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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LANCE W. GRUNER

Appeal 2020-000406
Application 13/777,733
Technology Center 3600

Before ST. JOHN COURTENAY III, JOYCE CRAIG, and
SCOTT E. BAIN, *Administrative Patent Judges*.

CRAIG, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, and 42–44. *See* Final Act. 1. 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 Western Union Company of Denver, Colorado. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to performing on-line money transfers from a remote location, such as by ship crew members while off-shore. Spec. 2.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for processing a transfer requested from a remote mobile location, comprising:

receiving, at a host computer system, a transfer request from a remote computer system operating at a mobile off-shore location, wherein the request is received over a first transmission path including an Internet Protocol (IP) network and a first satellite system router configured to receive and route Internet messages transmitted from the mobile off-shore location to the host computer system, wherein the transfer request corresponds to a request from a first user of the remote computer system requesting a value transfer between the first user and a second user, and wherein transfer request includes at least:

- (i) a first user identifier corresponding to the first user;
- (ii) a device identifier of the remote computer system from which the transfer request was transmitted; and
- (iii) path data of the transfer request, the path data comprising a plurality of network addresses appended to the request, each of the plurality of network addresses corresponding to a network node in the first transmission path over which the transfer request was transmitted from the remote computer system to the host computer system;

receiving and storing, by the host computer system, one or more data feeds comprising data identifying (a) a plurality of eligible users, (b) device identifiers corresponding to each of the eligible users, and (c) path data identifiers corresponding to each of the eligible users, wherein at least one of the one or more data feeds is received over a network path different from the first transmission path;

determining, by the host computer system, whether or not to process the received transfer request, wherein said determining comprises:

(a) determining that the first user identifier corresponding to the first user matches a first eligible user of the plurality of eligible users identified in the received data feed data;

(b) comparing, by the host computer system, the device identifier of the remote computer system, to the one or more stored device identifiers in the received data feed data corresponding to the first eligible user; and

(c) comparing, by the host computer system, the path data of the received transfer request, to the path data identifiers corresponding to the first eligible user, wherein said comparing comprises extracting two or more of the network addresses appended to the received transfer request, and comparing each of the two or more network addresses to the path data identifiers corresponding to the first eligible user; and

processing the received transfer request, in response to determining that (i) the first user identifier received in the request matches the first eligible user (ii) the device identifier of the remote computer system from which the request was received matches one or more of the stored device identifiers corresponding to the first eligible user, and (iii) that the network addresses appended to the received request matches the one or more path data identifiers corresponding to the first eligible user.

REJECTION

Claims 1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, and 42–44 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to a judicial exception, without significantly more. Final Act. 2–7.

Claims 1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, and 42–44 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Oskolkov et al., (US 2013/0060708 A1, published Mar. 7, 2013) (“Oskolkov”), Turanyi et al., (US 2008/0316956 A1, published Dec. 25, 2008) (“Turanyi”), and Bardalai et al., (US 2007/0230362 A1, published Oct. 4, 2007) (“Bardalai”). Final Act. 7–16.

ANALYSIS

Rejection of Claims Under 35 U.S.C. § 101

Appellant argues that the Examiner’s rejection of claim 1 under 35 U.S.C. § 101 as directed to patent-ineligible subject matter is in error. To the extent Appellant has not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. 37 C.F.R. § 41.37(c)(1)(iv). Appellant argues claims 1, 2, 7, 8, 16, 17, 22, 23, 28 30, 31, 33–40, and 42–44 as a group. *See* Appeal Br. 18. Given our discretion under 37 C.F.R. § 41.37(c)(1)(iv), we decide the § 101 rejection of claims 1, 2, 7, 8, 16, 17, 22, 23, 28 30, 31, 33–40, and 42–44 based on representative claim 1.

Principles of Law

“Whether a claim is drawn to patent-eligible subject matter is an issue of law that we review de novo.” *SiRF Tech., Inc. v. Int’l Trade Comm’n*, 601 F.3d 1319, 1331 (Fed. Cir. 2010).

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))).

