REMARKS

This is in response to the Final Office Action mailed on December 11, 2019 concerning the above-identified application.

Claims 1-5, 7-11 and 13-20 are pending in the application. Claims 1, 2, 7, 13, and 17 have been amended. No new matter has been added. Applicant submits that the changes to these claims make explicit that which applicant believed to be already implicit. Reconsideration of the application in light of the claim amendments and following remarks is respectfully requested.

Claim Rejections

<u>35 U.S.C. §101</u>

Claims 1-5, 7-11 and 13-20 stand rejected under 35 U.S.C. §101 on the grounds of the claimed invention being allegedly directed to non-patentable subject matter. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the amended independent claims, as well as the dependent claims that depend directly or indirectly therefrom, define subject matter that is patent eligible 35 U.S.C. §101. Applicant's invention as currently claimed in representative independent claim 1, includes "receiving a plurality of acceptances" of a promotion. Receiving each of the acceptances includes, "receiving ... from a respective publisher computing device, information representing a respective user of a user-computing device who accepted the promotion." Further, the at least one processor generates "a respective match key that uniquely represents the respective user," and transmits "the respective match key to at least one respective computing device having access to account information representing a plurality of transaction accounts of the respective user." Further, the "account information" is received "from the at least one respective computing device in response to the transmitted match key," and a "prompt" is generated that includes "selectable items, each respective item in the prompt representing a respective one of the plurality of transaction accounts." Thereafter, "information representing redemption of the promotion and a selection of one of the respective items in the prompt" is received and the promotion is associated "with the respective one transaction account represented by the selected one of the respective items in the prompt."

In accordance with independent claims 13 and 17, a "plurality of loyalty programs" are generated, "each associated with at least one respective promotion that includes an offer associated with a first good and/or service, wherein each of the at least one respective promotion is formatted for distribution among a respective one of a plurality of channels." Furthermore, and with regard to claims 1 and 7, "at least one of: i) the promotion, ii) targeting of the promotion to other users, and iii) a campaign associated with the promotion" is/are modified "as a function of the received selection of the one of the plurality of transaction accounts and/or associating the promotion with a selected one transaction account."

Applicant submits that these features in combination with the remaining features of the independent claims define subject matter that is eligible for patent protection under 35 U.S.C. §101.

The Office states that the claims recite an abstract idea. More particularly, the Office states that the claims recite certain methods of "organizing human activity," including "advertising, marketing, sales activities or behaviors, business relationships." See, *Final Office Action*, Page 6 (December 11, 2019). Moreover, the Office concludes that the claims are directed to an abstract idea "without reciting additional elements that integrate the judicial exception into a practical application." Applicant respectfully disagrees.

Applicant respectfully directs the Office to the Patent Office's October 2019 Update: Subject Matter Eligibility guidance. Applicant respectfully submits that, pursuant to the October 2019 Update, the amended independent claims include limitations that are indicative of integration of the abstract idea into a practical application.

More particularly, and without limitation, applicant's claimed invention generates and transmit the "match key" "to at least one respective computing device having access to account information representing a plurality of transaction accounts of the respective user." In response, applicant's claimed invention receives therefrom "the account information," and generates and provides a "prompt that includes selectable items, each respective item in the prompt representing a respective one of the plurality of transaction accounts" which are associable with the promotion. Thereafter, information representing "redemption of the promotion and a selection of one of the respective items in the prompt" is received and associated with "one transaction account represented by the selected one of the respective items in the prompt." This

combination of features recites a practical application of the abstract idea identified by the Office.

For example, and as set forth at paragraph [0044] of applicant's written disclosure, "[i]n this way, an entity having access to information to identify an individual, but with no access to financial information associated with the individual may now offer promotions, discounts or other financial benefits without requiring intrusive requests of the individual, as a function of the present application. Alternatively, personally identifiable information may not be transmitted. Instead, for example, unique user identifiers can get passed back and forth to ensure compliance with one or more privacy concerns, laws and/or policies." This avoids a need for account holders to provide personal account holder data, and account holders do not have to provide access to specific accounts. Applicant respectfully submits these key features for conducting commercial transactions is more efficient while simultaneously preserves the privacy of customers.

Thus, and for the foregoing reasons, applicant respectfully submits that the ordered and interrelated combination of features set forth in applicant's claims define patent-eligible subject matter. Accordingly, independent claims 1, 7, 13, and 17 are submitted to be not abstract and patentable.

Further, applicant submits that even assuming, *arguendo,* that the claims are directed to a judicial exception (as the Office concludes), applicant respectfully submits that the combination of features identified above and recited in the independent claims provide additional elements that are sufficient to amount to significantly more than the judicial exception. For example, and for the reasons set forth herein, the claims "improve upon an existing technological process" and are submitted to be patent-eligible.

Moreover, each of claims 2-6, 8-12, 14-16, and 18-20 depends directly or indirectly from independent claim 1, 7, 13, or 17, respectively, and is patentable for at least the same reasons, including in connection with the combination of features set forth in each of the claims with the features set forth in the base claim(s) from which it depends.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. §101 is respectfully requested.

Claims 3 and 9 stand rejected under 35 USC §112(a) on the grounds of allegedly failing to comply with the written description. Applicant respectfully traverses this rejection.

Claims 3 and 9 recite generating "a prediction of a user and/or group of users who will responds to the promotion" as a function of a "response model." At page 8 of the Final Office Action, the Office submits that "no information, like calculation method or algorithm is provided; i.e. HOW the function is performed." Further, the Office states, "while the specification discloses the function, it discloses neither the necessary structure, nor the necessary algorithm to perform the function, i.e. HOW the calculation is performed." Applicant respectfully disagrees.

