



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
**United States Patent and Trademark Office**  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/027,624	02/15/2011	Joseph Bradley Nolan	72167.000733	7170
131244	7590	09/18/2019	EXAMINER	
Hunton Andrews Kurth LLP/JPMorgan Chase Intellectual Property Department 2200 Pennsylvania Avenue, NW Suite 800 Washington, DC 20037			KAZIMI, HANI M	
			ART UNIT	PAPER NUMBER
			3691	
			MAIL DATE	DELIVERY MODE
			09/18/2019	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* JOSEPH BRADLEY NOLAN

---

Appeal 2018-001376<sup>1</sup>  
Application 13/027,624<sup>2</sup>  
Technology Center 3600

---

Before BRADLEY B. BAYAT, TARA L. HUTCHINGS, and  
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

HUTCHINGS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner’s final rejection of claims 1–4, 7–11, 13–15, 17, and 21–23. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

---

<sup>1</sup> Our decision references Appellant’s Appeal Brief (“App. Br.,” filed June 27, 2017) and Reply Brief (“Reply Br.,” filed Nov. 21, 2017), and the Examiner’s Answer (“Ans.,” mailed Oct. 5, 2017) and Final Office Action (“Final Act.,” mailed Feb. 22, 2017).

<sup>2</sup> Appellant identifies “JPMorgan Chase Bank, N.A. and its parents and subsidiary companies” as the real parties in interest. App. Br. 1.

## CLAIMED INVENTION

Appellant's claimed invention "relates generally to providing financial services, such as at financial institution branch offices and through devices such as financial services kiosks." Spec. ¶ 2.

Claims 1, 8, and 9, reproduced below with bracketed notations added, are the independent claims on appeal, and are representative of the claimed subject matter:

1. A computer implemented method, comprising:

[(a)] providing a portable electronic device, at a branch office of a financial institution, for usage by customers of the financial institution, that is configured to interact with the financial institution and to perform one or more financial services kiosk functions that serve to conduct banking transactions with the financial institution, wherein the one or more financial services kiosk functions performed by the portable electronic device to conduct banking transactions comprise: deposits, withdrawals, currency exchanges, and account transfers;

[(b)] receiving, by at least one computer processor, a request, generated by the portable electronic device, from a customer, to log in to the portable electronic device;

[(c)] configuring, by the at least one computer processor, following the log-in, a home-screen display of the portable electronic device based upon one or more predetermined configuration settings comprising colors, themes, images, applications, and widgets;

[(d)] receiving, by the at least one computer processor, a selection of an option from the portable electronic device, wherein the option is selected from a set of at least two options presented to the customer on the display and the selected option is to conduct a banking transaction with the financial institution;

[(e)] establishing a video messaging link between the portable electronic device and at least one of a second portable electronic device and a computing device when an additional selected option associated with customer assistance is received,

wherein the portable electronic device comprises a digital imaging device with audio and video capabilities to provide an electronic video image of the customer;

[(f)] interacting with the customer through the video messaging link, wherein the interaction comprises real-time video communication between the customer using the digital imaging device of the portable electronic device and a customer service representative using the at least one of the second portable electronic device and the computing device;

[(g)] executing, by the at least one computer processor, an action associated with the selected option; and

[(h)] receiving, by the at least one computer processor, a request to log out of the portable electronic device.

8. A computer implemented method, comprising:

[(a)] providing, via an interface of a financial services kiosk, a computer game through one or more webpages associated with a social networking site, wherein the social networking site has a relationship with a financial institution and the financial institution is associated with the game;

[(b)] receiving, by a computer processor, an access request to the game from a customer of the financial institution;

[(c)] verifying, by the computer processor, the access request;

[(d)] providing, by the computer processor, access to the game and data related to the game;

[(e)] receiving interaction related to the game at a financial services kiosk or branch of the financial institution, wherein the interaction comprises at least establishing a video messaging link between the financial services kiosk and a computing device, wherein the financial services kiosk comprises a digital imaging device with audio and video capabilities to provide an electronic video image of the customer; and

[(f)] processing, by the computer processor, the interaction and updating the game based on the interaction.

