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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WILLIAM D. HASELDEN and DARYL JAMES MCDANIEL

Appeal 2018-001864
Application 12/257,018[1]
Technology Center 3600

Before JOSEPH A. FISCHETTI, MICHAEL R. ZECHER, and NINA L. MEDLOCK, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1, 4–7, 9–12, 15–18, 20–23, 26–35, 37, 38, and 40. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF DECISION

We affirm.

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[1] Appellants identify Regions Financial Corporation as the real party in interest. App. Br. 3.

THE INVENTION

Appellants state, "[t]he invention relates to a method for reducing errors in check processing." Spec. 1:8.

Claim 1, reproduced below, is representative of the subject matter on appeal.

> 1. A method for processing information comprising:
>
> setting a predetermined surety level for electronic analysis,
>
> obtaining a first amount and a second amount from a transaction by scanning a document with a scanner;
>
> electronically storing a scanned image of the document, wherein the document is a negotiable instrument;
>
> electronically analyzing the document by comparing the first amount and the second amount using a comparison module programmed to compare the first amount to the second amount;
>
> entering a transaction value into a database based on the first amount and the second amount if the first amount is the same as the second amount;
>
> sending the scanned image to a first operator and manually entering the transaction value into the database by the first operator if the first amount is not the same as the second amount;
>
> electronically flagging the transaction value in the database when the transaction value differs by one digit from the first or second amount, or when the transaction value differs from the second amount and the second amount is determined to have a specified degree of accuracy based on the predetermined surety level;
>
> correcting the transaction value with a correction module electronically configured to

> receive a corrected value from the comparison module for the document and cure a discrepancy;
>
> transmitting the corrected value over a network data channel to a requesting client computer and clearing information to make funds accessible to a payee;
>
> and
>
> causing a server to launch an application to run the electronic analysis.

THE REJECTIONS

The following rejections are before us for review.

Claims 1, 4–7, 9–12, 15–18, 20–23, 26–35, 37, 38, and 40 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

Claims 1, 4, 5, 12, 15, 16, 23–27, 30–35, 37, 38, and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bates, in view of Gilder and Foth, and further in view of Deygout.

Claims 6, 7, 9–11, 17, 18, 20–22, 28, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bates in view of Gilder and Foth and further in view of Deygout and Josephson.

The Examiner relies upon the following as evidence of unpatentability:

Josephson	US 5,689,579	Nov. 18, 1997
Foth et al.	US 2007/0136198 A1	June 14, 2007
Bates	US 2007/0205262 A1	Sept. 6, 2007
Deygout et al.	US 2008/0243561 A1	Oct. 2, 2008
Gilder et al.	US 2009/0094148 A1	Apr. 9, 2009

FINDINGS OF FACT

We adopt the Examiner's findings as set forth on pages 2–5 in the Final Office Action[2] and on pages 2–8 in the Examiner's Answer, concerning only the 35 U.S.C. § 101 rejection.

ANALYSIS

35 U.S.C. § 101 REJECTION

We affirm the Examiner's rejection of claims 1, 4–7, 9–12, 15–18, 20–23, 26–35, 37, 38, and 40 under 35 U.S.C. § 101.

The Appellants argue claims 1, 4–7, 9–12, 15–18, 20–23, 26–35, 37, 38, and 40 as a group (App. Br. 7), and we select claim 1 as the representative claim for this group, and so the remaining claims stand or fall with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2015).

An invention is patent-eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: "[l]aws of nature, natural phenomena, and abstract ideas" are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court's two-step framework, described in *Mayo* and *Alice*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is "directed to." *See id.* at 219

[2] All references to the Final Office Action refer to the Final Office Action mailed on December 1, 2016.

("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk."); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk.").

Concepts determined to be abstract ideas and, thus, patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as "molding rubber products" (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); "tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores" (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that "[a] claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula." *Diehr*, 450 U.S. at 176; *see also id.* at 191 ("We view respondents' claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula."). Having said that, the Supreme Court also indicated that a claim "seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws . . . and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological

environment." *Id.* (citing *Benson* and *Flook*); *see, e.g.*, *Diehr*, 450 U.S. at 187 ("It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.").

