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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ANGELA MARIE RUNKLE, LISA MARIE MINOGUE, and
JOHN ERIC HATHAWAY

Appeal 2018-000021¹
Application 13/874,188
Technology Center 3600

Before NINA L. MEDLOCK, TARA L. HUTCHINGS, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

HUTCHINGS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant² appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 1–25 and 32–38, which constitute all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We reference herein the Specification (“Spec.,” filed Apr. 30, 2013), Final Office Action (“Final Act.,” mailed Nov. 3, 2016), Appeal Brief (“Appeal Br.,” filed Apr. 3, 2017), and Answer (“Ans.,” mailed July 28, 2017).

² “Appellant” refers to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Moneygram International, Inc. Appeal Br. 2.

CLAIMED INVENTION

Appellant's claimed invention "relates to money transfer transactions, and more specifically to systems and methods for facilitating money transfer transactions in precise amounts and denominations to provide for maximized payouts of funds." Spec. ¶ 2.

Claims 1, 6, 14, 19, and 32 are the independent claims on appeal. Claim 1, reproduced below with bracketed annotations added, is representative of the claimed subject matter:

1. A method for facilitating a money transfer transaction, said method comprising:

[(a)] compiling, by a processing device, information regarding a plurality of money transfer agent locations, the information identifying one or more currency types used by each of the plurality of money transfer agent locations to provide payment of funds sent by a sending party, said information further identifying one or more denominations of each of the one or more currency types used by each of the plurality of money transfer agent locations;

[(b)] receiving details regarding the money transfer transaction from a sending party, said details including an initial amount of funds to be provided by the sending party to fund the money transfer transaction and identifying a destination for the funds, wherein the initial amount of funds includes a first amount of funds to be paid to a receiving party to the money transfer transaction and a second amount of funds corresponding to at least one money transfer transaction fee;

[(c)] identifying one or more money transfer agent locations corresponding to the destination;

[(d)] analyzing the information regarding the plurality of money transfer agent locations to determine whether the first amount of funds can be paid out in full using currency types and denominations used by at least one of the identified money transfer agent locations;

[(e)] in response to a determination that the first amount of funds cannot be paid out in full using the currency types and

the denominations used by at least one of the identified money transfer locations, determining a new amount of funds to be provided by the sending party to fund the money transfer transaction, wherein said new amount of funds includes a third amount of funds to be paid to the receiving party to the money transfer transaction and the second amount of funds corresponding to the at least one money transfer transaction fee, wherein the new amount of funds and the first amount of funds are different, and wherein the third amount of funds can be paid out in full to the receiving party by a money transfer agent of the identified one or more money transfer agent locations, and wherein said new amount of funds is determined based on the currency types and denominations used by the money transfer agent location; and

[(f)] providing the determined new amount of funds to the sending party.

REJECTIONS

Claims 1–25 and 32–38 are rejected under 35 U.S.C. § 101 as judicially excepted from statutory subject matter.

Claims 1, 2, 4–9, 12–16, 18–25, and 32–38 are rejected under 35 U.S.C. § 103 as unpatentable over Blackwood (US 2013/0185186 A1, pub. July 18, 2013) and Fillinger (US 7,219,832 B2, iss. May 22, 2007).

Claims 3, 10, 11, and 17 are rejected under 35 U.S.C. § 103 as unpatentable over Blackwood, Fillinger, and Cole (US 2010/0174640 A1, pub. July 8, 2010).

ANALYSIS

Patent-Ineligible Subject Matter

Appellant argues the pending claims as a group. App. Br. 7–19. We select independent claim 1 as representative. The remaining claims stand or fall with claim 12. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Under 35 U.S.C. § 101, an invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. The Supreme Court, however, has long interpreted § 101 to include an implicit exception: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014).