9. A computer implemented method, comprising:

[(a)] detecting a physical or electronic presence of a customer, by a financial services kiosk, based on a proximity of the customer to the financial services kiosk, wherein the presence is detected by one or more radio-frequency sensors and the detection is conducted prior to any interaction by the customer with the financial services kiosk;

[(b)] actuating, by a computer processor, functionality of the financial services kiosk based upon the detected presence;

[(c)] confirming an identity of the customer;

[(d)] personalizing, by the computer processor, an environment associated with the financial services kiosk based on the identity of the customer and a profile associated with the customer;

[(e)] establishing a video messaging link between the financial services kiosk and at least one of a portable electronic device and a computing device when the customer selects an option associated with customer assistance, wherein the financial services kiosk device comprises a digital imaging device with audio and video capabilities to provide an electronic video image of the customer; and

[(f)] interacting with the customer through the video messaging link, wherein the interaction comprises real-time video communication between the customer using the digital imaging device of the financial services kiosk and a customer service representative using the at least one of the portable electronic device and the computing device.

## REJECTION

Claims 1–4, 7–11, 13–15, 17, and 21–23 are rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more.

## ANALYSIS

### *Patent-Ineligible Subject Matter*

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).

After Appellant’s briefs were filed, and the Examiner’s Answer mailed, the USPTO published revised guidance for use by USPTO personnel in evaluating subject matter eligibility under 35 U.S.C. § 101.

2019 REVISED PATENT SUBJECT MATTER ELIGIBILITY GUIDANCE,

84 Fed. Reg. 50 (Jan. 7, 2019) (the “Revised Guidance”).<sup>3</sup> 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 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 52–55. 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

---

<sup>3</sup> The Revised Guidance, by its terms, applies to all applications, and to all patents resulting from applications, filed before, on, or after January 7, 2019. *Id.* at 50.

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. With the legal principles outlined above, and the Revised Guidance in mind, we turn to the Examiner’s § 101 rejection.

In rejecting the pending claims under 35 U.S.C. § 101, the Examiner determined that the claims are directed to conducting financial services with a financial institution — a concept that the Examiner reasoned is substantially similar to other concepts that the courts have found abstract, and is a certain method of organizing human activities, i.e., an abstract idea. *See* Final Act. 3–6. The Examiner also determined that the claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception. *See id.*

The Examiner, in our view, set forth the statutory basis of the rejection in a sufficiently articulate and informative manner as to meet the notice requirement of 35 U.S.C. § 132. And we find that, in doing so, the Examiner established a *prima facie* case of patent-ineligibility. *See In re Jung*, 637 F.3d 1356, 1362 (Fed. Cir. 2011) (holding that the USPTO carries its procedural burden of establishing a *prima facie* case when its rejection satisfies the notice requirements of 35 U.S.C. § 132 by notifying the applicant of the reasons for the rejection, “together with such information and references as may be useful in judging the propriety of continuing . . . prosecution”). Appellant’s arguments to the contrary are unpersuasive. *See* App. Br. 7–8.

*Independent Claim 1 and Dependent Claims 2–4, 7, 22, and 23*  
*Step One of the Mayo/Alice Framework (USPTO Guidance Step 2A)*

We are not persuaded here that the Examiner erred in determining that claim 1 is directed to an abstract idea by failing to consider all of the claim elements or overgeneralizing the claims. App. Br. 6–7. 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.’” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016) (quoting *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015)). The inquiry 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. Here, it is clear from the Specification, including the claim language, that claim 1 focuses on an abstract idea, and not on any improvement to technology and/or a technical field.