If the claim is "directed to" an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where "we must examine the elements of the claim to determine whether it contains an 'inventive concept' sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Alice*, 573 U.S. at 221 (quotation marks omitted). "A claim that recites an abstract idea must include 'additional features' to ensure 'that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].'" *Id.* (alterations in original) (quoting *Mayo*, 566 U.S. at 77). "[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention." *Id.*

The U.S. Patent and Trademark Office ("PTO") recently published revised guidance on the application of § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) ("Guidance"). Under the Guidance, we first look to whether the claim recites:

> (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes); and
>
> (2) additional elements that integrate the judicial exception into a practical application (*see* Manual of Patent Examining Procedure ("MPEP") § 2106.05(a)–(c), (e)–(h)).

Only if a 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:

> (3) adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or
>
> (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See Guidance, 84 Fed. Reg. at 56.

The U.S. Court of Appeals for 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)). 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, as indicated above, 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 claim "appl[ies], rel[ies] on, or use[s] 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." Guidance, 84 Fed. Reg. at 53; *see also* MPEP § 2106.05(a)–(c), (e)–(h).

The Specification states:

> Current methods of check processing include scanning a check to obtain the value of the check, and entering that value in a database. A value is determined by the courtesy amount, written as numbers on a check, and a legal amount, which is handwritten or typed with letters on a check. Advanced handwriting recognition programs allow

> financial institutions to analyze the legal amount electronically. The value of the legal amount may then be compared to the courtesy amount.

Specification 1:16–21. It also states:

> The operator analysis of the check amounts and entry of a new check value may catch most check errors, but the operator may commit further errors. Common operator errors include entering a key twice by mistake, or placing too many zeros in a check value. Although the resulting check value entries differ from the correct value by only one digit, this may create a discrepancy of hundreds or thousands of dollars. Such discrepancies may be expensive and time-consuming to correct, and they can damage client relationships.

Specification 2:13–18.

And the preamble says the claim is for "[a] method for processing information." Claim 1. Understood in light of the Specification, claim 1, recites, in pertinent part,

> setting a predetermined surety level… obtaining a first amount and a second amount from a transaction by scanning a document . . . storing a scanned image of the document . . . wherein the document is a negotiable instrument . . . analyzing the document by comparing the first amount and the second amount . . . entering a transaction value into a database based on the first amount and the second amount if the first amount is the same as the second amount; sending the scanned image to a first operator and manually entering the transaction value into the database by the first operator if the first amount is not the same as the second amount . . . flagging the transaction value in the database when the transaction value differs by one digit from the first or second amount, or when the transaction value differs from the second amount and the second amount is determined to have a specified degree of accuracy based on the predetermined surety level; correcting the transaction value . . . configured to receive a corrected value from the comparison module for the document and cure a discrepancy; transmitting the corrected value . . . to a requesting client . . . and clearing information to make funds accessible to a payee. . . .

(App. Br. 13–14 (Claims Appendix)).

Accordingly, the Examiner found that the claims "are directed towards processing [a] remote deposit." (Final Act. 9).

Based on the Examiner's findings, the Specification, and the claim recitations, we find the claims are a way of flagging a transaction value based on a perceived discrepancy because claim 1 explicitly recites, "flagging the transaction value in the database when the transaction value differs by one digit from the first or second amount, or when the transaction value differs from the second amount and the second amount is determined to have a specified degree of accuracy based on the predetermined surety level." This finding is consistent with that of the Examiner and the description of the Specification. Flagging data based on a perceived value discrepancy constitutes: observation, evaluation, judgment, each of which is a concept performed by the human mind making the steps mental processes. Guidance, 84 Fed. Reg. at 52, citing *Mayo*, 566 U.S. at 71.

In addition, we find that, because the claim also is a way of "clearing [check] information to make funds accessible to a payee," it is also directed to a commercial interaction/fundamental economic principle because clearing a check once validated for accuracy is a requirement for payment– the engine of transactional commerce. Commercial or legal interactions and fundamental economic activities are certain forms of methods of organizing human activities, which are judicial exceptions that fall within the purview of the abstract ideas articulated in the recent Guidance. Guidance, 84 Fed. Reg. at 52, citing *Alice* 573 U.S. at 219–220. Indeed, the Federal Circuit has recognized that the patent-ineligible end of the spectrum includes commercial and legal interactions. *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014).