In *Diehr*, the claim at issue recited a mathematical formula, but the 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 187; *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 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.* (citation omitted)

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

In January 2019, the U.S. Patent and Trademark Office (USPTO) published revised guidance on the application of § 101. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“2019 Revised Guidance”).² “All USPTO personnel are, as a matter of internal agency management, expected to follow the guidance.” *Id.* at 51; *see also* October 2019 Update at 1.

Under the 2019 Revised Guidance and the October 2019 Update, we first look to whether the claim recites:

² In response to received public comments, the Office issued further guidance on October 17, 2019, clarifying the 2019 Revised Guidance. USPTO, *October 2019 Update: Subject Matter Eligibility* (the “October 2019 Update”) (available at https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf).

(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”).³

2019 Revised Guidance, 84 Fed. Reg. at 52–55.

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 Revised Guidance, 84 Fed. Reg. at 52–56.

Step 1

Claim 1, as a method claim, falls within the process category of § 101. *See* Office Guidance, 84 Fed. Reg. at 53–54 (citing MPEP §§ 2106.03, 2106.06).

³ 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.

Step 2A(i): Does the Claim Recite a Judicial Exception?

The Examiner determined that claim 1 recites an abstract fundamental economic practice. Ans. 6; Final Act. 5. In particular, the Examiner determined that the claimed invention recites the abstract idea of funds transfer between on-shore and off shore locations, which is a fundamental economic practice. Ans. 4. Because claim 1 has been amended to no longer recite that the requested transfer is a “money transfer,” on the record before us, we do not agree with the Examiner that claim 1 recites a fundamental economic practice involving the transferring of funds. *See* Amendment Accompanying Request for Continued Examination, Amendments to the Claims (claim 1), dated Apr. 2, 2018.

We nevertheless conclude that claim 1 recites an abstract idea. Consistent with Appellant’s description of the claims (Spec. ¶¶ 4–5), the “determining” and “comparing” steps, as recited in Appellant’s claim 1, could be performed by a person as a mental process, which is a category of abstract idea identified by the 2019 Revised Guidance. *See CyberSource Corp. v. Retail Decisions*, 654 F.3d 1366, 1372–73 (“[A] method that can be performed by human thought alone is merely an abstract idea and is not patent-eligible under § 101.”); *see also In re Comiskey*, 554 F.3d 967, 979 (Fed. Cir. 2009) (“[M]ental processes—or processes of human thinking—standing alone are not patentable even if they have practical application.”); *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972) (“Phenomena of nature, . . . mental processes, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work.” (Emphasis added)).

Mental processes are concepts performed in the human mind (including an observation, evaluation, judgment, opinion). 2019 Revised Guidance at 52. Mental processes remain unpatentable even when automated to reduce the burden on the user of what once could have been done with pen and paper. *CyberSource*, 654 F.3d at 1375 (“That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in *Gottschalk v. Benson*”).

Here, the step of determining whether or not to process the received transfer request could be performed in the human mind, or practicably with pen and paper, and involves observation, evaluation, judgment, and opinion. Similarly, determining that a first user identifier corresponding to a first user matches a first eligible user of the plurality of eligible users identified in the received data feed data requires at least observation and evaluation. With regard to the remaining “determining” and “comparing” steps, courts have held that collecting and comparing/analyzing information, in a way that can be performed mentally, or is analogous to human mental work, fall within the realm of abstract ideas. *See, e.g., Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016) (“we have treated analyzing information by steps people go through in their minds . . . without more, as essentially mental processes within the abstract-idea category”); *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1095 (Fed. Cir. 2016) (collecting and analyzing information are mental processes within the abstract-idea category); *CyberSource*, 654 F.3d at 1372 (holding claims to obtaining and comparing data as unpatentable mental processes, because the steps can be performed in the human mind, or by a human using a pen and paper).

Based on the forgoing, claim 1 fits squarely into the Guidance's subject-matter grouping of mental processes and therefore recites an abstract idea. We now proceed to Prong 2 to determine whether the claims are directed to the abstract idea.

Step 2A(ii): Judicial Exception Integrated into a Practical Application?

We next determine whether the recited judicial exception is integrated into a practical application of that exception by: (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application.

