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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BRIAN TULLY, MICHAEL TENDERENDA,
KATHLEEN MOYER, BRAD JOWERS, TERESITA M. VENTRESCA,
and JOSIAH OSIBODU

Appeal 2018-003005
Application 13/334,182¹
Technology Center 3600

Before DAVID M. KOHUT, ERIC B. CHEN, and
JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

LENTIVECH, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellants appeal from the Examiner’s decision to reject claims 1–7, 9–25, 27–36, and 38. Claims 8, 26, and 37 are canceled. Final Act. 2. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm.

¹ According to Appellants, the real party in interest is “Thomson Reuters Global Resources.” Br. 2.

STATEMENT OF THE CASE

Appellants' Invention

“The [invention’s] systems and technique provide a complete ‘end to end’ solution for the unclaimed property compliance process including tracking of potential unclaimed transactions, mailing of confirmation and due diligence letters, routing responses received from the letters, and the preparation of the unclaimed property reports.” Abstr.

Claim 1, reproduced below, is exemplary.

1. A method of managing unclaimed property comprising:

providing by a workflow module an electronic workflow for association with a potentially unclaimed asset associated with an entity, the electronic workflow comprising a set of pre-defined procedures for processing the potentially unclaimed asset, wherein

the set of pre-defined procedures is from a directory server and at least one procedure of the set of pre-defined procedures comprises a determination of whether the potentially unclaimed asset is an unclaimed asset, and

the potentially unclaimed asset is accessed from at least one of a payroll data store, an account payable data store, an account receivable data store, a garnishment data store, and an IT audit data store; and

based upon completion of at least one procedure from the set of pre-defined procedures, automatically generating by a filing module a set of unclaimed property forms for submission to the governmental authority for reporting an existence of the unclaimed asset based on [a]² determination by the workflow

² We replace “the” with “a” because there is no corresponding antecedent basis, i.e., no prior recited “determination . . . that communication with a

module that a communication with a governmental authority is necessary, the generating of the set of unclaimed property forms further comprises obtaining[,] by the filing module, requirements for submission to a government authority maintained in a requirements database.

Rejections

Claims 1–7, 9–25, 27–36, and 38 stand rejected under 35 U.S.C. § 101 because the claimed subject matter is judicially-excepted from patent eligibility. Final Act. 8–10.

Claims 1–6, 18–24, 36, and 38 stand rejected under 35 U.S.C. § 103(a) as unpatentable over McDonald (US 7,054,833 B1; May 30, 2006) and Froude (US 2006/0136238 A1; June 22, 2006). Final Act. 11–14.

Claims 7, 9, 10, 25, 27, and 28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over McDonald, Froude, and Soga (US 2010/0185477 A1; July 22, 2010). Final Act. 14–15.

Claims 11, 12, 16, 17, and 29–35 stand rejected under 35 U.S.C. § 103(a) as unpatentable over McDonald, Froude, and Unclaimed Property Briefs.³ Final Act. 15–17.

governmental authority is necessary.” *See Manual of Patent Examining Procedure* (MPEP) § 2173.05(e) (“Lack of Antecedent Basis”) (9th Ed., Rev. 08.2017, Jan. 2018).

³ This “Unclaimed Property Briefs” reference (i.e., within the application’s file wrapper) does not state a specific location to retrieve it. As best we can discern, it is one of multiple “Unclaimed Property Briefs” webpages published by the Treasury of Virginia, but no longer available online. It is titled “Performing Due Diligence: Please refer to §55-210.12 of the Code of Virginia,” attaches a “Sample Due Diligence Letter” dated August 15, 2003, and described by its footer as follows: “Unclaimed Property Briefs are published by the Commonwealth of Virginia, Department of the Treasury, Division of Unclaimed Property. Comments and questions should be

Claims 13–15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over McDonald, Froude, Soga, and Unclaimed Property Briefs. Final Act. 17–18.

ANALYSIS

Rejection under 35 U.S.C. § 101

Regarding the rejection of claims 1–7, 9–25, 27–36, and 38 under 35 U.S.C. § 101, Appellants do not argue the claims separately with particularity. Instead, Appellants rely on the same arguments for all claims. *See* Br. 9–16. We select claim 1 as representative for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(iv). Accordingly, claims 2–7, 9–25, 27–36, and 38 stand or fall with claim 1.

