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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* GLENN DEITIKER, J. CHRIS GEORGE, and  
SHANNON FUENTES SWANK

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Appeal 2019-002872  
Application 15/599,250  
Technology Center 3600

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Before JOSEPH L. DIXON, KRISTEN L. DROESCH, and  
CATHERINE SHIANG, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1–13 and 15–18. We have jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

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<sup>1</sup> We use the word “Appellant” to refer to “Applicant” as defined in 37 C.F.R. § 1.42(a) (2017). Appellant identifies the real party in interest as Glenn Deitiker, J. Chris George, and Shannon Fuentes Swank. Appeal Br. 2. We note that the Bib data for the prior application/appeal also discloses BancPass, Inc. as the owner of the entire rights. (*See also* Assignment, filed May 18, 2017, Assignment, filed Feb. 7, 2018, and Terminal Disclaimer, filed Sept. 10, 2018).

### CLAIMED SUBJECT MATTER

The claims are directed to method and system for electronic toll payment where an application detects upcoming toll facilities and notifies the customer. The customer can accept the payment of the toll through the application whereupon the financial provider makes a payment from the customer's designated account to the toll facility. Abstract. Claim 1, reproduced below (emphasis added), is illustrative of the claimed subject matter:

1. A method for making payments, comprising:

*providing, by one or more processors, an application to a customer for installation on a personal electronic device;*

*registering, by the one or more processors, the customer's vehicle's license plate and financial account information with a financial network, wherein the financial network is communicatively connected to a vehicle license plate detection device that is located within a toll facility;*

*detecting, through the vehicle license plate detection device, the customer's vehicle's license plate at the toll facility;*

*paying a toll charge for the customer's use of the toll facility by debiting the customer's financial account and paying the toll facility; and*

*notifying the customer through the application that the customer has paid the toll charge.*

### REFERENCES

The prior art relied upon by the Examiner is:

Yamauchi	US 2003/0115095 A1	June 19, 2003
Solomon	US 2004/0119609 A1	June 24, 2004

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Tuton et al.	US 2005/0197976 A1	Sept. 8, 2005
Fraser et al.	US 2010/0191584 A1	July 29, 2010
Dasgupta	US 2010/0090865 A1	Apr. 15, 2010
Medina, III et al.	US 8,019,629 B1	Sept. 13, 2011
Mussman et al.	US 8,364,583 B1	Jan. 29, 2013

Regions Mobile Banking, April 26, 2009 Regions Mobile Banking, dated April 26, 2009  
[https://web.archive.org/web/20090426091748/http://www.regions.com:80/personal\\_banking/mobile\\_banking.rf?](https://web.archive.org/web/20090426091748/http://www.regions.com:80/personal_banking/mobile_banking.rf?) (PTO-892, mailed Aug. 1, 2017)

## REJECTIONS<sup>2</sup>

Claims 1–13 and 15–18 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.

Claims 1–3, 5, and 9–11 stand rejected under pre-AIA 35 U.S.C. §103(a) as being unpatentable over Tuton in view of Yamauchi and further in view of Regions.

Claim 4 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Tuton, Yamauchi, and Regions, as applied to claim 1, and further in view of Fraser.

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<sup>2</sup> We note that claims 14 and 19 were subject to a restriction requirement as drawn to the active detecting of the customer at the toll facility using a personal electronic devices and a geolocation system. Restriction requirement, mailed June 29, 2017. Appellant elected claims drawn to passively detecting the customer’s vehicle as the customer passes through the toll facility. Consequently, claims 14 and 19 are withdrawn from consideration.

The Examiner withdrew the rejection to a nonstatutory obviousness type double patenting over prior patent US 9,691,061 B2. Ans. 4.

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Claims 6 and 15–18 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Tuton, Yamauchi, and Regions, as applied to independent claim 1 (for dependent claims 6, 15–16) and independent claim 10 (for dependent claims 17–18), and even further in view of Dasgupta.

Claims 7 and 13 stand rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Tuton in view of Yamauchi, and further in view of Regions, as applied to claim 1, and further in view of Solomon.

Claim 8 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Tuton in view of Yamauchi, and further in view of Regions, as applied to claim 1, and further in view of Mussman.

Claim 12 stands rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Tuton in view of Yamauchi, and further in view of Regions, as applied to claim 1, and further in view of Medina.