The Supreme Court, in *Alice*, reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66 (2012), “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.*, 573 U.S. at 217. The first step in that analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts.” *Id.* (citation omitted). If the claims are not directed to a patent-ineligible concept, e.g., an abstract idea, the inquiry ends. Otherwise, the inquiry proceeds to the second step where the elements of the claims are considered “individually and ‘as an ordered combination’” to determine whether there are additional elements that “‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*, 566 U.S. at 79, 78). This is “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 217–18 (alteration in original).

In rejecting the pending claims under 35 U.S.C. § 101, the Examiner determined that the claims are directed to “facilitating a money transfer transaction.” Ans. 4; *see also* Final Act. 3. The Examiner characterized this concept as a fundamental economic practice (i.e., a method of organizing human activity) and, thus, an abstract idea. Ans. 4; *see also* Final Act. 3. The Examiner also cited to judicial precedent in determining that the claims recite an abstract idea. *See* Ans. 4–5. The Examiner determined that the claims do not recite additional elements that are sufficient to amount to significantly more than the judicial exception. *Id.* at 5–6.

The USPTO recently published revised guidance on the application of § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Revised Guidance”).³ That guidance revised the USPTO’s examination procedure with respect to the first step of the *Mayo/Alice* framework such that a claim will generally be considered directed to an abstract idea if (1) the claim recites subject matter falling within one of the following groupings of abstract ideas: (a) mathematical concepts; (b) certain methods of organizing human activity, e.g., a fundamental economic principle or practice, a commercial or legal interaction; and (c) mental processes (“Step 2A, Prong One”), and (2) the claim does not integrate the abstract idea into a practical application, i.e., apply, rely on, or use the judicial exception in a manner that imposes a

³ The Revised Guidance is effective as of January 7, 2019, and applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019.

meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception (“Step 2A, Prong Two”). *See* Revised Guidance, 84 Fed. Reg. at 54–55. The Revised Guidance references MANUAL OF PATENT EXAMINING PROCEDURE (“MPEP”) §§ 2106.05(a)–(c) and (e)–(h) in describing the considerations that are indicative that an additional element or combination of elements integrates the judicial exception, e.g., the abstract idea, into a practical application. *Id.* at 55. If the recited judicial exception is integrated into a practical application, as determined under one or more of these MPEP sections, the claim is not “directed to” the judicial exception.

Only if the claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application do we then look to whether the claim “[a]dds a specific limitation or combination of limitations” that is not “well-understood, routine, conventional activity in the field” or simply “appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception” (“Step 2B”). *Id.* at 56.

Judicial Exception: Step One of the Mayo/Alice Framework; Step 2A, Prong 1 of the Revised Guidance

Appellant’s Specification is titled “SYSTEMS AND METHODS FOR HIGHEST PAYOUT OF FUNDS TRANSFERRED IN A MONEY TRANSFER TRANSACTION,” and states that the invention relates to “money transfer transactions” and, in particular, “facilitating money transfer transactions in precise amounts and denominations to provide for maximized payout of funds.” Spec. ¶ 1. The Specification in the Background section details concerns with known methods of conducting a money transfer. *See id.* ¶ 4. In particular, the Specification provides that sometimes a money

transfer agency is not configured to pay out the full amount of the received transaction. *Id.* For example, due to the exchange rate, the money transfer agent may not have the required denomination amounts to pay the receiving party. *Id.* When the money agent cannot fully fund the received transaction in the foreign currency, the agent typically funds the transaction using multiple currency types; refunds the unpaid amount to the sending party; or retains the remaining amount. *Id.* Each of these scenarios causes problems for the money transfer service and/or transacting parties, such as by forcing an additional transaction to be implemented. *Id.*

Appellant’s claim 1 recites a method for “facilitating a money transfer transaction.” Appeal Br. 26, Appendix A. Limitation (a) recites

compiling . . . information regarding a plurality of money transfer agent locations, the information identifying one or more currency types used by each of the plurality of money transfer agent locations to provide payment of funds sent by a sending party, said information further identifying one or more denominations of each of the one or more currency types used by each of the plurality of money transfer agent locations.