The Specification describes that the invention relates “to providing financial services, such as at financial institution branch offices and through devices such as financial services kiosks.” Spec. ¶ 2. In the Background section, the Specification describes that traditional Automated Teller Machines (“ATMs”) have a limited selection of options for tasks and transactions to perform. *Id.* ¶ 3. Because of this limited selection, customers may have to go to a branch office with limited business hours and wait in line to complete a transaction that cannot be completed at an ATM. *Id.* ¶ 4. The Background also provides that some current ATMs provide a level of personalization of options presented to the customer upon log-in.

*Id.* ¶ 3. The claimed invention is ostensibly intended to address “[t]hese and other deficiencies.” Spec. ¶ 5.

Consistent with this disclosure, claim 1 recites the following steps: “receiving . . . a selection of an option . . . , wherein the option is selected from a set of at least two options presented to the customer . . . and the selected option is to conduct a banking transaction with the financial institution” (step (d)); “interacting with the customer . . . , wherein the interaction comprises . . . communication between the customer . . . and a customer service representative” (step (f)); and “executing . . . an action associated with the selected option” (step (g)). These limitations, when given their broadest reasonable interpretation, recite a commercial interaction, i.e., a method of organizing human activity and, therefore, an abstract idea. *See Revised Guidance 52.*

Having concluded that claim 1 recites a judicial exception, i.e., an abstract idea (Step 2A, Prong One), we next consider whether the claim recites “additional elements that integrate the exception into a practical application” (Step 2A, Prong Two). Revised Guidance 54; *see also* MANUAL OF PATENT EXAMINING PROCEDURE (“MPEP”) § 2106.05(a)–(c), (e)–(h).

Beyond the abstract idea, claim 1 additionally recites

providing a portable electronic device, at a branch office of a financial institution, for usage by customers of the financial institution, that is configured to interact with the financial institution and to perform one or more financial services kiosk functions that serve to conduct banking transactions with the financial institution, wherein the one or more financial services kiosk functions performed by the portable electronic device to conduct banking transactions comprise: deposits, withdrawals, currency exchanges, and account transfers

(step (a)); “receiving, by at least one computer processor, a request, generated by the portable electronic device, from a customer, to log in to the portable electronic device” (step (b)); “configuring, by the at least one computer processor, following the log-in, a home-screen display of the portable electronic device based upon one or more predetermined configuration settings comprising colors, themes, images, applications, and widgets” (step (c));

establishing a video messaging link between the portable electronic device and at least one of a second portable electronic device and a computing device when an additional selected option associated with customer assistance is received, wherein the portable electronic device comprises a digital imaging device with audio and video capabilities to provide an electronic video image of the customer

(step (e)); and “receiving, by the at least one computer processor, a request to log out of the portable electronic device” (step (h)).

We find no indication in the Specification, nor does Appellant direct us to any indication, that these additional elements implement the abstract idea with a specialized computer hardware or other inventive computer components, i.e., a particular machine, or that the claimed invention is implemented using other than generic computer components to perform generic computer functions. Instead, these elements are described in the Specification at a high level of generality, i.e., as generic computer components. *See, e.g.*, Spec. ¶¶ 6, 24, 27, 29, 35, 44–48, 50, and 100–113. And “after *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).

We also find no indication in the Specification that the claimed invention effects a transformation or reduction of a particular article to a different state or thing. Nor do we find anything of record, short of attorney argument, that attributes an improvement in technology and/or a technical field to the claimed invention or that otherwise indicates that the claimed invention integrates the abstract idea into a “practical application,” as that phrase is used in the 2019 Revised Guidance. *See* Revised Guidance 55.

For example, each of steps (a)–(c), (e), and (h) is written as results-based limitations without technological details for how to achieve the desired results. *See Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1342 (Fed. Cir. 2017) (explaining that “[o]ur law demands more” than claim language that “provides only a result-oriented solution, with insufficient detail for how a computer accomplishes it”). Appellant’s Specification also fails to provide any such technological details for each of these steps.