We use the term "additional elements" for claim features, limitations, or steps that the claim recites beyond the identified judicial exception. *See* 2019 Revised Guidance at 55 n.24. In claim 1, the additional elements include the limitations "host computer system," "remote computer system," the "receiving" limitation, the "receiving and storing" limitation, and the "processing" limitation. We note that the "receiving" and "storing" limitations, as recited in claim 1, amount to mere data gathering and thus are insignificant extra-solution processing that cannot integrate the abstract idea into a practical application. 2019 Revised Guidance, 55 n.31; *see also* MPEP § 2106.05(g). Similarly, the "processing" step amounts to insignificant post-processing activity. *See id.*

To integrate the exception into a practical application, the "host computer system" or "remote computer system" must, for example, improve the functioning of a computer or any other technology or technical field (*see* MPEP § 2106.05(a)), apply the judicial exception with a particular machine

(*see* MPEP § 2106.05(b)), affect a transformation or reduction of a particular article to a different state or thing (*see* MPEP § 2106.05(c)), or apply or use the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment (*see* MPEP § 2106.05(e)). *See* 2019 Revised Guidance.

The Examiner determined that none of the additional limitations is sufficient to amount to significantly more than the judicial exception because the additional computer elements “do not purport to improve the functioning of a computer or effect an improvement in any other technology or technical field.” Final Act. 5. The Examiner determined that “the claims do not amount to significantly more than an instruction to apply the abstract idea of processing transactions between users using generic computers in a network.” *Id.*

Appellant argues that “claim 1 meaningfully limits the processing of any transfer request according to a user identifier, device identifier, and path data associated with the request. At least these limits meaningfully limit transfer request processing by specific means of authorization of said transfer request.” Appeal Br. 11–12 (citing *McRO, Inc. v. Bandai Namco Games Am., Inc.*, 837 F.3d 1299 (Fed. Cir. 2016)). Appellant also argues that claim 1 recites “an improvement to the technology of Internet-based communication security” by expressing the technical solution of verifying an electronic communication via device identifier and message path to prevent fraudulent transactions. Appeal Br. 12–14.

Appellant’s arguments are not persuasive because they rely on claim limitations that are part of the abstract idea. Appellant has not shown that either of the additional elements in the claim (“host computer system” and

“remote computer system”) integrates the abstract idea into a practical application.

Moreover, Appellant’s claim 1 is unlike the technology-based integrations cited by Appellant. *See* Appeal Br. The patent-eligible claim in *McRO* focused on a specific asserted improvement in computer animation. The *McRO* court determined that *McRO*’s claim was not directed to an abstract idea because it “uses the limited rules in a process specifically designed to achieve an improved technological result” over “existing, manual 3-D animation techniques.” *McRO*, 837 F.3d at 1316. The claims in *McRO* recited a “specific . . . improvement in computer animation” using “unconventional rules that relate[d] sub sequences of phonemes, timings, and morph weight sets.” *McRO*, 837 F.3d at 1302–03, 1307–08, 1314–15. In *McRO*, “the incorporation of the claimed rules, not the use of the computer,” improved an existing technological process. *Id.* at 1314. Appellant does not direct us to any evidence that the claimed steps correspond to unconventional rules that are specifically designed to achieve an improved technological result.

Rather, claim 1 addresses determining whether or not to process the received transfer request by collecting, analyzing, and comparing data. *See* Spec. 4–5. Additionally, the claims in *McRO* were drawn to improvements in the operation of a computer at a task, rather than applying a computer system to perform generic data manipulation steps, as in Appellant’s claim 1. *See McRO*, 837 F.3d at 1314.

Considering claim 1 as a whole, then, Appellant’s invention lacks a technical solution to a technical problem like the claims in *McRO*. Claim 1 as a whole merely uses instructions to implement the abstract idea on a

computer or, alternatively, merely uses a computer as a tool to perform the abstract idea. Here, the additional limitation(s) do not integrate the judicial exception into a practical application. More particularly, the claims do not recite (i) an improvement to the functionality of a computer or other technology or technical field; (ii) a “particular machine” to apply or use the judicial exception; (iii) a particular transformation of an article to a different thing or state; or (iv) any other meaningful limitation. *See* 84 Fed. Reg. at 55. Rather, claim 1 recites an abstract ideas as identified in Step 2A(i), *supra*, and none of the limitations integrates the judicial exception into a practical application.