PRINCIPLES OF LAW

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) (internal quotation marks and citation omitted).

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 Alice*,

submitted to Division of Unclaimed Property, P.O. Box 2478, Richmond, VA 23218, or call (804) 225-2393. www.trsvirginia.gov.”

573 U.S. at 219 (“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, 69 (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 184 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); 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., id.* 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 (internal citation 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.* (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.*

PTO GUIDANCE

The 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 interactions 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) (9th Ed.,
Rev. 08.2017, Jan. 2018)).

See Guidance, 84 Fed. Reg. at 52, 54–55. Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, we conclude the claim is directed to a judicial exception (*id.* at 54) and then look to whether the claim:

(3) adds a specific limitation or combination of limitations beyond the judicial exception that are not “well-understood, routine, conventional” activity 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.

OUR REVIEW

There is no dispute that all claims fall within a category of patentable subject matter. *See* 35 U.S.C. § 101 (“process, machine, manufacture, or composition of matter”); *see also* Guidance, 84 Fed. Reg. at 53–54 (“Step 1”). We accordingly turn to the further issues raised by the Guidance (summarized at *supra* 6–7) and Appellants’ arguments (*infra* 13–15). As Appellants argue all claims as a group (Br. 7–16), we select claim 1 as representative for these issues, such that all claims stand or fall with claim 1. *See* 37 C.F.R. 41.37(c)(1)(iv) (representative claims).

1. *STEP 2A, PRONG ONE: DOES THE CLAIM RECITE ANY JUDICIAL EXCEPTIONS*⁴

Turning to the first issue set forth by the Guidance (*see supra* 6, bullet “(1)”), claim 1 recites the following features covering abstract ideas (numerals and some paragraphing added):

1. A method of managing unclaimed property comprising:

[1] providing . . . [a] workflow for association with a potentially unclaimed asset associated with an entity, the electronic workflow comprising a set of pre-defined procedures for processing the potentially unclaimed asset, wherein

⁴ The Guidance separates the enumerated issues (1) to (4) (*see supra* 6–7) into Step 2A, Prong One; Step 2A, Prong Two; and Step 2B, as follows:

[T]he revised procedure that will be applied by the USPTO . . . focuses on two aspects [for determining whether a claim is “directed to” a judicial exception under the first step of the *Alice/Mayo* test (USPTO Step 2A)]: (1) Whether the claim recites a judicial exception; and (2) whether a recited judicial exception is integrated into a practical application. [W]hen a claim recites a judicial exception and fails to integrate the exception into a practical application, . . . further analysis pursuant to the second step of the *Alice/Mayo* test (USPTO Step 2B) . . . is needed (for example to determine whether the claim merely recites well-understood, routine, conventional activity) . . . in accordance with existing USPTO guidance as modified in April 2018.[footnote omitted]

84 Fed. Reg. at 51 (instructing, via the omitted footnote, that Step 2B is addressed per the “USPTO Memorandum of April 19, 2018, ‘Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*)’ (Apr. 19, 2018), available at <https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF> ([. . . ’USPTO *Berkheimer* Memorandum’].”).

[2] . . . at least one procedure of the set of pre-defined procedures comprises a determination of whether the potentially unclaimed asset is an unclaimed asset, and

[3] and the potentially unclaimed asset is accessed from at least one of a payroll . . . , an account payable . . . , an account receivable . . . , a garnishment . . . , and an IT audit . . . ; and

[4] based upon completion of at least one procedure from the set of pre-defined procedures, . . . generating . . . a set of unclaimed property forms for submission to the governmental authority for reporting an existence of the unclaimed asset based on [a] determination . . . that a communication with a governmental authority is necessary, [wherein]

[5] the generating of the set of unclaimed property forms further comprises obtaining by the filing module, requirements for submission to a government authority
. . . .