#### OPINION

##### *35 U.S.C. § 101*

Appellant argues claims 1–13 and 15–18 as a group. Appeal Br. 16. We select claim 1 to represent the group. *See* 37 C.F.R. § 41.37(c)(1)(iv). Arguments which Appellant could have made but did not make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Appellant has the burden on appeal to the Board to demonstrate error in the Examiner’s position. *See In re Kahn*, 441 F.3d 977, 985–86 (Fed. Cir. 2006).

Patent eligibility under 35 U.S.C. § 101 is a question of law that is reviewable *de novo*. *See Dealertrack, Inc. v. Huber*, 674 F.3d 1315, 1333 (Fed. Cir. 2012).

*a. Legal Principles*

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*. *Alice*, 573 U.S. at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, under Step 2A, we first determine what concept the claim is “directed to.” *See Alice*, 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, 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.

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252, 267–68 (1853)); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

If, under Step 2A, the claim is “directed to” an abstract idea, then, under Step 2B, “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.* (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.*

On January 7, 2019, the U.S. Patent and Trademark Office (“USPTO”) published revised patent subject matter eligibility guidance. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50, 2019 (“Revised Guidance”). Under the Revised Guidance, Step 2A of the *Alice* two-step framework is divided in two prongs. For Step 2A, Prong 1, we look to whether the claim recites any judicial exceptions falling into certain groupings of abstract ideas (*e.g.*, mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes). For Step 2A, Prong 2, if the claim recites such a judicial exception, we look to whether the claim recites any 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 recites a judicial exception and does not integrate that exception into a practical application, do we then determine, under Step 2B

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of the *Alice* two-step framework, whether the claim adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)) or simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

*b. Discussion – Claim 1*

*i. Examiner’s Findings and Conclusions*

In the Final Action, the Examiner finds that claim 1 recites one of certain methods of organizing human activity and collecting and comparing known information and creating contract relationships. Final Act. 12. The Examiner additionally finds that the notifying step is insignificant extra-solution activity. Final Act. 12. The Examiner also maintains that claim 1 does not include an inventive concept and, is therefore, ineligible for patenting. Final Act. 2–3. Regarding the inventive concept, the Examiner finds that the additional limitations are not significantly more than the abstract idea, and finds Appellant’s Specification (namely, in US 2017/0255918 A1 ¶¶ 2, 33–35 “the consumer installs an application on their personal electronic device which becomes the primary means of payment authorization;” *see also* Spec. ¶¶ 12–32 defining terms) describes the invention as using generic and well-known components and, as a result, the additional elements included in claim 1 do not amount to an inventive concept. Final Act. 13; Ans. 6. Additionally, the Examiner differentiates

the claims in *McRO* from the present claims that recite an abstract idea carried out on a general purpose computer.<sup>3</sup> Ans. 12.

*ii. Appellant's Arguments and Contentions*

In the Appeal Brief, Appellant contends that the Examiner has neglected to recite many of the tangible elements of the claimed invention in the Examiner's analysis. Appeal Br. 11. Appellant makes general comparisons to various cases without drawing any specific similarities to the claimed invention. Appeal Br. 11–24. Appellant contends that the claims recite a practical application having real-world use. Appeal Br. 14–16; Reply Br. 7. Appellant contends that the totality of the limitations of the “claims of the present application define a very specific mobile toll payment process” where the “invention as a whole is thus both useful and accomplishes a practical application . . . a very specific, very concrete, very practical mobile toll payment system.” Appeal Br. 15–16. Appellant also contends the claimed subject matter is “trying to solve, namely the improved method of mobile toll payments.” Appeal Br. 23.

In the Reply Brief, Appellant addresses the Revised Guidance. Reply Br. 5–8. Appellant generally contends that claim does not recite a certain method of organizing human activity such as a fundamental economic concept or commercial and legal interactions, and the claim is eligible because it does not recite a judicial exception. Reply Br. 7. Appellant also generally contends that even if the claims recite an abstract idea, the claims would be patent eligible because they are integrated into a

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<sup>3</sup> *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016).

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practical application of toll payment processing. Reply Br. 7–8. Appellant contends that the claim recites the combination of all the elements as additional elements where the claim as a whole is directed to a particular improvement in toll payment technology. Reply Br. 8. Specifically, Appellant contends that the method streamlines the payment of toll charges by linking a user’s financial account to a license plate detection device which provides a specific improvement over prior systems, resulting in improved payment processing. Reply Br. 8. As a result, Appellant contends that the claim as a whole integrates the mental process into a practical application and no analysis under step 2B is required. Reply Br. 8.