Limitation (b) recites

receiving details regarding the money transfer transaction from a sending party, said details including an initial amount of funds to be provided by the sending party to fund the money transfer transaction and identifying a destination for the funds, wherein the initial amount of funds includes a first amount of funds to be paid to a receiving party to the money transfer transaction and a second amount of funds corresponding to at least one money transfer transaction fee.

Limitation (c) recites “identifying one or more money transfer agent locations corresponding to the destination.” Limitation (d) recites

“analyzing the information regarding the plurality of money transfer agent locations to determine whether the first amount of funds can be paid out in

full using currency types and denominations used by at least one of the identified money transfer agent locations.” Limitation (e) recites

in response to a determination that the first amount of funds cannot be paid out in full using the currency types and the denominations used by at least one of the identified money transfer locations, determining a new amount of funds to be provided by the sending party to fund the money transfer transaction, wherein said new amount of funds includes a third amount of funds to be paid to the receiving party to the money transfer transaction and the second amount of funds corresponding to the at least one money transfer transaction fee, wherein the new amount of funds and the first amount of funds are different, and wherein the third amount of funds can be paid out in full to the receiving party by a money transfer agent of the identified one or more money transfer agent locations, and wherein said new amount of funds is determined based on the currency types and denominations used by the money transfer agent location.”

Limitation (f) recites “providing the determined new amount of funds to the sending party.” When given their broadest reasonable interpretation, these limitations recite steps for facilitating a money transfer transaction, i.e., a commercial interaction, which is a certain method of organizing human activity, and, therefore, an abstract idea. *See Revised Guidance*, 84 Fed. Reg. at 52.

Accordingly, we are not persuaded of Examiner error at Step 2A, Prong 1 of the Revised Guidance.

Practical Application: Step One of the Mayo/Alice Framework; Step 2A, Prong 2 of the Revised Guidance

Having concluded that claim 1 recites a judicial exception, i.e., an abstract idea, we next consider whether the claim recites additional elements, considered individually and in combination, that integrate the judicial exception into a practical application. *See id.* at 54–55. Here, the

only additional element recited in claim 1, beyond the abstract idea, is a “processing device” (limitation (a)). But Appellant’s Specification describes this element at a high degree of generality, i.e., as a generic computer component. *See, e.g.*, Spec. ¶ 32 (describing that “User devices 140 may be any type of device which would facilitate the exchange of information with system 100. For example, user devices 140 may include computer systems tablet devices, mobile telephones, and the like.”). “[A]fter *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible.” *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir. 2014).

Appellant maintains that the claim 1 is similar to the claims at issue in *McRO, Inc. v. Bandai Namco Games America, Inc.*, 837 F.3d 1299 (Fed. Cir. 2016), because claim 1 improves an existing technological process. Appeal Br. 10. In particular, Appellant contends that claim 1 “provide[s] an unconventional process for automating money transfers in a way that solves technological problems associated with conventional money transfer services that cannot pay out a full amount of the transaction due to discrepancies between the transferred amount and the received amount able to be paid out.” *Id.* (citing Spec. ¶ 4). Appellant asserts that conducting a transaction efficiently is a primary concern for a money transfer service, particularly in emergency situations, but that existing services are inefficient. *Id.* at 10–11 (citing Spec. ¶¶ 2, 4). For example, the receiving agent location may lack certain denominations or currencies to pay out the transaction in full. *Id.* at 10 (citing Spec. ¶ 4). The receiving agent may attempt to fund the receive transaction in multiple currency types, refund the unpaid amount to the sending party, or retain the remaining amount. *Id.* at 11 (citing Spec.

