UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/264,754	11/04/2008	Richard Lasota	702410	1777

23460   7590   09/01/2020
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

EXAMINER
MADAMBA, CLIFFORD B

ART UNIT	PAPER NUMBER
3692	

NOTIFICATION DATE	DELIVERY MODE
09/01/2020	ELECTRONIC

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

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

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Chgpatent@leydig.com

UNITED STATES PATENT AND TRADEMARK OFFICE
_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD
_____

Ex parte RICHARD LASOTA, PAUL CAHILL, and
PAUL DIPAOLA
_____

Appeal 2019-006446
Application 12/264,754
Technology Center 3600
_____

Before CAROLYN D. THOMAS, KARA L. SZPONDOWSKI, and
MICHAEL M. BARRY, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the
Examiner's decision to reject claims 1–7 and 9–22, constituting all pending
claims in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

---

[1] We use the word "Appellant" to refer to "applicant" as defined in 37
C.F.R. § 1.42. Appellant identifies the real party in interest as American
International Group, Inc. Appeal Br. 1.

STATEMENT OF THE CASE

Appellant's invention generally relates to "generating an estimate of the loss caused by a major loss event." Spec. ¶ 2. Claim 1, reproduced below, is representative of the claimed subject matter:

1.   A method for making a loss estimate of an insurance company resulting from a loss event, the method comprising:

operating an initial net loss projection server to execute a loss estimate collaboration program stored on a physical computer-readable medium to provide a common information repository on a computer network accessible by computers connected to the computer network, the initial net loss projection server in operable arrangement with electronic database of information concerning in-force insurance policies issued by the insurance company, the information including the name of the insured;

independent of receiving a notification of an insurance claim under one or more of said in-force policies, operating the initial net loss projection server to execute the loss estimate collaboration program to send an electronic initial alert message over the computer network to respective email addresses of members of a loss projection team, the initial alert message indicating that an initial loss estimate for the loss event is to be generated, the email addresses of the members of the loss projection team being identified by the initial net loss projection server from a pool of users in an electronic database containing user information;

storing, through one of the computers connected to the computer network, electronic information files in the common information repository, each information file comprising data concerning the loss event;

in response to the storing of each of the electronic information files in the common information repository,

automatically issuing by the initial net loss projection server a notification message over the computer network to the email address of each member of the loss projection team according to a notification level attributed to the respective member;

accessing, through at least one of the computers operably connected to the network, the information files in the common information repository to identify entities involved in, or affected by, the loss event;

for each entity identified as being involved in, or affected by, the loss event, determining whether said entity has an insurance policy from the insurance company that is in force as of the loss event by using the initial net loss projection server to search the electronic database of information concerning in-force insurance policies issued by the insurance company to identify a set of in-force policies that the insurance company has issued to any of the entities identified as being involved in, or affected by, the loss event;

storing, through one of the computers connected to the computer network, electronic policy information in the common information repository, the electronic policy information comprising information regarding the in-force policies of the identified entities;

in response to storing the electronic policy information in the common information repository, automatically issuing by the initial net loss projection server an electronic policy alert message over the computer network to at least one email address of one member of the loss projection team, the policy alert message indicating that the common information repository includes the electronic policy information;

selecting, through one of the computers connected to the computer network, in-force policies to be included in the initial loss estimate for the loss event from the set of identified in-force policies by setting a respective edit field in a graphical user interface associated with each of the selected in-force policies to an include status;

generating, using the initial net loss projection server to execute the loss estimate collaboration program, the initial loss estimate for the loss event based on the selected in-force policies by summing a respective net policy dollar limit of each of said selected in-force policies.

REJECTIONS

Claims 1–7 and 9–22 stand rejected under 35 U.S.C. § 101 as directed to a judicial exception without reciting significantly more.

Claims 1–7, 9, and 11–22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Aquila et al., US 2002/0035488 Al (published Mar. 21, 2002) ("Aquila"), Generous et al. US 2002/0120697 A1 (published Aug. 29, 2002) ("Generous"), Brumfield, US 2007/0043821 Al (published Feb. 22, 2007) ("Brumfield"), and Zizzamia et al., US 2006/0136273 Al (published June 22, 2006) ("Zizzamia").

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Aquila, Generous, Brumfield, Zizzamia, and Vinyard, US 2007/0005401 Al (published Jan. 4, 2007) ("Vinyard").

ANALYSIS

35 U.S.C. § 101 Rejections

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 U.S. 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 Court's two-part 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*, 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 waterproof cloth, vulcanizing India rubber, smelting ores" (*id.* at 182 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))).