We find the limitations, as drafted, form a process that, under its broadest reasonable interpretation, covers “[c]ertain methods of organizing human activity— . . . commercial or legal interactions.” Guidance, 84 Fed. Reg. at 52; *see also* Ans. 4 (citing “certain methods of organizing human activity” described by the USPTO July 2015 Update to Subject Matter Eligibility, § III.B, and emphasizing the examples of “managing relationships or transactions between people” and “satisfying or avoiding a legal obligation”)⁵ Final Act. 8 (emphasis omitted). For example, the

⁵ The Guidance supersedes the July 2015 Update with respect to determining whether claimed subject matter has been judicially-recognized as an abstract idea. *See* Guidance, 84 Fed. Reg. at 51–52. However, in this noted citation to the Update, the Examiner emphasizes the Update’s examples of abstract ideas that are shared by the Guidance’s examples of “certain methods of organizing human activity” (*see id.* at 52).

limitations cover pre-defined procedures (organizing) that find assets within an account (commercial interactions), determine what assets constitute a statutorily-defined “unclaimed asset” (legal interactions), and both determine and populate regulatory forms for reporting an unclaimed asset (commercial and legal interactions). *See, e.g.*, Spec. (US 2013/0097092 A1; Apr. 18, 2013)⁶ ¶¶ 3–4 (“The present invention relates to . . . accounting transactions subject to unclaimed property laws . . . that allow the state to claim abandoned property.”).

The above-quoted limitations, as drafted, also form a process that, under its broadest reasonable interpretation, covers “[m]ental processes— concepts performed in the human mind . . . including an . . . evaluation, judgment.” 84 Fed. Reg. at 52; *see also* Final Act. 8 (citing the “abstract idea itself” described by the July 2015 Update, § III.C, and emphasizing the examples of “a mental process (thinking) that ‘can be performed in the human mind [or] . . . using a pen and paper’”).⁷ For example, the claimed procedures include the mental activities of determining assets within accounts, determining what assets constitute a statutorily-defined “unclaimed asset,” and both selecting and populating forms for reporting an unclaimed asset. *See, e.g.*, Spec. ¶¶ 3–4 (parenthetically quoted above), 6–7

⁶ We cite to the paragraph numbers of the published Specification because the originally-filed Specification does not include paragraph numbers or page line numbers, and because Appellants and the Examiner have consequently cited to the paragraph numbers of the published Specification. *See, e.g.*, Br. 17; Ans. 8.

⁷ Again, the Guidance supersedes the July 2015 Update. *See supra fn.* 6. However, in this noted citation to the Update, the Examiner emphasizes the Update’s examples of abstract ideas that are shared by the Guidance’s examples of “mental processes” (*see id.* at 52 n. 14–15).

“To manage unclaimed property, institutions typically use . . . general ledger tools to track how unclaimed property is created[.] These tools, however, tend to be tedious and time consuming[.] . . . Accordingly, there is a need . . . [to] automate the management of unclaimed property information.”).

For the foregoing reasons, we find claim 1 recites judicial exceptions (abstract ideas) recognized by our recent Guidance.

2. *STEP 2A, PRONG TWO: ARE THE RECITED JUDICIAL EXCEPTIONS INTEGRATED INTO A PRACTICAL APPLICATION?*

Turning to the second issue set forth by the Guidance (*see supra* 6, bullet “(2)”), claim 1 also recites the following additional elements:

[1] providing by a workflow module an electronic workflow . . . comprising a set of pre-defined procedures . . . , wherein

[2] the set of pre-defined procedures is from a directory server and at least one . . . comprises a determination . . . , and

[3] the . . . asset is accessed from [a] . . . data store

[4] based upon completion of at least one [of the] pre-defined procedures, automatically generating by a filing module a set of . . . forms . . . based on [a] determination by the workflow module . . . , [wherein]

[5] the generating of . . . forms further comprises obtaining[,] by the filing module, requirements . . . maintained in a requirements database.

These limitations recite computer technology at a high level of generality and amount to insignificant extra-solution activity. These limitations do not impose any meaningful limits on practicing the recited abstract ideas and are not the kinds of limitations that have been found to

“solve a technology-based problem, even with conventional, generic components, combined in an unconventional manner.” *Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1300 (Fed. Cir. 2016). For example, the claims do not: (1) improve the functioning of a computer or other technology, (2) are not applied with any particular machine (except for a generic computer), (3) do not effect a transformation of a particular article to a different state, and (4) are not applied in any meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception. *See* Guidance, 84 Fed. Reg. at 54–55; MPEP §§ 2106.05(a)–(c), (e)–(h). There is only nondescript modules, data stores, and a database, which are merely accessed to perform the activities encompassed by abstract ideas (discussed *supra*). By implementing these activities on only nondescript technology needed for modern business practices (e.g., using computer “modules” to implement “pre-defined procedures”), the claim does not integrate the recited abstract ideas into a practical application. *See Accenture Global Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1345 (Fed. Cir. 2013).