*iii. Analysis*

The Examiner and Appellant list many “Sections” and arguments addressing the patent eligibility rejection which go to many aspects of patent eligibility analysis prior to the 2019 Revised Guidance. Appellant addresses the Revised Guidance in the Reply Brief. We address Appellant’s analysis under the Revised Guidance.

Appellant does not set forth separate arguments for patentability of claims 1–13 and 15–18. *See* Appeal Br. 7; Reply Br. 2. Based on Appellant’s arguments and our discretion under 37 C.F.R. § 41.37(c)(1)(iv), we select independent claim 1 as the representative claim for the group and address Appellant’s arguments thereto. *See* 37 C.F.R. § 41.37(c)(1)(iv). Dependent claims stand or fall with representative claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

For Step 2A, Prong 1, of the Revised Guidance, we agree with the Examiner and find that the emphasized portions of claim 1, reproduced above, recite elements that fall within the abstract idea grouping of certain

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methods of organizing human activity. *See generally* Final Act. 12. The Revised Guidance requires us to evaluate whether the claim recites a judicial exception (*e.g.*, an abstract idea). According to the Revised Guidance, to determine whether a claim recites an abstract idea, we must identify limitations that fall within one or more of the designated subject matter groupings of abstract ideas. According to the October 2019 Patent Eligibility Guidance Update produced by the USPTO, “a claim recites a judicial exception when the judicial exception is ‘set forth’ or ‘described’ in the claim.” *See* October 2019 Patent Eligibility Guidance Update Revised Patent Subject Matter Eligibility Guidance, [https://www.uspto.gov/sites/default/files/documents/peg\\_oct\\_2019\\_update.pdf](https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf) (“October Update”). The Revised Guidance lists “[c]ertain methods of organizing human activity” as one such grouping and characterizes certain methods of organizing human activity as including, *inter alia*, “commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations).” 84 Fed. Reg. at 52. We find that the emphasized elements of claim 1 describe these judicial exceptions.

Specifically, regarding certain methods of organizing human activity, we agree with the Examiner that claim 1 sets forth the human activity of “detecting a vehicle’s license plate, and paying a toll through a financial account registered with the plate,” which, in our view, is a form of “commercial or legal interactions” of the Revised Guidance. For example, the emphasized steps of claim 1 include providing an application to a customer for installation on a personal electronic device; registering the customer’s vehicle’s license plate and financial account information with a financial network; detecting the customer’s vehicle’s license plate at the toll

facility; and paying a toll charge for the customer's use of the toll facility by debiting the customer's financial account and paying the toll facility.

These steps relate to “[c]ertain methods of organizing human activity” as one such grouping and characterizes certain methods of organizing human activity as including, *inter alia*, “commercial or legal interactions.” Thus, we find that claim 1 recites an abstract idea.

Turning to Prong 2 of the Step 2A of the Revised Guidance, we recognize that claim 1 includes additional elements such as “one or more processors,” “a personal electronic device,” “an application,” “a financial network,” “a toll facility,” and “vehicle license plate detection device.” Furthermore, our review of Appellant's Specification finds that the terms “one or more processors,” “a personal electronic device,” “an application,” “a financial network,” “a toll facility,” and “vehicle license plate detection device” are nominal. Appellant's Specification indicates that the “network,” “interface,” “an electronic trading system,” and “remote computing device” (*see Spec.* ¶¶ [3], [4], [12], [13], [14], [24], and [40] “The toll system will detect the vehicle *through electronic or manual methods* and match the vehicle to the financial account using the vehicle license plate, radio frequency transmitter, or *other automatic or manual vehicle identification system*”) (emphases added) of claim 1 do not recite specific types of additional elements or their specific operations. As a result, these additional elements are not enough to distinguish the steps of claim 1 from describing certain methods of organizing human activity. Thus, claim 1 does not integrate the recited abstract idea into a practical application.

In addition, we determine that claim 1 also recites insignificant post-solution activity (“notifying the customer through the application that the customer has paid the toll charge.”). *See Apple, Inc. v. Ameranth, Inc.*,

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842 F.3d 1229, 1241–42 (Fed. Cir. 2016) (addressing insignificant post-solution activity); *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363–64 (Fed. Cir. 2015) (addressing insignificant pre-solution activity).<sup>4</sup>

The recited insignificant extra-solution activity does not help integrate the recited methods of organizing human activity into a practical application of the abstract idea.