Turning to the second prong of the "directed to" test, claim 1 only generically requires "a scanner," "a comparison module[3]," "a network data channel," "a correction module" and "a server." These components are described in the Specification at a high level of generality. *See* Spec. 11:18–12:2, 13:14–16:2, Figs. 1, 3. We fail to see how the generic recitations of these most basic computer components and/or of a system, so integrate the judicial exception as to "impose[] a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception." Guidance, 84 Fed. Reg. at 53. We also find no indication in the Specification, nor do Appellants direct us to any indication, that the operations recited in independent claim 1 invoke any assertedly inventive programming, require any 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. *See DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir.

[3] "If prosecution of the present application resumes, the Examiner should consider whether "a comparison module" is governed by 35 U.S.C. § 112 ¶ 6 and, if so, whether this term complies with 35 U.S.C. § 112 ¶ 2. *See Aristocrat Techs. Australia Pty Ltd. v. Int'l Game Tech.*, 521 F.3d 1328, 1333 (Fed. Cir. 2008) (stating that, in cases involving a computer-implemented invention claimed using means-plus-function limitations, "the structure disclosed in the specification [must] be more than simply a general purpose computer or microprocessor," and pointing out that "[b]ecause general purpose computers can be programmed to perform very different tasks in very different ways, simply disclosing a computer as the structure designated to perform a particular function does not limit the scope of the claim to 'the corresponding structure, material, or acts' that perform the function," as required by 35 U.S.C.§ 112 ¶ 6).

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.

Thus, we find that the claims recite the judicial exceptions of a mental process and a commercial interaction/fundamental economic principle that are not integrated into a practical application.

That the claims do not preempt all forms of the abstraction or may be limited to check clearing, does not make them any less abstract. *See OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015) ("And that the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make them any less abstract.").

Turning to the second step of the *Alice* analysis, because we find that the claims are directed to abstract ideas/judicial exceptions, the claims must include an "inventive concept" in order to be patent-eligible (i.e., there must be an element or combination of elements sufficient to ensure that the claim in practice amounts to significantly more than the abstract idea itself). *See Alice*, 573 U.S. at 217–18 (quoting *Mayo Collaborative Servs.*, 566 U.S. at 72–73).

Concerning this step the Examiner found the following:

> The additional elements other than the abstract idea in the claims are a computer, a scanner, a comparison module, and a correction module. These generic computer elements are claimed to perform their basic functions of scanning, obtaining data, storing data, transmitting data, comparing data, flagging data, and correcting data. The recitation of the computer elements amounts to mere instructions to implement the abstract idea on a computer. Taking the additional elements

> individually and in combination, the computer components at each step of the remote deposit process perform purely generic computer functions. Moreover, Applicant's specification clearly describes that the present concept is performed by "general-purpose computer" (see page 13-15, Applicant mentions general-purpose computer in many instances). As such, there is no improvement to the technical field of transaction processing or to the functioning of the computer itself. The claims do not amount to significantly more than the abstract idea itself.

Final Act. 12–13. We agree with the Examiner. "[T]he relevant question is whether the claims here do more than simply instruct the practitioner to implement the abstract idea . . . on a generic computer." *Alice*, 573 U.S. at 225. They do not.

Taking the claim elements separately, the functions performed by the computer at each step of the process are purely conventional. Using a computer to obtain, analyze, send, flag, correct and apply decision criteria to data amounts to electronic data query and retrieval—one of the most basic functions of a computer. All of these computer functions are well-understood, routine, conventional activities previously known to the industry. *See Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016); *see also In re Katz Interactive Call Processing Patent Litig.*, 639 F.3d 1303, 1316 (Fed. Cir. 2011) ("Absent a possible narrower construction of the terms 'processing,' 'receiving,' and 'storing' . . . those functions can be achieved by any general purpose computer without special programming"). In short, each step does no more than require a generic computer to perform generic computer functions. The claims do not, for example, purport to improve the functioning of the computer itself. In addition, as we stated above, the claims do not effect an improvement in any

other technology or technical field. The Specification spells out different generic equipment and parameters that might be applied using the particular steps that conventional processing would entail based on the concept of information access under different scenarios (*see, e.g.*, Spec. 11:18–12:2, 13:14–16:2, Figs. 1, 3).

Considered as an ordered combination, the computer components of Appellants' claims add nothing that is not already present when the steps are considered separately. The sequence of data reception-analysis (obtain, analyze, send, flag, correct and apply decision criteria to data) and storing is equally generic and conventional or otherwise held to be abstract. *See Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014) (sequence of receiving, selecting, offering for exchange, display, allowing access, and receiving payment recited an abstraction), *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378 (Fed. Cir. 2017) (holding that sequence of data retrieval, analysis, modification, generation, display, and transmission was abstract), *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1339 (Fed. Cir. 2017) (holding sequence of processing, routing, controlling, and monitoring was abstract). The ordering of the steps is, therefore, ordinary and conventional.