For the foregoing reasons, because claim 1 does not integrate the recited abstract ideas (e.g., mental processes, certain methods of organizing human activity (e.g., a fundamental economic practice)) into a practice application, we find claim 1 is directed to the recited abstract ideas. Guidance, 84 Fed. Reg. at 54 (“If, however, the additional elements do not integrate the exception into a practical application, then the claim is directed to the recited judicial exception, and requires further analysis under Step 2B (where it may still be eligible if it amounts to an ‘inventive concept’).”

3. *STEP 2B: DOES THE CLAIM PROVIDE AN INVENTIVE CONCEPT?*

Turning to the third issue set forth by the Guidance (*see supra* 6–7, bullets “(3)” and “(4)”), claim 1 does not recite features that are both neither an abstract idea nor “well-understood, routine, conventional.”

84 Fed. Reg. at 56. As reflected above, claim 1 rather recites that determinations and reports of unclaimed assets (abstract ideas) are automated by a network of nondescript modules, data stores, and a database. We therefore agree with the Examiner that:

[Appellants are] generically claiming structure[—]such as a workflow module, transactional databases, a directory server[—] . . . to perform generic computer functions such as[:] receiving, processing, and storing data[:] electronic record keeping[:] automating mental tasks[:] and receiving or transmitting data over a network[.] . . . [T]he mechanisms for performing these functions are not described. The instant claims merely describe the effect or result dissociated from any processes by which the workflow module may make a determination and automatically generate forms[: there is] . . . no restriction on how the workflow procedures are performed[.] As such, . . . these functions . . . do not rise to what is considered more than well-understood, routine, and conventional activity.

Final Act. 9–10 (internal quotation marks and citations omitted)⁸; *see also*

⁸ To show the denoted computer functions are judicially-recognized as generic computer functions, the Examiner provided the following citations: *Alice*, 573 U.S. at 224–26; *Benson*, 409 U.S. at 65–67; *Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Canada (U.S.)*, 687 F.3d 1266, 1275 (Fed. Cir. 2012); *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716–17 (Fed. Cir. 2014); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350,

MPEP § 2106.05(d)(II) (presenting a substantially similar list of computer functions that are judicially-recognized as conventional and cited by the *Berkheimer* Memorandum (*see supra* fn. 4), § III.2, as support for such a finding under Step 2B).⁹

For the foregoing reasons, we find claim 1 combines the recited abstract ideas with merely appended “well-understood, routine, conventional” activities.

4. APPELLANTS’ ARGUMENTS

Appellants argue claim 1 recites technical improvements that are analogous to the patent-eligible improvements recited by the claims of *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016), *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016), and *Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016).¹⁰ Br. 10–16. Appellants contend claim 1 recites a patent-eligible improvement of “allow[ing] for automated management[,] determination[,] and reporting of an unclaimed property, while adhering to

1355 (Fed. Cir. 2014); and *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App’x 988, 993 (Fed. Cir. 2014).

⁹ The Memorandum supersedes the July 2015 guidance with respect to determining whether claimed subject matter has been judicially-recognized as an abstract idea. 84 Fed. Reg. at 51–52. The Memorandum does not supersede the July 2015 guidance’s identification of computer functions that are judicially-recognized as “conventional functions when they are claimed in a merely generic manner” (at page 7 of the July 2015 guidance).

¹⁰ *See* MPEP § 2106.06(b) (“Clear Improvement to a Technology or to Computer Functionality [R-08.2017]”) (summarizing the specific improvements of *Enfish*, *McRO*, and *Bascom*); Guidance, 84 Fed. Reg. at 53 n. 17 (citing MPEP § 2106.06(b) for that summary).

the requirements for submission to a government authority[; thereby] . . . allow[ing] for management in a more efficient and timely manner.” Br. 12. Appellants also contend claim 1 recites a patent-eligible improvement of “substantive transformative steps undertaken in reducing an institution’s unclaimed property liability and significantly minimize potential unclaimed property audit costs and assessments.” *Id.* at 10.