Additionally, Appellants proffer that the totality of the claim language corresponds to the “additional elements.” Reply Br. 8. We disagree with Appellant and find that only the above identified elements are “additional elements” to the recited abstract idea and the Specification generically discloses each of these additional elements at a high level with regards to the underlying process of license plate detection and toll payment. Appellant additionally argue that although each of the collecting steps analyzed individually may arguably be viewed as a mere concept, the claim as a whole is directed to a particular improvement in toll payment technology that streamlines the payment of toll charges by linking a user’s financial account to a license plate detection device. Reply Br. 8. We note that Appellant’s argument is not commensurate in scope with the express language of independent claim 1.

Thus, Appellant’s argument fails because the argument is not commensurate with the scope of claim 1. *See In re Self*, 671 F.2d 1344, 1348 (CCPA 1982) (“[A]ppellant’s arguments fail from the outset because

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<sup>4</sup> Alternatively, the “providing . . . an application” step may be viewed as insignificant pre-solution activity because it is a preliminary step to acquire or communicate data, but is recited at a high level and the “application” need not be installed at this step of the method.

. . . they are not based on limitations appearing in the claims.”); *see also In re Hiniker Co.*, 150 F.3d 1362, 1369 (Fed. Cir. 1998) (“[The] proffered facts . . . are not commensurate with the claim scope and are therefore unpersuasive.”). *See also* Ans. 16. The broad language of claim 1 does not specify that the method streamlines the payment of toll charges by linking a user’s financial account to a license plate detection device which provides a specific improvement over prior systems, resulting in improved payment processing. As a result, we agree with the Examiner that the combination of additional elements as a whole does not integrate the recited abstract idea into a practical application.

Therefore, based on our analysis under the Revised Guidance, we agree with the Examiner and find that claim 1 is directed to an abstract idea. As a result, we focus our attention on Step 2B of the *Alice* two-step framework.

Step 2B of the *Alice* two-step framework requires us to determine whether any element, or combination of elements, in the claim is sufficient to ensure that the claim amounts to significantly more than the judicial exception. *Alice*, 573 U.S. at 221. As discussed above, claim 1 includes additional elements such as a terms “one or more processors,” “a personal electronic device,” “an application,” “a financial network,” “a toll facility,” and “vehicle license plate detection device.” We agree with the Examiner’s findings that the additional elements of claim 1, when considered individually and in an ordered combination, correspond to nothing more than generic and well-known components used to implement the abstract ideas. *See* Ans. 6, 13, 16–17, 19; Final Act. 13–15.

In other words, we find that the additional elements, as claimed, are well-understood, routine, and conventional and “behave exactly as expected

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according to their ordinary use.” *See In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 615 (Fed. Cir. 2016). Thus, implementing the abstract idea with these generic and well-known components “fail[s] to transform that abstract idea into a patent-eligible invention.” *Alice*, 573 U.S. at 221. Therefore, we agree with the Examiner that claim 1 does not provide significantly more than the abstract idea itself.

Therefore, because Claim 1 is directed to the abstract ideas of certain methods of organizing human activity and does not provide significantly more than the abstract idea itself, we agree with the Examiner that claim 1 is ineligible for patenting and affirm the Examiner’s rejection of claim 1 under 35 U.S.C. § 101.

*35 U.S.C. § 103(a)*

Appellant does not set forth separate arguments for patentability of claims 1–3, 5, and 9–11. *See* Appeal Br. 25; Reply Br. 8. Based on Appellant’s arguments and our discretion under 37 C.F.R. § 41.37(c)(1)(iv), we select independent claim 1 as the representative claim for the group and address Appellant’s arguments thereto. *See* 37 C.F.R. § 41.37(c)(1)(iv). Dependent claims 2, 3, 5, and 9–11 stand or fall with representative claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Appellant has the burden on appeal to the Board to demonstrate error in the Examiner’s position. *See In re Kahn*, 441 F.3d 977, 985–86 (Fed. Cir. 2006).

With respect to the obviousness rejection of representative independent claim 1, Appellant contends that “a nearly identical issue was addressed by the Patent Trial and Appeal Board in the parent application. *See*, PATENT TRIAL AND APPEAL BOARD, Appeal No. 2015-003987

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. . . Examiner asserted that a website would serve to ‘notify the customer that a charge had been paid.’” Reply Br. 9; *see also* Appeal Br. 24–29.