¶ 4). Appellant argues that claim 1 “seeks to eliminate extraneous refund transactions and/or other types of transactions that may occur when a receive amount is different from a desired send amount based on the availability of currency types, denominations, and the like at a money transfer agent location. *Id.* at 11 (citing Spec. ¶ 11). Appellant also argues that claim 1 recites “new rules to govern automated transactions and provides for maximum payout at a money transfer agent location,” improving existing money transfer transaction processes. *Id.* (citing Spec. ¶¶ 4, 26). Appellant alleges that these features are “intended to improve the conventional money transfer networks.” *Id.* And Appellant argues that claim 1 “require[s] a distinct process whose incorporation into an existing process . . . improves the existing technological process.” *Id.* at 13.

In *McRO*, the Federal Circuit concluded that the claim, when considered as a whole, was directed to a “technological improvement over the existing, manual 3-D animation techniques” and used limited rules in a process “specifically designed to achieve an improved technological result in conventional industry practice.” *McRO*, 837 F.3d at 1316. In particular, the Federal Circuit found that the claimed rules allow computers to produce accurate and realistic lip synchronization and facial expressions in animated characters that previously could only be produced by human animators. *Id.* at 1313. Here, Appellant has not identified any analogous technological improvement that is attributable to the claimed invention. We are not persuaded that improving a process for a money transfer transaction reflects a technological improvement analogous to improved 3-D animation techniques at issue in *McRO*. Instead, Appellant’s claim 1 focuses on improving the commercial interaction by making the transaction more

efficient and maximizing payout. Put simply, the claim focuses on improving the abstract idea itself.

Appellant argues that the claims solve a challenge particular to the Internet — improving Internet-based money transfer networks and transactions. Appeal Br. 17 (citing Spec. ¶¶5, 22). Appellant’s claimed invention may well use a communication network to facilitate a money transfer transaction. Paragraph 22 of Appellant’s Specification provides that a communication network includes “any type of network [that] allows for communication between central servers 110 and agent devices 120,” as well as “a combination of network types working collectively.” Paragraph 5 of the Specification describes that the invention compiles and tracks payment capabilities and exchange rates of agents and/or locations in a money transfer network, which the invention leverages to establish the money transfer transaction. For example, a central server connected to agents provides such information to agents to assist in completing the transaction. *Id.* ¶ 5. However, we are not persuaded that claim 1 is directed to an improvement to a network itself. Instead, claim 1, at best, requires the use of generic network technology to improve the commercial interaction, i.e., the abstract idea.

We are not persuaded that the additional element recited in claim 1 is more than a generic computer component used to implement the abstract idea. For example, we find no indication that the processing device reflects an improvement in the functioning of a computer or network itself, or an improvement to other technology or technical field; requires any specialized computer hardware or other inventive computer components, i.e., a particular machine; or effects a transformation or reduction of a particular

article to a different state or thing. Therefore, we are not persuaded that the Examiner erred at Step 2A, Prong 2, in determining that the additional element does not integrate the recited abstract idea into a practical application (Step 2A, Prong 2 of the Revised Guidance).

Inventive Concept: Step Two of the Mayo/Alice Framework (Step 2B of the Revised Guidance)

Having determined under step one of the *Mayo/Alice* framework that claim 1 is directed to an abstract idea, we next consider under Step 2B of the Revised Guidance, the second step of the *Mayo/Alice* framework — whether claim 1 recites additional elements that provide an inventive concept (i.e., whether the additional elements amount to significantly more than the judicial exception itself).

Appellant asserts that claim 1 is similar to the claims at issue in *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016) because, when considered as an ordered combination, it “represent[s] a software-based invention that improves the performance of a money transfer network itself.” Appeal Br. 14. Appellant contends that claim 1 eliminates additional transactions, such as a refund of the difference between the amount paid and the amount sent, “by preemptively determining a new fund amount based on currency types and denominations available to a receiving agent location.” *Id.* at 15 (citing Spec. ¶¶ 4, 5, 9, 25, 26); *see also id.* (“[t]his solution is representing by the ordered combination of elements present in claims 1, 6, 14, 19, and 32”).