We are unpersuaded. As explained by the Examiner, claim 1 does not recite an improvement in computers as tools or an innovative way to use computers, but rather recites activities for which a computer is used in its ordinary capacity. *See supra* 11 (block quote).

Claim 1 is not like the claims addressed by *Enfish*. The claims in *Enfish* were expressly directed to data storage/retrieval (822 F.3d at 1336, 1340) and configured a “self-referential table [as] . . . a specific type of data structure designed to improve the way a computer stores and retrieves data in memory” (*id.* at 1339). The claims in *Enfish* accordingly recited how a computer is mechanized to process information (the data structure of the self-referential table) and improved computers as tools (improved access to memory).

Claim 1 is not like the claims addressed by *McRO*. The claims in *McRO* defined an output morph weight set stream as a function of phoneme sequence and time, such that a spoken phoneme is adjusted to the prior and ensuing spoken phonemes. 837 F.3d. at 1306–08. The claims in *McRO* accordingly recited how a computer is mechanized to process information (how it converts the phonemes into animation) and improved computers as tools (improved animation).

Claim 1 is not like the claims addressed by *Bascom*. The claims in *Bascom* recited an internet content filtering located at an internet service provider (ISP) server and customized to each user, such that a user's received requests for Internet content are both filtered via the user's filtering scheme and insusceptible to hacking of the user's local devices. 827 F.3d at 1343–45. The claims in *Bascom* (unlike claim 1) accordingly recited how a computer is mechanized to process information (how it converts the content request into a filter decision and content) and improved computers as tools (improved filtering).

For the foregoing reasons, we are not persuaded claim 1 improves *the functioning* of a computer or any other technology.

CONCLUSION

For the foregoing reasons, we sustain the Examiner's 35 U.S.C. § 101 rejection of claim 1; and claims 2–7, 9–25, 27–36, and 38, which fall with claim 1.

Rejections under 35 U.S.C. § 103(a)

CLAIMS 1–6, 18–24, 36, AND 38 OVER McDONALD AND FROUDE

Appellants argue all claims as a group and address only claim 1 with particularity. Br. 16–18. We select claim 1 as representative for this rejection. *See* 37 C.F.R. § 41.37(c)(1)(iv). Accordingly, claims 2–6, 18–24, 36, and 38 stand or fall with claim 1.

Appellants argue the combination of McDonald and Froude does not teach or suggest the claimed reporting of unclaimed assets. Br. 16–18. Specifically, Appellants argue the Examiner errs in reading the claimed “forms . . . for reporting an existence of the unclaimed asset” on

McDonald's form requesting an asset from a state's unclaimed property repository, contending:

McDonald's disbursement notification for owners, using unclaimed property information obtained from repositories containing unclaimed property information (i.e., state and local government repository . . .) is the opposite of determining and reporting to a government authority an existence of the unclaimed asset as claimed.

[T]he Examiner errs in broadly interpreting the term "report" as communicating ownership of an unclaimed property. (*see* Final Office Action, p. 6) As described in the instant specification and used in the field of the art, "by virtue of state laws, if unclaimed property assets cannot be returned to the rightful owner, the asset must be reported and remitted to the state in which the owner was last known to live once a 'dormancy period' for the particular type of asset has expired." (Specification, ¶[0005]) Accordingly, report is not merely the communication of ownership, rather "for reporting an existence of the unclaimed asset based on the determination by the workflow module that a communication with a governmental authority is necessary" as recited in the independent claim.

Br. 17 (emphases omitted).

We are unpersuaded. Appellants interpret the claimed reporting as requiring a form that remits an unclaimed asset to a state, whereas the Examiner reads the claimed reporting on a form that recovers an unclaimed asset from a state. *Id.*; *see also* Final Act. 6 ("Response to Arguments" explanation of why the claimed reporting is drafted broadly enough to read on McDonald's form that reports, at step 76, the owner of unclaimed property to a state); *id.* at 11–12 ("Claim Rejections" explanation of how McDonald is applied). We agree with the Examiner that the claimed reporting is drafted broadly enough to encompass both possibilities; i.e.,

remitting and recovery are two viable outcomes (species) of the claimed reporting.