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-

5

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 USPTO has published guidance on the application of § 101. *See*

USPTO's January 7, 2019 Memorandum, 2019 Revised Patent Subject

Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) ("2019

Guidance"); October 2019 Update: Subject Matter Eligibility, 84 Fed. Reg.

55,942 (available at the USPTO's website) ("October 2019 PEG Update").

Under the 2019 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) ("Step 2A, Prong One"); and
>
> (2) additional elements that integrate the judicial exception into a
> practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h) (9th ed.
> Rev. 08.2017, Jan. 2018)) ("Step 2A, Prong Two").[2]

2019 Guidance, 84 Fed. Reg. at 52–55.

---

[2] This evaluation is performed by (a) identifying whether there are any
additional elements recited in the claim beyond the judicial exception, and
(b) evaluating those additional elements individually and in combination to
determine whether the claim as a whole integrates the exception into a
practical application. *See* 2019 Revised Guidance - Section III(A)(2), 84
Fed. Reg. 54–55.

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look, under Step 2B, 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.

2019 Guidance, 84 Fed. Reg. at 52–56.

<u>2019 Guidance, Step 2A, Prong One</u>

The Examiner determines the claims describe "steps facilitating making an insurance company a loss estimate associated with a loss event," which recite a fundamental economic practice, certain methods of organizing human activity, and mental processes. Final Act. 16–17.

Appellant does not expressly dispute the Examiner's findings and conclusions under Step 2A, Prong One. *See* Appeal Br. 5–10.

We agree with the Examiner that the claims recite an abstract idea, specifically, a mental process. *See* Final Act. 16–17; Ans. 5. For example, the claims recite several steps that can be practically performed by a human being, and, therefore, recite a mental process. For example, the claims recite "accessing . . . the information files in the common information repository to identify entities involved in, or affected by, the loss event," "for each entity identified as being involved in, or affected by, the loss event, determining whether said entity has an insurance policy from the insurance company that is in force as of the loss event by using the initial net loss projection server

to search the electronic database of information concerning in-force insurance policies issued by the insurance company to identify a set of in-force policies that the insurance company has issued to any of the entities identified as being involved in, or affected by, the loss event," "selecting . . . in-force policies to be included in the initial loss estimate for the loss event from the set of in-force policies by setting a respective edit field in a graphical user interface associated with each of the selected in-force policies to an include status," and "generating . . . the initial loss estimate for the loss event based on the selected in-force policies by summing a respective net policy dollar limit of each of said selected in-force policies." Appeal Br., Claims App'x 20.

Appellant's Specification supports that the foregoing limitations may be performed by a human being. *See, e.g.*, Spec. ¶¶ 47–56. For example, Appellant describes that the news reports can be reviewed to identify the entities involved in, or impacted by the major loss event. Spec. ¶ 47. "The task of reviewing media coverage to collect facts surrounding the MLE and to identify the entities involved in the MLE is *preferably performed by specially trained and experienced searchers*." *Id.* (emphasis added). After the entity is identified, Appellant describes that "*a member of the initial net loss projection team* can determine whether the identified entity is insured by the insurance company" by searching through a database. Spec. ¶ 49 (emphasis added). The search results concerning the in-force policies may then be stored and accessed by team members. Spec. ¶¶ 49–51. For example, "*[s]elected members of the team can review the policy information* to determine whether the particular policy is relevant to the incident." Spec. ¶ 51 (emphasis added). The Specification also describes an embodiment where "the list of policies in the . . . database includes an edit field *for a*

8

reviewer to indicate whether a policy is to be included in the initial net loss projection . . . ." Spec. ¶ 52 (emphasis added). Further, "*the contact person* for each division can aggregate the dollar limits of the relevant policies issued by that division to calculate the initial projected net loss exposure of that division." Spec. ¶ 56 (emphasis added).

Therefore, we conclude the claims recite at least a mental process pursuant to Step 2A, Prong One of the guidance. *See* 2019 Guidance, Section III(A)(1) (Prong One: Evaluate Whether the Claim Recites a Judicial Exception).

2019 Guidance, Step 2A, Prong Two

In determining whether the claims are "directed to" the identified abstract idea, we next consider whether the claims recite additional elements that integrate the judicial exception into a practical application.[3] We discern no additional element (or combination of elements) recited in the claims that integrates the judicial exception into a practical application. *See* 2019 Guidance, 84 Fed. Reg. at 54–55.