Appellant asserts that the ordered combination of elements neither “recite[s] an abstract idea of facilitating money transfers performed on a set of generic computer components” nor “preempt[s] all ways of facilitating money transfers.” *Id.* at 16. Instead, Appellant maintains that the claimed

invention “is an unconventional process for conducting a network-based money transfer that eliminates refunds and/or other types of transactions that may occur when the receive amount is different from the desired send amount.” *Id.*

Yet, the relevant question at step two of the *Mayo/Alice* framework is whether the additional elements amount to significantly more than the abstract idea; in other words, whether the additional elements provide an inventive concept. But this inventive concept cannot be

the abstract idea itself, and *Berkheimer* . . . leave[s] untouched the numerous cases from this court which have held claims ineligible because the only alleged “inventive concept” is the abstract idea.

Berkheimer v. HP Inc., 890 F.3d 1369, 1374 (Fed. Cir. 2018) (Moore, J., concurring in denial of petition for rehearing en banc). “It has been clear since *Alice* that a claimed invention’s use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention ‘significantly more’ than that ineligible concept.” *BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018).

As set forth above, the only additional limitation recited in claim 1 beyond the abstract idea is a “processing device” (limitation (a)). Appellant cannot reasonably contend, nor does Appellant contend, that there is a genuine issue of material fact regarding whether this additional element, considered alone and as an ordered combination, is well-understood, routine, or conventional, where nothing in the Specification indicates that the processing device is other than a generic processing device operating in its ordinary capacity. *See, e.g.*, Spec. ¶ 32.

To the extent Appellant argues that the claimed invention is patent eligible based on prior art (*see* Appeal Br. 16), Appellant misapprehends the law. Neither a finding of novelty nor a non-obviousness determination automatically leads to the conclusion that the claimed subject matter is patent-eligible. Although the second step in the *Mayo/Alice* framework is termed a search for an “inventive concept,” the analysis is not an evaluation of novelty or non-obviousness, but rather, a search for “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.*, 573 U.S. at 217–18 (citation omitted). “Groundbreaking, innovative, or even brilliant discovery does not by itself satisfy the § 101 inquiry.” *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 591 (2013). A novel and non-obvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible. *See Mayo*, 566 U.S. at 90; *see also Diamond v. Diehr*, 450 U.S. 175, 188–89 (1981) (“The ‘novelty’ of any element or steps in a process, or even of the process itself, is of no relevance in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter.”).

To the extent Appellant argues that the claimed invention is patent eligible because there is no preemption (*see* Appeal Br. 15), Appellant’s argument is unpersuasive. Although preemption is the concern that drives the exclusion of abstract ideas from patent eligible subject matter (*see Alice*, 573 U.S. at 216), it is not a separate test for patent eligibility. Instead, the proper test for determining whether a claim recites patent eligible subject matter is to apply the two-step framework that the Supreme Court delineated

in *Alice* and *Mayo*. “Where a patent’s claims are deemed only to disclose patent ineligible subject matter under the *Mayo* framework . . . , preemption concerns are fully addressed and made moot.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015). “[P]reemption may signal patent ineligible subject matter, [but] the absence of complete preemption does not demonstrate patent eligibility.” *Id.*

We are not persuaded of error in the Examiner’s rejection of claim 1 under 35 U.S.C. § 101. Therefore, we sustain the Examiner’s rejection of claim 1, and claims 2–25 and 32–38, which fall with claim 1.

Obviousness

We are persuaded by Appellant’s argument that Fillinger does not teach or suggest

in response to a determination that the first amount of funds cannot be paid out in full using the currency types and the denominations used by at least one of the identified money transfer locations, determining a new amount of funds to be provided by the sending party to fund the money transfer transaction, wherein said new amount of funds includes a third amount of funds to be paid to the receiving party to the money transfer transaction and the second amount of funds corresponding to the at least one money transfer transaction fee, wherein the new amount of funds and the first amount of funds are different, and herein the third amount of funds can be paid out in full to the receiving party by a money transfer agent of the identified one or more money transfer agent locations, and wherein said new amount of funds is determined based on the currency types and denominations used by the money transfer agent location

(limitation (d)), as recited in independent claim 1, and similarly recited in independent claims 6, 14, 19, and 32. The Examiner relies on Fillinger for the argued limitation. *See* Final Act. 7–8 (citing Fillinger col. 9, ll. 15–43).