Therefore, because the abstract idea is not integrated into a practical application, we conclude that the claim is directed to the judicial exception.

Step 2B — “Inventive Concept” or “Significantly More”

If the claims are directed to a patent-ineligible concept, as we conclude above, we proceed to the “inventive concept” step. In Step 2B we must “look with more specificity at what the claim elements add, in order to determine ‘whether they identify an “inventive concept” in the application of the ineligible subject matter’ to which the claim is directed.” *Affinity Labs of Texas, LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1258 (Fed. Cir. 2016) (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016)). We look to see whether there are any “additional features” in the claims that constitute an “inventive concept,” thereby rendering the claims eligible for patenting even if they are directed to an abstract idea. *Alice*, 573 U.S. at 221. Those “additional features” must be more than “well-understood, routine, conventional activity.” *Mayo*, 566 U.S. at 79.

The Examiner determined that “the limitations—receiving and storing data feeds, determining user eligibility, comparing device identifier, path identifiers, and processing transfer request—recite no more than well-understood, routine, and conventional activities previously known in the industry.” Final Act. 7.

We agree with the Examiner. Paragraphs 51–55 of Appellant’s Specification describe computer systems upon which embodiments of the present invention may be implemented. *See* Spec. ¶ 51. The recited limitations “host computer system” and “remote computer system,” are described generically, and as containing generic components. *See* Spec. ¶¶ 51–55. Because the Specification describes the additional elements in general terms, without describing the particulars, we conclude the claim limitations may be broadly but reasonably construed as reciting conventional computer components and techniques, particularly in light of Appellant’s Specification, as cited above. *See Berkheimer Memo*⁴ § III.A.1; Spec. ¶¶ 51–55. We conclude claim 1 does not have an inventive concept because the claim, in essence, merely recites various computer-based elements along with no more than mere instructions to implement the identified abstract idea using the computer-based elements.

⁴ “Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*)” at 3 (Apr. 19, 2018) (explaining that a specification that describes additional elements “in a manner that indicates that the additional elements are sufficiently well-known that the specification does not need to describe the particulars of such additional elements to satisfy 35 U.S.C. § 112(a)” can show that the elements are well understood, routine, and conventional).

Appellant argues that claim 1 “adds specific limitations or a combination of limitations that are not conventional activity in the field, which is indicative that an inventive concept is present.” Appeal Br. 14. Appellant argues that, “[i]n contrast to well-understood and conventional methods of the past, claim 1 provides an unconventional method for authorizing a received transfer request (i.e. electronic communication) according to various security parameters including a user identifier, a device identifier, and a data path identifier.” *Id.* at 15.

Appellant’s argument is unpersuasive. Appellant does not direct our attention to anything in the Specification that indicates the computer components perform anything other than well-understood, routine, and conventional functions, such as receiving data, storing data in a database, comparing data, and processing a request. *See 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”); *In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 614 (Fed. Cir. 2016) (server that receives data, extracts classification information from the received data, and stores the digital images insufficient to add an inventive concept); *Alice*, 573 U.S. at 225–26 (receiving, storing, sending information over networks insufficient to add an inventive concept).

Because the claims are directed to a judicial exception, without significantly more, we sustain the Examiner's § 101 rejection of independent claim 1 and grouped claims 2, 7, 8, 16, 17, 22, 23, 28 30, 31, 33–40, and 42–44, not argued separately with particularity.

Rejection of Claims Under 35 U.S.C. § 103(a)

We have reviewed the obviousness rejections of claims 1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, and 42–44 in light of Appellant’s arguments that the Examiner erred. We have considered in this decision only those arguments Appellant actually raised in the Briefs. Any other arguments Appellant could have made, but chose not to make, in the Briefs are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). Appellant’s arguments are not persuasive of error. We agree with and adopt as our own the Examiner’s findings of facts and conclusions as set forth in the Answer and in the Action from which this appeal was taken. We provide the following explanation for emphasis.