Specifically, Appellant identifies step 202 of Figure 2 and paragraph 50 of the Specification as describing step (a) of claim 1; step 204 of Figure 2 and paragraph 51 of the Specification for step (b) of claim 1; step 206 of Figure 2 and paragraph 52 for step (c) of claim 1; steps 210 and 212 of Figure 2 and paragraph 56 for step (e) of claim 1; and step 218 of Figure 2 and paragraph 61 for step (h) of claim 1. App. Br. 1–2.

Step 202 of Figure 2 is a first step of a process for interfacing with a financial institution using a portable electronic device, which begins with a customer approaching the device. *See* Spec. ¶ 12, Fig. 2. The portable

electronic device is configured to serve as an ATM or a device for conducting with the financial institution. *Id.* ¶ 50. Exemplary portable devices include a tablet, tablet PC, laptop, and netbook located at a branch office of a financial institution or at a retailer or merchant. *Id.*

Alternatively, the device is the customer's own portable electronic device, such as a cell phone, PDA, smart phone, tablet, netbook, or laptop. *Id.* Step (a) of claim 1 recites providing a portable device configured to interact with the financial institution and to perform financial kiosk functions. Paragraph 50 does not detail how to configure the portable electronic device to achieve the desired functionality.

Step 204 of Figure 2 shows that the customer next logs into the device/account. *Id.* at Fig. 2. "Various methods may be used to authenticate the customer and allow them to access the device." *Id.* ¶ 51. For example, the customer can present a designated device (such as by swiping a card), enter a password into an alphanumeric entry device, or provide biometrics. *Id.* Not only does the Specification provide no details regarding authentication or the log in process, but step (b) does not recite a step of logging into the device or authentication. Instead, step (b) recites receiving a request to log in to the portable electronic device. The Specification does not describe a manner for receiving the request that improves technology.

Step 206 of Figure 2 indicates that the home screen and menu are displayed to the customer. *Id.* at Fig. 2. Paragraph 52 of the Specification describes that the home screen is personalized for the customer based on options selected by the customer, such as "colors, themes, images, applications, and/or widgets" selected by the customer. Exemplary applications include news and stock price applications. *Id.* ¶ 52. Paragraph

52 describes a desired result (i.e., personalizing a home screen for a user based on configuration settings selected by the customer), but does not describe any means for accomplishing this goal that improves technology.

As these portions of the Specification make clear, the claimed invention seeks to improve an abstract idea (i.e., a commercial interaction) by applying it in a particular technological environment using generic computers (e.g., a portable electronic device communicating via a video messaging link, as set forth in steps (a), (b), (e), and (h)), and adding insignificant extra-solution activity (e.g., applying predetermined configuration settings set by the customer to a home screen display, as set forth in step (c)). For example, logging in and logging out of a portable device would be necessary steps for the claimed technological environment in which a portable electronic device is provided at a branch office of a financial institution for usage by its customers. Yet, limiting the use of the abstract idea “to a particular technological environment” does not make the abstract idea patent-eligible, nor does adding extra-solution activity. *See Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014); *see also Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1370 (Fed. Cir. 2015) (“[O]ur precedent is clear that merely adding computer functionality to increase the speed or efficiency of the process does not confer patent eligibility on an otherwise abstract idea.”).

Therefore, we are not persuaded that the Examiner erred at Step 2A, Prong 2 in determining that the additional elements do not integrate the recited abstract idea into a practical application.

*Inventive Concept: Step Two of the Mayo/Alice Framework*

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 2019 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).

Citing the Federal Circuit’s holding, in *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016), Appellant asserts that an inventive concept can be found in the unconventional combination of elements. App. Br. 9. Appellant argues that, like the claims in *BASCOM*, “claim 1 requires a combination of at least a first and second portable electronic device (or a computer device) in a video messaging link in the context of conducting a transaction at a financial institution using the first portable electronic device,” which is “atypical of conducting such a transaction.” *Id.* Appellant contends that claim 1 “address[es] a problem in the field of financial services.” *Id.* (citing Spec. ¶¶ 3–4).