Fillinger pertains to currency conversion capabilities in Automated Teller Machines (ATMs). *See* Fillinger, Title, col. 1, ll. 50–52, col. 3, ll. 13–14. When an ATM customer withdraws foreign currency at an ATM, the conversion rate may result in a withdrawal amount that is not supported by the ATM. *Id.* at col. 9, ll. 18–20. For example, the converted currency may require the withdrawal of change or denominations that are not supported by the ATM. *Id.* at col. 9, ll. 20–23. In this case, a modified withdrawal amount may be presented to the ATM customer instead of the initially converted amount. *Id.* at col. 9, ll. 23–30. Alternatively, the ATM customer is presented with a choice to select whether to increase the withdrawal amount (round up) or decrease the withdrawal amount (round down). *Id.* at col. 9, ll. 30–34. After being presented with the converted withdrawal amount, the customer is asked to confirm whether he or she wishes to proceed with the transaction. *Id.* at col. 9, ll. 43–47.

The Examiner reasons that Fillinger at column 9, lines 15–43 teaches limitation (d), as recited in claim 1, and similarly recited in claims 6, 14, 19, and 32, because Fillinger describes determining, after a conversion of currency occurs, whether the ATM can support that denomination and, if not, modifying the amount withdrawn. Final Act. 7–8. But, as pointed out by Appellant (Appeal Br. 21), the ATM customer, i.e., the receiving party to the money transfer, alters the amount of funds to be paid out at an ATM. It is unclear, and the Examiner does not adequately explain, how Fillinger teaches determining a new amount of funds to be provided by the sending party to fund the transaction, [which] . . . can be paid out in full to the receiving party,” as recited in claim 1, limitation (d), and similarly recited in claims 6, 14, 19, and 32.

In the Answer, the Examiner interprets Fillinger's ATM customer as the claimed "sending party . . . and not the receiving party." Ans. 10. Yet, one problem with the Examiner's interpretation is that the claim language recites that the funds are paid out to the receiving party and, in Fillinger, the funds are paid out to the ATM customer. Another problem with this interpretation is that the claim language requires the sending party to provide details regarding the money transfer transaction, including, in part, an amount of funds to be paid to the receiving party and a destination for the funds. But Fillinger's ATM customer does not identify an amount of money to be paid to a receiving party or destination for the funds. Instead, the ATM customer requests a withdrawal transaction at an ATM. Fillinger, col. 8, ll. 47-48.

In view of the foregoing, we do not sustain the Examiner's rejection of independent claims 1, 6, 14, 19, and 32, and dependent claims 2, 4, 5, 7-9, 12, 13, 15, 16, 18, 20-25, and 33-38 under 35 U.S.C. § 103.

We also do not sustain the Examiner's rejection of claims 3, 10, 11, and 17 under 35 U.S.C. § 103 as unpatentable over Blackwood, Fillinger, and Cole for the same reasons set forth above with respect to the rejection of the independent claims as unpatentable under 35 U.S.C. § 103 over Blackwood and Fillinger. In particular, the Examiner's rejection of claims 3, 10, 11, and 17 under 35 U.S.C. § 103 as unpatentable over Blackwood, Fillinger, and Cole does not cure the deficiencies in the Examiner's rejection of independent claims 1, 6, and 14 under 35 U.S.C. § 103 over Blackwood and Fillinger.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1-25, 32-38	101	Eligibility	1-25, 32- 38	
1, 2, 4-9, 12-16, 18- 25, 32-38	103	Blackwood, Fillinger		1, 2, 4-9, 12-16, 18-25, 32-38
3, 10, 11, 17	103	Blackwood, Fillinger, Cole		3, 10, 11, 17
Overall Outcome			1-25, 32- 38	

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