Thus, the claims at issue amount to nothing significantly more than instructions to apply the abstract idea of a mental process and a commercial or legal interaction/fundamental principle using some unspecified, generic computer. Under *Alice* and its progeny, that is not enough to transform an abstract idea into a patent-eligible invention. *See Alice*, 573 U.S. at 225–26.

We have reviewed all the arguments Appellants have submitted concerning the patent eligibility of the claims before us that stand rejected

under 35 U.S.C. § 101. (App. Br.[4] 7–9). We find that our analysis above substantially covers the substance of all the arguments, which have been made. But, for purposes of completeness, we will address various arguments in order to make individual rebuttals of same.

"Applicants respectfully submit that in this case, just as in *Bancorp*[5], the computer is integral to the claimed invention. This is contrary to previous methods susceptible [sic] that were susceptible to human error." (App. Br. 7).

We disagree with Appellants because merely using a computer to perform more efficiently what could otherwise be accomplished manually does not confer patent-eligibility. *See Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Can.*, 687 F.3d 1266, 1279 (Fed. Cir. 2012) ("Using a computer to accelerate an ineligible mental process does not make that process patent-eligible."); *MySpace, Inc. v. GraphOn Corp.*, 672 F.3d 1250, 1267 (Fed. Cir. 2012) ("While running a particular process on a computer undeniably improves efficiency and accuracy, cloaking an otherwise abstract idea in the guise of a computer-implemented claim is insufficient to bring it within section 101.").

Appellants argue, "[i]n this case, the computer is programmed in a specified manner, as demonstrated by the claims. Indeed, as specified in the claims, the manner in which the computer is programmed provides enhanced speed, accuracy and reliability, which is an improvement to existing computer technology." (Appeal Br. 7).

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[4] Based on latest filed Appeal Brief entered August 2, 2017.
[5] *Bancorp Services LLC v. Sun Life Assur. Co. of Canada,* 687 F.3d 1266, 1278 (Fed. Cir. 2012),

We disagree with Appellants because a general purpose computer programmed to perform conventional functions does not amount to an inventive concept such that the claims are significantly more than the abstract idea. *See EON Corp. IP Holdings LLC v. AT & T Mobility LLC*, 785 F.3d 616, 623 (Fed. Cir. 2015) ("A microprocessor or general purpose computer lends sufficient structure only to basic functions of a microprocessor. All other computer-implemented functions require disclosure of an algorithm."); *Alice*, 573 U.S. at 225–6 (applying an abstract idea, such as an algorithm, on a general purpose computer is not enough to transform a patent-ineligible abstract idea into a patent-eligible invention).

Citing to *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016), Appellants argue, as "the Federal Circuit has held, **even if** elements of the claim are known or generic, the specific combination or order may provide an inventive concept." (App. Br. 8, 9).

We disagree with Appellants first because, as found above, when considering the computer components as an ordered combination, they add nothing that is not already present when the steps are considered separately. Other than attorney argument, Appellants do not provide adequate evidence to the contrary. *See* App. Br. 8–9. And there is no further specification of particular technology for performing the steps. *See Affinity Labs of Texas, LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1263 (Fed. Cir. 2016); *see also Enfish*, 822 F.3d. at 1336 (focusing on whether the claim is "an improvement to computer functionality itself, not on economic or other tasks for which a computer is used in its ordinary capacity.")

Appellants list various claim limitations between pages 8 through 9 in

their Appeal Brief as examples of such improvements without providing evidence that they are improvements in the computer system itself as contrasted with a mental process of way of flagging a value in a database where a discrepancy is perceived. Although comparison and correction modules are by definition in some sense technological, the use of comparison and execute functions in a computer has become so notoriously settled that merely invoking them is no more than abstract conceptual advice to use well known technology for its intended purpose. *See In re TLI Commc'ns LLC Patent Litig.*, 823 F.3d 607, 612–613 (Fed. Cir. 2016).