Yet, in *BASCOM*, the Federal Circuit held that the second step of the *Mayo/Alice* framework was satisfied because the claimed invention “represents a ‘software-based invention[ ] that improve[s] the performance of the computer system itself.’” *BASCOM*, 827 F.3d at 1351 (stating that like *DDR Holdings*, where the patent “claimed a technical solution to a problem unique to the Internet,” the patent in *BASCOM* claimed a “technology-based solution . . . to filter content on the Internet that overcomes existing problems with other Internet filtering systems . . .

making it more dynamic and efficient”) (internal citations omitted). Here, Appellant does not identify, and we do not find, how the additional elements identified by Appellant, considered alone or as an ordered combination, provide a technical improvement, as opposed to an improvement in a commercial interaction that is realized by applying the abstract idea in a particular technological environment. To the contrary, Appellant acknowledges that the claimed invention seeks to improve the abstract idea itself. *See* App. Br. 9 (“the interactions of the various claim elements all result in an improvement in conducting a transaction”).

To the extent Appellant argues that claim 1 includes an additional element or a combination of elements that is not well-understood, routine, and conventional, because the claim is allegedly novel, Appellant misapprehends the law. *See id.* (asserting the use of portable electronic devices in a video message link to conduct a transaction at a financial institution is atypical). 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.”).

Appellant further argues that claim 1, like the claims in *DDR Holdings*, “clearly solve[s] a technical problem by adding a specific limitation other than what is well-understood, routine and conventional in the field, or adding unconventional steps that confine the claim to a particular useful application.” App. Br. 10. In particular, Appellant contends that step (e) of claim 1 “is clearly unconventional [by] solving a problem that exists in the computer realm”; that the steps require a computer system; and that step (h) is another example of the steps requiring a computer system. *Id.*

Yet, in *DDR Holdings*, the claims were not held to be patent eligible based upon recitation of a computer system or a solving any problem that exists in the computer realm. Instead, the Federal Circuit found that the claimed solution was “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *DDR Holdings*, 773 F.3d at 1257. In particular, the claims at issue “address[ed] the problem of retaining website visitors that, if adhering to the routine, conventional functioning of Internet hyperlink protocol, would be instantly transported away from a host’s website after ‘clicking’ on an advertisement and activating a hyperlink.” *Id.* The claimed solution in *DDR Holdings* “overr[ode] the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink” to yield a desired result —

namely, directing a visitor to a hybrid web page instead of the third-party website. *Id.* at 1258–59.

Here, in contrast, limitations (c) (i.e., configuring a home-screen display) and (e) (i.e., establishing a video message link) recite desired functionality without specifying how the desired functionality is achieved. Appellant cannot reasonably contend that there is a genuine issue of material fact regarding whether the performance of steps (c) and (e), alone or in combination, is well-understood, routine, or conventional where, as here, there is no indication in the Specification that the steps are implemented using other than generic computer components to perform generic computer operations.

For example, paragraph 56 of the Specification provides that “various programs or applications” may be used together with generic computers (e.g., a front-facing camera) to conduct wireless conversations. Likewise, paragraph 52 recites the desired functionality and the types of information the customer could select for inclusion on the home-screen, without describing how to achieve the desired functionality or otherwise suggesting an unconventional manner for configuring a home-screen display based on predetermined configuration settings.

We are not persuaded, on the present record, that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 101. Therefore, we sustain the Examiner’s rejection of claim 1 and its dependent claims, which are not separately argued.

*Independent Claims 8 and 9, and Dependent Claims 10, 11, 13–15, 17, and 21*

We decline Appellant’s invitation to find error in the Examiner’s decision not to address the patent-eligibility of each of the independent claims separately. *See* App. Br. 4–6. There is no dispute that Examiners are instructed to evaluate the patent-eligibility of each claim individually. But, consideration of each claim individually does not require a separate written analysis for each individual claim. Moreover, we agree with the Examiner that the pending claims are all directed to the same abstract idea, albeit at differing levels of specificity. *Cf. Content Extraction & Transmission LLC v. Wells Fargo Bank, N.A.*, 776 F.3d 1343, 1348 (Fed. Cir. 2014) (explaining that when all claims are directed to the same abstract idea, “addressing each claim of the asserted patents [is] unnecessary.”).

