea, i.e., “the broad concept of ‘making

disbursements via a computer.” App. Br. 15. These arguments appear to oppose one other. As discussed above, the Examiner has determined the claimed limitations are a combination of abstract-idea processes providing a fundamental economic practice. In any case, to the extent Appellants argue the Examiner ignores the particular type of information processed by the identified abstract-idea processes, limiting information “to particular content . . . does not change its character as information.” *Elec. Power*, 830 F.3d at 1353 (citations omitted). For example, the first two limitations of claim 1 recite “receiving . . . a first request” and “a second request,” corresponding to the process of collecting information, which the Examiner identifies as an abstract idea. Ans. 14–15. The remaining portions of those first two limitations describe the nature of that collected information, e.g., as formatted disbursement amounts. The next several limitations, specifying the step of reformatting, recite “determining . . . the first format” and “the second format” and further recite “extracting . . . the first disbursement information” and “the second disbursement information,” correspond to the processes of analyzing data, data recognition, and data storage, which the Examiner identifies as an abstract idea. Ans. 15–16. The remaining portions of those limitations describe what information is being analyzed and recognized, e.g., format information and disbursement information. The final three limitations recite “issuing a new prepaid device,” “creating a new prepaid account,” and “loading the new prepaid account with a value,” corresponding to the concept of settlement, i.e., making disbursements, which the Examiner identifies as abstract. Ans. 16. The remaining portions of those final limitations describe the amount disbursed, characterizing the value of the disbursement information. That is, when stripped of the abstract

concepts recited, the remnants of the claims define the context in which the abstract idea is applied, namely prepaid accounts and devices; however, limiting the abstract idea to a particular context does not save the claims from patent-ineligibility.

Accordingly, Appellants have not presented persuasive argument demonstrating the Examiner erred in determining the claims are directed to an abstract idea.

*Second Step*

Turning to the second step of the *Alice* analysis, we further agree with the Examiner that the claims fail to transform the abstract idea into a patent-eligible invention. Final Act. 8–9. In particular, we agree with the Examiner’s determination that the additional limitations recited by the claims “require no more than a generic computer to perform generic computer functions that are well-understood, routine, and conventional activities previously known in the industry.” *Id.*

Appellants’ argument that the claimed “steps are taking place within a specific and unconventional context . . . e.g., a multi-sided disbursement processor is receiving multiple disbursement requests in different formats from different sources, and reformatting to obtain the necessary information for combining different disbursements into one prepaid account,” (App. Br. 21) is not persuasive. Even if the context of the information being processed by the claims “limit[s] the claims to [a] particular technological environment,” i.e., financial disbursements via computers, that “without more, [is] insufficient to transform them into patent-eligible applications of the abstract idea.” *Elec. Power*, 830 F.3d at 1354.

Further, Appellants’ arguments that the “claim provides a departure from the routine and conventional process of ‘making disbursements’” by reciting the steps of “issuing a new prepaid device,” “creating a new prepaid account,” and “loading the new prepaid account with a value equal to a sum of the first disbursement amount extracted from the first request and the second disbursement amount extracted from the second request,” (App. Br. 22–23) are not persuasive. The background of Appellants’ Specification describes that issuing prepaid devices is conventional. In particular, the Specification states “businesses provide . . . disbursements to a consumer . . . [and] track the value of the disbursement and issue a check or prepaid debit card.” Spec. ¶ 3. Furthermore, the Specification discusses use of prepaid cards in their customary fashion—storing value. *See* Spec. ¶ 28–29, 40–41, 45, 52. Indeed, there is little to no detail, in the claim or in the Specification, specifying how cards are issued, created, or loaded, supporting the determination that such steps are routine.

Even further, Appellants’ arguments that the claims recite a “‘solution . . . necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of’ computer environments” (App. Br. 15 (citations omitted), 23; Reply Br. 5) and that the claims recite an “[i]mprovement to an existing technological process” (App. Br. 23; Reply Br. 6) do not persuade us the claims are directed to patent-eligible subject matter. Appellants describe problems with “different established systems, processes, and formats for requesting value distributions” which make it “difficult to create one unified distribution process without requiring the participating entities to make significant changes.” App. Br. 16. However, differences with the systems, processes,

and formats businesses use are not problems specific to computer technology. Rather, those problems are due to differences in how different businesses operate, e.g., the format in which businesses choose to record information. Indeed, the background section of the Specification describes a business problem with “different businesses provid[ing] different types of disbursements.” Spec. ¶ 5; *see* Spec. Fig. 1, ¶¶ 2–4, 6, 26 (“For example if a business typically makes disbursements using paper checks, the business sends requests to a check processor according to a particular format.”).

Although the solution to that business problem uses a centralized disbursement computing platform (Spec. ¶¶ 24–26), “the focus of the claims is not on such an improvement in computers as tools, but on certain independently abstract ideas that use computers as tools.” *Elec. Power*, 830 F.3d at 1354. That is, the claims and the Specification focus on improvements to the fundamental economic practice of disbursement handling, and, indeed, the Specification describes that the claimed processes are carried out by generic computer components operating in their expected ways. Spec. Fig. 8, ¶¶ 58–60. As the Examiner suggests (Final Act. 15–16), a human could perform the solution to the described problem by accepting different requests from different businesses, e.g., a refund request from a first business and a rebate request from a second business, determining the respective amounts requested from those different requests, totaling the amounts requested, and then issuing a prepaid card with the total amount to a customer.

Appellants have not proffered sufficient evidence or argument to persuade us that any of the limitations in the remaining dependent claims provide a meaningful limitation that transforms the claims into a patent-

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eligible application. *See* App. Br. 7–25. Accordingly, Appellants have not persuaded us claims 1–25 are directed to patent-eligible subject matter. Therefore, we sustain the rejection of claims 1–25 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

#### DECISION

We affirm the Examiner’s decision rejecting claims 1–25 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

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