Appellants' reliance on *BASCOM* is simply misplaced. In *BASCOM*, the Federal Circuit determined that the claimed installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user provided an inventive concept in that it gave the filtering tool both the benefits of a filter on a local computer and the benefits of a filter on the Internet Service Provider server. *BASCOM*, 827 F.3d at 1350. The court, thus, 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. Here, Appellants do not identify, and we do not find, any such improvement to computer technology analogous to the ordered combination described in *BASCOM* or any additional element or elements recited in claim 1. That is, as claimed, the "scanner," "comparison module," "network data channel," "correction module" and "server," fail to yield an improvement in the functioning of a computer, or an improvement to another technology or technical field.

For the reasons identified above, we determine there are no deficiencies in the Examiner's determination of patent ineligibility of the rejected claims.

35 U.S.C. § 103(a) REJECTION

Each of independent claims 1, 12, and 23 requires, in one form or another, "correcting the transaction value with a correction module electronically configured to receive a corrected value from a comparison module for the document by a computer database and cure a discrepancy." (App. Br. 13, 16, 18 (Claims Appendix)).

The Examiner found, concerning this limitation that

> [Gilder] teaches correcting the transaction value with a correction module electronically configured to receive a corrected value for the document and cure a discrepancy (see paragraph 0084, "banks to keep human operators around to compare by hand these amounts and correct these errors"; therefore, [Gilder] must have a correction module to receive human operators' input amount to correct the discrepancy).

(Final Act. 16).

Appellants however argue,

> The Examiner maintained the 103 rejections based on the assumption that "the correction is made by a human, the same way as taught in [Gilder]." Office Action at 6. "The Examiner then contends that the only disclosure of a correction module is on paras. 31 and 63, in which corrections are not done by computer using any algorithm, but by humans [].

(App. Br. 10).

In the Answer, the Examiner interprets the relevant claim language above to encompass a database operated by human intervention stating, "the correction module is a database that receives correction input from human

operators and corrects the discrepancy." Ans. 9. Thus, the Examiner finds that the disclosed database in Gilder taken with its disclosed human intervention meets the claimed functionality of a "correction module."

We disagree with the Examiner. Our interpretation of the claimed "correcting the transaction value with a correction module electronically configured to receive a corrected value from the comparison module for the document and cure a discrepancy" does not include human intervention, such as disclosed by Gilder. Assuming that the correction module is a database into which a corrected value is inputted through the intermediary of human intervention as the Examiner determines, the "correction module" is still a device and is required by the claims to do the correcting itself. The Specification supports this finding, "[t]he correction module may be a computer database accessible by operators at remote locations." Specification 12:7–8. The claims require that a correcting action takes place at the correction module, "correcting the transaction value with a correction module," and not through the intermediary of human intervention.

The claims also require that the correction module must "receive a corrected value from the comparison module." Thus, in Gilder, because the human intermediary acts between the comparing station and the final value in the database, the database cannot receive the corrected value from a comparison module as required by the claims. Rather, Gilder discloses the use of a human intermediary at this point in the process stating:

> Further, current Item Processing, check sorting, and encoding methods require the imaging system to validate and compare the Curtsey Amount box with the Legal Amount field and use [Optical Character Recognition] to determine the Amount to Pay. These algorithms are not perfect and they can mistake a handwritten "7" for a "1" for example. These are

> called substitution errors and banks want to keep these error rates as low as possible. *Having errors forces banks to keep human operators around to compare by hand these amounts and correct these errors*. [Digitally Oriented Check]s images **140** are generated from digital instructions, so if [the] person types a "7" they will get the image of a "7" on the digital check image (emphasis added).

Gilder ¶ 84. Therefore, we will not sustain the 35 U.S.C. § 103(a) rejection of independent claims 1, 12 and 23. Because claims 4–7, 9–11, 15–18, 20–22, 26–35, 37, 38, and 40 depend from at least one of claims 1, 12, and 23, and because we cannot sustain the obviousness rejection of claims 1, 12, and 23, the obviousness rejections of dependent claims likewise cannot be sustained.

Therefore, we will not sustain the Examiner's obviousness rejections.

CONCLUSIONS OF LAW

We conclude the Examiner did not err in rejecting claims 1, 4–7, 9–12, 15–18, 20–23, 26–35, 37, 38, and 40 under 35 U.S.C. § 101.

We conclude the Examiner erred in rejecting claims 1, 4–7, 9–12, 15–18, 20–23, 26–35, 37, 38, and 40 under 35 U.S.C. § 103.

DECISION

Because we have affirmed at least one ground of rejection with respect to each claim on appeal, the Examiner's decision is affirmed. *See* 37 C.F.R. § 41.50(a)(1).

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