Appellant further contends that the Board, in the prior Decision, was clear that the cited Mussman reference “does not state that it is the website that notifies the customer of the paid charge.” Appeal Br. 27; Reply Br. 9.

Appellant also argues that such an invitation does not constitute providing notice to the consumer through an application and only provides the customer the ability review a charge once they become aware of it. Appeal Br. 27–28.

We note that Appellant’s quotation cites to Appellant’s argument from the prior Appeal Brief at page 11, that was quoted by the Board rather than the specific finding made by the Board.

Appellant further contends that the newly applied Regions reference is just like the Mussman reference applied in the parent prosecution and decided in the prior Board decision at page 4. Reply Br. 9.

We find Appellant’s argument to be unavailing because the Board’s prior finding and holding was specific with regards to the combination of both the notifying step and the option to dispute step. The Board explained: “Examiner states that ‘issuing banks usually invite their cardholders to bring any inquiries or disputes about transactions . . . via a website,’ this portion does not state that it is the website (i.e., an application) that notifies the customer of the paid charge *and* of the option to dispute the paid charge. *Id.*”; Prior Dec. 4–5 (emphasis added); “Examiner fails to support adequately the finding that Mussman discloses notifying a customer *through an application* that the customer has paid a charge *and* has the option to dispute the charge.” Prior Dec. 5 (emphases added).

In the present rejection under review, the Examiner has relied upon the Regions reference to teach and suggest that the mobile application allows the user to bank securely, through a mobile application, where the user can review accounts, view account history, and make payments which would allow the user to view the charges which would notify the customer through an application that the customer has paid a charge (without the additional option to dispute the charge). Final Act. 19.

It is well settled that, during patent examination, claims must be given their broadest reasonable interpretation consistent with the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc). The broadest reasonable interpretation standard requires the words of the claims to be given their “broadest reasonable meaning . . . in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant’s specification.” *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). However, although we interpret claims broadly but reasonably in light of the Specification, we nonetheless must not import limitations from the Specification into the claims. *See Phillips*, 415 F.3d at 1323 (citations omitted).

We find the broadest reasonable interpretation of the claim limitation “notifying the customer through the application that the customer has paid the toll charge” encompasses the teachings and suggestions of the Regions reference that allows the user to be notified through the mobile application.<sup>5</sup>

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<sup>5</sup> We note that the language of independent claim 1 does not specifically recite “sending a notification,” or “receiving a notification” but merely

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We agree with the Examiner that the Regions reference teaches and suggests the claimed “notifying the customer” step. We further note that the Yamaguchi reference also discloses the use of an application on a mobile device/cell phone to teach and suggests handshaking emails between the mobile device, the toll system and the cellular phone company and provides communications to the cellular phones of each of the users when they split the toll. (Yamaguchi ¶¶ 49, 50, 53, 55; *see also* Final Act. 18, citing Yamaguchi ¶ 50.)

Therefore, Appellant has not shown error in the Examiner’s factual findings or conclusion of obviousness of representative independent claim 1, and independent claim 10 not separately argued.

#### *Dependent Claims*

With respect to dependent claims 4, 6–8, 12, 13, and 16–18, Appellant argues that the claims depend from independent claims 1 and 10 and are allowable due to their dependency. Appeal Br. 29–31. Because Appellant identified no deficiency in the Examiner’s factual findings or conclusion of obviousness of representative independent claim 1, we find Appellant’s argument to be unavailing to show error in the Examiner’s conclusion of obviousness of the dependent claims.

### CONCLUSIONS

The Examiner’s patent eligibility and obviousness rejections are affirmed.

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“notifying the customer through the application that the customer has paid the toll charge.”

DECISION SUMMARY

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1-13, 15-18	101	Patent eligibility	1-13, 15-18	
1-3, 5, 9-11	103(a)	Tuton, Yamauchi, Regions	1-3, 5, 9-11	
4	103(a)	Tuton, Yamauchi, Regions, Fraser	4	
6, 15-18	103(a)	Tuton, Yamauchi, Regions, Dasgupta	6, 15-18	
7, 13	103(a)	Tuton, Yamauchi, Regions, Solomon	7, 13	
8	103(a)	Tuton, Yamauchi, Regions, Mussman	8	
12	103(a)	Tuton, Yamauchi, Regions, Medina	12	
<b>Overall Outcome</b>			1-13, 15-18	

TIME PERIOD FOR RESPONSE

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