The Examiner finds the additional limitations are generic computer components that perform generic computer functions such as storing, receiving, and transmitting data, processing/executing computer instructions, and providing a connection among computer devices on a network. Final Act. 3–4, 18–19; Ans. 5–6.

---

[3] We acknowledge that some of the considerations at Step 2A, Prong Two, properly may be evaluated under Step 2 of *Alice* (Step 2B of the 2019 Revised Guidance). For purposes of maintaining consistent treatment within the Office, we evaluate them under Step 1 of *Alice* (Step 2A of the 2019 Revised Guidance). *See* 2019 Revised Guidance, 84 Fed. Reg. at 55 n.25, 27–32.

Appellant presents various arguments corresponding to Step 2A, Prong 2 of the 2019 Guidance. *E.g.*, Appeal Br. 7–10. For example, Appellant argues certain steps of claim 1 "identify particular devices and require a particularly-programmed machine." Appeal Br. 7. Appellant further argues the claims "are inextricably tied with a computer system to provide a particular network of interconnected computers and a particular communication and notification scheme configured to facilitate the generation of a loss estimate." *Id.* In particular, Appellant argues "the steps of claim 1 delineate a particular notification scheme tailored to help the members of the loss team collaborate together in a rapid manner to generate a loss estimate." *Id.* at *8*.

Appellant also argues the claims provide "a significant improvement over any existing technological process known at the time of the invention." *Id.* Specifically, Appellant argues the claimed approach "enables the collaborative, prompt generation of an initial net loss projection within a short time frame," "enables and encourages efficient collection and sharing of information required for initially projecting the net loss exposure faced by the company in a timely, efficient and accurate manner." *Id.*

Appellant also argues "the claimed solution is rooted in computer technology in order to overcome a problem specifically arising in the field of major loss events." *Id.* Appellant argues

> [t]he present claims specify how interactions with the net loss projection server and the common information repository occur to produce automatically occurring actions from the net loss projection server to yield a particular useful application to solve a persisting problem in the industry – namely, how to quickly develop a projection of the magnitude of damage caused by a loss event to a particular company. The present claims recite a specific way to automate the solution and enable users of the

> method to be located geographically apart from each other yet
> still be promptly informed of events occurring within the
> 'common information repository' through the use of alerts sent
> automatically via the loss collaboration program.

Id. at 9–10.

Appellant's arguments are not persuasive. We agree with the Examiner that the additional recited elements are generic computer system components. Final Act. 19; Ans. 5–6. For example, method claim 1 recites "operating an initial net loss projection server to execute a loss estimate collaboration program stored on a physical computer-readable medium to provide a common information repository on a computer network accessible by computers connected to the computer network, the initial net loss projection server in operable arrangement with an electronic database of information concerning in-force insurance policies issued by the insurance company . . .," "operating the initial net loss projection server to execute the loss estimate collaboration program to send an electronic initial alert message over the computer network . . .," "storing, through one of the computers connected to the computer network, electronic information files in the common information repository . . .," "in response to the storing of each of the electronic information files in the common information repository, automatically issuing by the initial net loss projection server a notification message over the computer network . . .," "through at least one of the computers operably connected to the network," "storing, through one of the computers connected to the computer network, electronic policy information in the common information repository . . .," "in response to storing the electronic policy information in the common information repository, automatically issuing by the initial net loss projection server an

11

electronic policy alert message over the computer network . . .," "through one of the computers connected to the computer network, "a respective edit field in a graphical user interface," and "using the initial net loss projection server to execute the loss estimate collaboration program." Appeal Br., Claims App'x 19–20.

We agree with the Examiner that these additional limitations recite generic computer components performing generic computer functions. *See* Final Act. 19; Ans. 5–6. Appellant's Specification does not indicate that these limitations are anything other than generic, nor does Appellant direct our attention to any evidence that they are not generic. *See, e.g.* Spec. ¶ 35 ("server 22 . . . can include a program running thereon that provides the functionality of an information repository 24 that can be accessed by users over the network 20 for storing, editing, and analyzing information and storing decision results"); Spec. ¶ 36 ("where the network 20 comprises the Internet"); Spec. ¶ 37 ("information repository can include a database"); Spec. ¶ 39 ("[a] database 38 of insurance policy and reinsurance information . . ."); Spec. ¶ 43 ("information repository 24 is implemented as an electronic collaboration site ('ECS')"); Spec. ¶ 58 ("ECS . . . includes web pages designed to make it easy for a user to add, review, and edit information").