For example, claim 8 recites “receiving interaction related to the game” (step (e)); and “processing . . . the interaction and updating the game based on the interaction” (step (f)). These limitations, when given their broadest reasonable interpretation, recite a commercial interaction, i.e., a method of organizing human activity and, therefore, an abstract idea. *See* Revised Guidance 52.

Beyond the abstract idea, claim 8 additionally recites “providing, via an interface of a financial services kiosk, a computer game through one or more webpages associated with a social networking site, wherein the social networking site has a relationship with a financial institution and the financial institution is associated with the game” (step (a)); “receiving, by a computer processor, an access request to the game from a customer of the financial institution” (step (b)); “verifying, by the computer processor, the access request” (step (c)); “providing, by the computer processor, access to

the game and data related to the game” (step (d)); that the step of receiving interaction (step (e)) occurs

at a financial services kiosk or branch of the financial institution, wherein the interaction comprises at least establishing a video messaging link between the financial services kiosk and a computing device, wherein the financial services kiosk comprises a digital imaging device with audio and video capabilities to provide an electronic video image of the customer;

and that the step of processing the interaction (step (f)) is performed by a “computer processor.”

Each of the additional elements is written as results-based limitations without technological details for how to achieve the desired results. We find no indication in the Specification, nor does Appellant direct us to any such indication, that these additional elements implement the abstract idea with a specialized computer hardware or other inventive computer components, i.e., a particular machine, or that the claimed invention is implemented using other than generic computer components to perform generic computer functions. Instead, these elements are described in the Specification at a high level of generality, i.e., as generic computer components. *See, e.g.*, Spec. ¶¶ 21, 35–38, 76–85, Fig. 4. We also find no indication in the Specification that the claimed invention effects a transformation or reduction of a particular article to a different state or thing. Nor do we find anything of record, short of attorney argument, that attributes an improvement in technology and/or a technical field to the claimed invention or that otherwise indicates that the claimed invention integrates the abstract idea into a

“practical application,” as that phrase is used in the 2019 Revised Guidance. *See Revised Guidance 55.*

Instead, the claimed invention seeks to improve an abstract idea (i.e., a commercial interaction) by applying it in a particular technological environment using generic computers operating in their ordinary capacity (e.g., a financial service kiosk having a digital imaging device with audio and video capabilities, wherein the kiosk provides a computer game through one or more webpages associated with a social networking site that has a relationship with a financial institution), as set forth in steps (a)–(e).

Belying Appellant’s argument that the Examiner erred in not addressing the independent claims individually, Appellant argues that independent claim 8 is patent eligible for the same or similar reasons set forth with respect to independent claim 1. App. Br. 8, n.1. We do not find these arguments persuasive for the same or similar reasons set forth above with respect to claim 1.

Appellant additionally argues with respect to step 2 of the *Alice/Mayo* framework that claim 8 improves the conducting of a transaction by adding an interactive game. App. Br. 9; *see also* Spec. ¶ 80 (“The game may be of any type.”). But an improvement to a commercial interaction is an improvement to the abstract idea itself, not an improvement to technology or computer capabilities. *See 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”); *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1168 (Fed. Cir. 2018) (“What is needed is an inventive concept in the non-abstract application realm”). Appellant does not persuaded us that the additional

elements recited in claim 8 amount to significantly more than the judicial exception itself.

We are not persuaded, on the present record, that the Examiner erred in rejecting claim 8 under 35 U.S.C. § 101. Therefore, we sustain the Examiner's rejection of claim 8.