Appellant argues claims 1, 2, 7, 8, 16, 17, 22, 23, 28 30, 31, 33–40, and 42–44 as a group.⁵ *See* Appeal Br. 20. Given our discretion under 37 C.F.R. § 41.37(c)(1)(iv), we decide the rejection of claims 1, 2, 7, 8, 16, 17, 22, 23, 28 30, 31, 33–40, and 42–44 based on representative claim 1.

Appellant contends the cited portions of Oskolkov, Turanyi, and Bardalai do not teach or suggest

receiving, at a host computer, a transfer request from a remote computer system operating at a mobile off-shore location, and receiving and storing, by the host computer system, one or more data feeds comprising data identifying ... (c) path identifiers corresponding to each of the eligible users, where at least one of the data feeds is received over a network path different from the first transmission path,

⁵ With regard to dependent claim 8, which ultimately depends from claim 1, Appellant relies on arguments made with regard to claim 1 to further argue that “the cited documents cannot teach the path data comprising of specific data points as described in claim 8 and ultimately making the comparison based upon these specific data points as described claim 8.” Appeal Br. 21.

as recited in claim 1. Appeal Br. 18. According to Appellant, the method of claim 1 recites that a transfer request is sent over a first transmission path and at least one data feed containing path data identifiers is sent over a network path different from the first transmission path. *Id.*

We are not persuaded that the Examiner erred. Appellant has not persuasively rebutted the Examiner’s findings. For example, while Appellant addresses Turanyi paragraphs 46 and 47 in the Appeal Brief, Appellant did not address the Examiner’s responses and additional findings, made in the Answer. *See* Ans. 12–16 (citing Turanyi ¶¶ 33, 35, 36, 46, 47, 62, 76, 78, 79, and 94); Reply Br. 5.

Because Appellant has not persuasively rebutted the Examiner’s findings, we are not persuaded that the Examiner erred in finding that Oskolkov, Turanyi, and Bardalai teaches or suggests the disputed “receiving” limitation, set forth above.

Appellant further argues that the Examiner erred because the combination of Oskolkov, Turanyi, and Bardalai fails to teach or suggest

(c) comparing, by the host computer system, the path data of the received transfer request, to the path data identifiers corresponding to the first eligible user, wherein said comparing comprises extracting two or more of the network addresses appended to the received transfer request, and comparing each of the two or more network addresses to the path data identifiers corresponding to the first eligible user . . . iii) that the network addresses appended to the received request matches the one or more path data identifiers corresponding to the first eligible user,

as recited in claim 1. Appeal Br. 19–20.

We are not persuaded that the Examiner erred. Again, Appellant did not address the Examiner’s responses and additional findings, made in the

Answer. *See* Ans. 16–18 (citing Turanyi ¶¶ 19, 36, 46, 47, 78, 94); Oskolkov ¶ 143); Reply Br. 5.

Because Appellant has not persuasively rebutted the Examiner’s findings, we are not persuaded that the Examiner erred in finding that the combination of Oskolkov, Turanyi, and Bardalai teaches or suggests the disputed “comparing” limitation, set forth above.

Accordingly, we sustain the Examiner’s § 103(a) rejection of independent claim 1, as well as the Examiner’s § 103(a) rejection of independent claims 16 and 37, not argued separately with particularity. Appeal Br. 18. We also sustain the Examiner’s § 103(a) rejection of dependent claims 2, 7, 8, 17, 22, 23, 28, 30, 31, 33–36, 38–40, and 42–44, argued as a group with claim 1. *Id.* at 20.

DECISION

We affirm the Examiner’s decision rejecting claims 1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, and 42–44.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, 42–44	101	Eligibility	1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, 42–44	
1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, 42–44	103(a)	Oskolkov, Turanyi, Bardalai	1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, 42–44	
Overall Outcome:			1, 2, 7, 8, 16, 17, 22, 23, 28, 30, 31, 33–40, 42–44	

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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