We find no indication in the Specification, nor does Appellant direct us to any indication, that the operations recited by the claims invoke any 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 (e.g., storing, receiving, and transmitting data). *See DDR Holdings, LLC v. Hotels.com, L.P.*, 773

F.3d 1245, 1256 (Fed. Cir. 2014) ("[A]fter *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent- eligible."). The claims merely add generic computer components to support the abstract idea, which is insufficient to integrate the judicial exception into a practical application.

Moreover, we are unpersuaded the claims constitute an improvement to the functioning of the computer or to any other technology or technical field; they merely adapt the abstract idea to an execution of steps performed on a computer. *See Credit Acceptance Corp. v. Westlake Services*, 859 F.3d 1044, 1055 (Fed. Cir. 2017) ("Our prior cases have made clear that mere automation of manual processes using generic computers does not constitute a patentable improvement in computer technology."). The problem described in Appellant's Specification pertains to providing an accurate initial net loss projection after the occurrence of a major loss event, given the complexities within the conventional corporate structure of an insurance company. *E.g.*, Spec. ¶¶ 3–8. Appellant explains:

> The unique collaborative process in accordance with the invention enables and encourages efficient collection and sharing of information required for initially projecting the maximum net loss exposure faced by the company in a timely, efficient and accurate manner. This can be achieved by defining roles and responsibilities for the MLE process coordinators and other participants in various parts of the insurance company (e.g., Claims, Underwriting, and Reinsurance divisions) so that they can work together in an organized way to determine the initial net loss projection.

Spec. ¶ 70. Appellant's invention is not directed to a solution to a technical problem, but rather is directed to an improved collaboration process related to a business problem. The claims do not recite an advance in hardware or

software that improves this process, but rather, any improvement is to the process itself, e.g., the abstract idea.

Accordingly, we determine the claims do not integrate the judicial exception into a practical application. *See* 2019 Guidance, Section III(A)(2) (Prong Two: If the Claim Recites a Judicial Exception, Evaluate Whether the Judicial Exception Is Integrated Into a Practical Application). We, therefore, agree with the Examiner that the claims are directed to a judicial exception. *See* Final Act. 15–17; Ans. 3–6.

2019 Guidance, Step 2B

Turning to step 2 of the *Alice/Mayo* framework, we look to whether the claims: (a) add a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field, or (b) simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. 2019 Guidance, 84 Fed. Reg. at 56.

As discussed above, the Examiner determines the claims recite generic computer components that perform generic computer functions that are well-understood, routine, and conventional activities, such as storing, receiving, transmitting, and calculating data. Final Act. 19; Ans. 5–7.

Appellant argues "[t]he steps of claim 1 include meaningful limitations that go far beyond what is well understood, routine, and conventional in the field." Appeal Br. 10.

We are not persuaded by Appellant's arguments and agree with the Examiner's findings and conclusions. Final Act. 19–20; Ans. 6–7. When viewed as a whole, nothing in the claim adds significantly more (i.e., an inventive concept) to the abstract idea. Similarly, the additional elements in the claim, identified above, amount to no more than mere instructions to

apply the exception using generic computer components, which is insufficient to provide an inventive concept. *See, e.g.,* Spec. ¶¶ 35–37, 39, 43, 58. As discussed above, Appellant does not direct our attention to anything in the Specification that indicates the claimed computer components perform anything other than well-understood, routine, and conventional processing functions. *See Elec. Power Grp., LLC v. Alstom SA*, 830 F.3d 1350, 1355 (Fed. Cir. 2016) ("Nothing in the claims, understood in light of the specification, requires anything other than off-the-shelf, conventional computer, network, and display technology for gathering, sending, and presenting the desired information"); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014) ("That a computer receives and sends the information over a network—with no further specification—is not even arguably inventive"); *Alice*, 573 U.S. at 224–26 (receiving, storing, sending information over networks insufficient to add an inventive concept). In short, each step does no more than require a generic computer to perform generic computer functions.

Furthermore, we are unable discern anything in the claims, even when the recitations are considered in combination, that represents something more than the performance of routine, conventional functions of a generic computer. That is, the claims at issue do not require any nonconventional computer components, or even a "non-conventional and non-generic arrangement of known, conventional pieces," but merely call for performance of the storing, receiving, and transmitting data "on a set of generic computer components." *Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016).