The Examiner’s reading of the claimed reporting on McDonald is consistent with the claim language because McDonald’s cited form is, as claimed, (i) “for submission to the governmental authority for reporting an existence of the unclaimed,” (ii) “based on [a] determination . . . that a communication with a governmental authority is necessary,” and (iii) “based upon completion of [the] at least one procedure from the set of pre-defined procedures.” McDonald’s form reports ownership of a particular item within the state’s unclaimed property repository (McDonald col. 11, ll. 48–64; col. 12 ll. 42–55), i.e., is submitted to the state and reports the particular item’s existence as one of the repository’s unclaimed assets (first limitation). McDonald’s form is a “necessary form[] to request unclaimed property” (*id.* at col. 11, ll. 48–64) and “necessary form[] for the . . . unclaimed property repositories” (*id.* at col. 12, ll. 42–55), i.e., submitted because it is necessary communication with the state (second limitation). And, McDonald’s form is responsive to the item’s inclusion within a state’s unclaimed property repository (*id.* at col. 12, ll. 20–37), i.e., results from a prior determination that the item is an unclaimed asset (third limitation). *See also* Final Act. 12 (reading the claimed “at least one procedure” on Froude’s teachings that businesses determine unclaimed assets for remitting to the state); *infra* 19 (describing the Examiner’s reliance on Froude).

Appellants have not shown the Examiner’s reading of the claimed reporting on McDonald is erred. *In re Jung*, 637 F.3d 1356, 1362–63 (Fed. Cir. 2011) (explaining an appellant’s burden in disputing a limitation reads on prior art). Appellants do not present sufficient persuasive evidence or

reasoning that a different reading of the claimed reporting is required. Appellants rather cite to the Specification’s teaching that unclaimed assets must be reported and remitted to states (Spec. ¶ 5), which fails to persuasively show that a report-to-remit meaning (as argued) *must be* ascribed to the claimed reporting. The Specification does not ascribe a special meaning to the claimed reporting—e.g., a meaning of “report” that is more restrictive than its plain and ordinary meaning—without *clear evidence* of such intent. *See, e.g., Cont’l Circuits LLC v. Intel Corp.*, 915 F.3d 788, 796 (Fed. Cir. 2019) (“To act as its own lexicographer, a patentee must clearly set forth a definition . . . other than its plain and ordinary meaning[.]” (quotation marks omitted)); *3M Innovative Properties Co. v. Tredegar Corp.*, 725 F.3d 1315, 1321 (Fed. Cir. 2013) (“To the extent possible, claim terms are given their ordinary and customary meaning . . . [.] Idiosyncratic language, highly technical terms, or terms coined by the inventor are best understood by reference to the specification.”); *Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc) (“[W]e have expressly rejected . . . that if a patent describes only a single embodiment, the claims . . . must be . . . limited to that embodiment.”).

Appellants also argue:

Froude refers to determining whether candidate entities that previously reported unclaimed property are under reporters (Froude ¶ [0010]). The determination of whether the entities are under reporters is not the same as the claimed [“determination of whether the potentially unclaimed asset is an unclaimed asset.”]

Br. 17. We are unpersuaded. The rejection does not rely on Froude’s determination of *underreported* unclaimed assets, nor must the rejection be limited to this focus of Froude’s disclosure. *See In re Fritch*, 972 F.2d 1260,

1264 (Fed. Cir. 1992) (“[A] prior art reference is relevant for all that it teaches[.]”). The Examiner finds Froude teaches or suggests a business practice of determining unclaimed assets (which is a reasonable inference from Froude’s cited teaching that businesses must self-report unclaimed assets to states). Final Act. 12 (citing Froude ¶ 26). And, the Examiner finds Froude teaches or suggests that such assets would be found in general ledger accounts. Final Act. 12 (citing Froude ¶ 11).

For the foregoing reasons, we sustain the rejection of claim 1, and claims 2–6, 18–24, 36, and 38, which fall with claim 1.

REMAINING CLAIMS

As Appellants do not present separate bases of patentability for remaining claims 7, 9, 10–12, 16, 17, 25, and 27–35 (Br. 18), we sustain their rejections under 35 U.S.C. 103(a) for the above reasons to sustain the rejection of claims 1–6, 18–24, 36, and 38.

DECISION

The Examiner’s decision rejecting claims 1–7, 9–25, 27–36, and 38 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