Similarly, independent claim 9 recites “interacting with the customer . . . , wherein the interaction comprises . . . communication between the customer . . . and a customer service representative” (step (f)). Step (f) of claim 9, when given its broadest reasonable interpretation, recites a commercial interaction, i.e., a method of organizing human activity and, therefore, an abstract idea. *See Revised Guidance 52.*

Beyond the abstract idea, claim 9 additionally recites “detecting a physical or electronic presence of a customer, by a financial services kiosk, based on a proximity of the customer to the financial services kiosk, wherein the presence is detected by one or more radio-frequency sensors and the detection is conducted prior to any interaction” (step (a)); “actuating, by a computer processor, functionality of the financial services kiosk based upon the detected presence” (step (b)), “confirming an identity of the customer” (step (c)); “personalizing, by the computer processor, an environment associated with the financial services kiosk based on the identity of the customer and a profile associated with the customer” (step (d));

establishing a video messaging link between the financial services kiosk and at least one of a portable electronic device and a computing device when the customer selects an option associated with customer assistance, wherein the financial services kiosk device comprises a digital imaging device with audio and video capabilities to provide an electronic video image of the customer

(step (e)); and that the interacting of step (f) occurs “through the video messaging link” between the customer using “digital imaging device of [a] financial services kiosk” and the customer service representative using “at least one of the portable electronic device and the computing device.”

Each of the additional elements is written as results-based limitations without technological details for how to achieve the desired results. We find no indication in the Specification, nor does Appellant direct us to any such indication, that these additional elements implement the abstract idea with a specialized computer hardware or other inventive computer components, i.e., a particular machine, or that the claimed invention is implemented using other than generic computer components to perform generic computer functions. Instead, these elements are described in the Specification at a high level of generality, i.e., as generic computer components. *See, e.g.*, Spec. ¶¶ 21, 35–38, 88–93. We also find no indication in the Specification that the claimed invention effects a transformation or reduction of a particular article to a different state or thing. Nor do we find anything of record, short of attorney argument, that attributes an improvement in technology and/or a technical field to the claimed invention or that otherwise indicates that the claimed invention integrates the abstract idea into a “practical application,” as that phrase is used in the 2019 Revised Guidance. *See Revised Guidance 55.*

Instead, the claimed invention seeks to improve an abstract idea (i.e., a commercial interaction) by applying it in a particular technological environment using generic computers (e.g., a kiosk, digital imaging device, radio-frequency sensors, video messaging link, portable electronic device and/or computing device), and adding insignificant extra-solution activity

(e.g., personalizing an environment associated with the financial kiosk, as set forth in step (d)).

Appellant argues that independent claim 9 is patent eligible for the same or similar reasons set forth with respect to independent claim 1. App. Br. 8, n.1. We do not find these arguments persuasive for the same or similar reasons set forth above with respect to claim 1.

Appellant additionally argues that claim 9 recites significantly more than the abstract idea because the kiosk detects a customer's presence and then actuates the financial services kiosk (i.e., limitations (a) and (b)). *Id.* at 9; *see also id.* at 10 (arguing that limitation (a) "is not an abstract element and does not exist outside of the realm of computers"). Yet, limitations (a) and (b) do not recite how to achieve the desired functionality. Appellant does not direct our attention to, and we do not see, where the Specification describes any unconventional manner for detecting a customer's presence and actuating a kiosk. To the contrary, the Specification suggests that the functionality is achieved through the use of routine technology operating in its ordinary capacity. *See, e.g.,* Spec. ¶¶ 88–90. Accordingly, we are not persuaded that additional limitations (a) and (b) transform the nature of the claim into a patent eligible application.

We are not persuaded, on the present record, that the Examiner erred in rejecting claim 9 under 35 U.S.C. § 101. Therefore, we sustain the Examiner's rejection of claim 9 and its dependent claims, which are not separately argued.

Appeal 2018-001376  
Application 13/027,624

**DECISION**

The Examiner's rejection of claims 1–4, 7–11, 13–15, 17, and 21–23 under 35 U.S.C. § 101 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)(1)(iv).

**AFFIRMED**