To the extent Appellant argues the claims necessarily contain an "inventive concept" based on their alleged novelty or non-obviousness over

15

the cited references, Appellant misapprehends the controlling precedent. Although the second step in the *Alice/Mayo* framework is termed a search for an "inventive concept," the analysis is not an evaluation of novelty or non-obviousness, but rather, a search for "an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'" *Alice*, 573 U.S. at 217–218. A novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible. *See Mayo*, 566 U.S. at 90.

Appellants' preemption argument (Appeal Br. 10) is likewise unpersuasive of Examiner error. Although preemption "might tend to impede innovation more than it would tend to promote it, 'thereby thwarting the primary object of the patent laws'" (*Alice*, 134 S. Ct. at 2354 (citing *Mayo*, 132 S. Ct. at 1293)), "the absence of complete preemption does not demonstrate patent eligibility." *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015); *see also OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015) ("[T]hat 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.").

Appellant does not separately argue the dependent claims. *See generally* Appeal Br. Accordingly, for the foregoing reasons we sustain the Examiner's 35 U.S.C. § 101 rejection of claims 1–7 and 9–18.

35 U.S.C. § 103(a) Rejections

Appellant argues the combination of references fails to teach or suggest "independent of receiving a notification of an insurance claim under one or more of said in-force policies," as recited in claim 1. Appeal Br. 14–

15. Specifically, Appellant argues that "Aquila is concerned with managing claims that have been reported to a company through its commercial participants," and, therefore, fails to teach or suggest "making a *loss estimate* of an insurance company resulting from a loss event separate from completing steps for arriving at the settlement of the actual claim." *Id.* at 14. Appellant argues that Aquila's estimates all pertain to a *filed claim*, and, therefore, do not teach or suggest the claimed "independent of receiving a notification of an insurance claim under one or more of said in-force policies," as well as other steps that are predicated upon this limitation, such as, for example, "identify[ing] entities involved in, or affected by, the loss event," "determining whether said entity has an insurance policy from the insurance company that is in-force as of the loss event . . .," and "selecting . . . in-force policies to be included in the initial loss estimate [for the loss event] from the set of identified in-force policies . . . ." *Id.* at 15. Appellant further argues Generous, Brumfield, and Zizzamia fail to cure the deficiencies of Aquila. *Id.* at 16–17

We are persuaded by Appellant's arguments. The Examiner primarily relies on Aquila to teach or suggest the limitations in claim 1, including the limitation

> *independent of receiving a notification of an insurance claim under one or more of said in-force policies*, operating the initial net loss projection server to execute the loss estimate collaboration program to send an electronic initial alert message over the computer network to respective email addresses of members of a loss projection team, the initial alert message indicating that an initial loss estimate for the loss event is to be generated, the email addresses of the members of the loss projection team being identified by the initial net loss projection server from a pool of users in an electronic database containing user information,

Final Act. 22–23 (emphasis added). However, the Examiner's findings do not explicitly address the portion of the limitation "independent of receiving a notification of an insurance claim under one or more of said in-force policies." Final Act. 22–23; Ans. 16—17. Rather, the Examiner's findings are directed to disclosure in Aquila relating to assigning tasks (e.g., damage or loss estimation) to an entity in association with an insurance event, and notifying the entity of the assignment. *Id.* Aquila is directed to managing, administering, and tracking insurance *claims*. Aquila Abstract; ¶ 3. Aquila's process begins with the receipt of an insurance *claim*. *E.g.*, Aquila ¶ 67 ("the system and method processes, tracks, and releases funds for claims made upon insurance policies . . ."); ¶ 102 ("[t]he assignment sub-system 230 receives the claim . . . identifies the assignee most qualified for the assignment . . . makes the assignment . . . and notifies the assignee"); Figs. 3, 4, 5A, 5B, 11, Fig. 11. The Examiner is correct that a loss estimate task may be assigned to a user, however, the estimate is *associated with a claim*. Aquila ¶¶ 114, 166. We do not see, and the Examiner has not identified, where Aquila teaches or suggests that such processing occurs "independent of receiving a notification of an insurance claim under one or more of said in-force policies." Ans. 3.

We are, therefore, constrained by the record before us to find that the Examiner erred in rejecting independent claim 1, and for the same reasons, dependent claims 2–7 and 9–22.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference (s)/Basis	Affirmed	Reversed
1–7, 9–22	101	Eligibility	1–7, 9–22	
1–7, 9, 11–22	103(a)	Aquila, Generous, Brumfield, Zizzamia		1–7, 9, 11–22
10	103(a)	Aquila, Generous, Brumfield, Zizzamia, Vinyard		10
Overall Outcome			1–7, 9–22	

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