The Office is respectfully directed to paragraph [0067] of applicant's written disclosure, which states, "analytics can be performed for information associated with performance (e.g., responses, conversions or the like) and used to build response models for predictions of future behavior of specific individuals and groups of users.

More particularly, the Office is directed to paragraph [0068] of applicant's written disclosure, which states:

> After one or more promotions are associated with respective transaction accounts (step 709, Fig. 7A), various analytics are performed in connection with the promotion and user activity therewith. For example, a *type of offer* that is in the promotion is analyzed (step 721). Example analytics regarding the offer can include, for example, the *nature of the offer (buy one, get one free; a percentage discount on a respective item; a percentage discount on a different related or unrelated item, etc.*). In addition, at step 723 *respective delivery channels of the promotion* are analyzed, such as w*hether a promotion is provided via a mobile computing platform ("apps"), via a personal computer ("PC") platform, via a gaming platform or other delivery channel.* Moreover, analytics on *specific data communication protocols and device operating systems* can be performed, such as to determine whether promotions are provided via *HTTP, SMS, via a mobile APP,* or other suitable protocol. Other analytics can regard *timing of promotions, such as day/week/month or time of day when a promotion is provided and/or available for redemption* (step 725). Still further, analytics can be performed for *specific characteristics of a promotion, such as creative elements (e.g., graphics, layout, and specific integration of a promotion into a publisher's site*) (step 727). *The analytics are usable, for example, to build statistical models that are usable for modifying promotions, such as to make offers richer or poorer, as a function of the models and the predicted target* (step 728). The modified promotion(s) can

thereafter, be transmitted to users, including via a publisher's site (step 729). (Emphasis added).

Furthermore, the Office is respectfully directed to paragraph [0069] of applicant's written disclosure, which states:

[O]ptimizing the targeting of users for transaction account-linked promotions [is supported], in accordance with the present application. After one or more promotions are associated with respective transaction accounts (step 709, Fig. 7A), *analytics are performed in connection with an individual user and/or groups of users* who responded to one or more promotions (step 731). Examples of variables that are used in such analytics can include *spending activity in specific categories of goods/services, frequency of purchases, how recently purchases have been made, corresponding purchases by related peer groups and determination of various response and spend patterns of one or more users*. Using various criteria associated with behavior, *response models can be generated*, including to determine a propensity of one or more users to be responsive in the future (step 733). At step 735, for example, *one or more predictions of a user and/or groups of users who will respond to a promotion* (e.g., *select the promotion, select a respective one of a plurality of transaction accounts to be applied to the promotion, and convert the promotion by purchasing*) can be generated. By *determining individuals and groups of individuals who are likely to be responsive to one or more promotions, optimizing and modifying targeting of high-value customers can be much more effective* (step 737).

Applicant respectfully submits that a person of ordinary sill in the art would recognize, in view of these example passages in combination with the remaining teachings of applicant's disclosure, that the inventors were in possession of the invention at the time the invention application was filed. Applicant submits that the features for generating the functions, as well as the corresponding structure and algorithms, in connection with claims 3 and 9 are disclosed in applicant's disclosure.

Reconsideration is respectfully requested.

35 U.S.C. §103

Claims 1-3, 5, 7-9, 11, 13-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Otto et al (US 2012/0323661), in view of Upadhya et al (US 2014/0365284) and further in view of Fordyce et al. (US 2008/0228582). Further, claims 4, 10 are rejected under 35 U.S.C.

103(a) as being unpatentable over Otto, in view of Upadhya, in further view of Fordyce, in further view of Saenz et al (US 2003/0216966). Applicant respectfully traverses these rejections.

Applicant respectfully submits that the invention as currently claimed regards a non-obvious combination of features that is not taught or suggested by Otto, Upadhya, and Fordyce. As noted herein, representative independent claim 1 as amended, for example, recites "receiving a plurality of acceptances" of a promotion. Receiving each of the acceptances includes, "receiving ... from a respective publisher computing device, information representing a respective user of a user-computing device who accepted the promotion." Further, "a respective match key [is generated] that uniquely represents the respective user," and is transmitted "to at least one respective computing device having access to account information representing a plurality of transaction accounts of the respective user." Further, the "account information" is received "from the at least one respective computing device in response to the transmitted match key," and a "prompt" is generated that includes "selectable items, each respective item in the prompt representing a respective one of the plurality of transaction accounts." Thereafter, "information representing redemption of the promotion and a selection of one of the respective items in the prompt" is received and the promotion is associated "with the respective one transaction account represented by the selected one of the respective items in the prompt."

As noted above and in accordance with independent claims 13 and 17, a "plurality of loyalty programs" are generated, "each associated with at least one respective promotion that includes an offer associated with a first good and/or service, wherein each of the at least one respective promotion is formatted for distribution among a respective one of a plurality of channels." Furthermore, and with regard to claims 1 and 7, "at least one of: i) the promotion, ii) targeting of the promotion to other users, and iii) a campaign associated with the promotion" is/are modified "as a function of the received selection of the one of the plurality of transaction accounts and/or associating the promotion with a selected one transaction account."

Applicant respectfully submits that the combination of features recited in currently amended independent claims 1, 7, 13, and 17 is not taught or suggested by Otto, Upadhya, and Fordyce.

For example, applicant respectfully maintains that Upadhya does not provide features that the Office notes are missing from the teachings of Otto, including applicant's claimed features of

"generating a match key" that "uniquely represents" a respective user who has "accepted the promotion." Furthermore, Upadhya does not teach or suggest "transmitting" the match key "to at least one respective computing device having access to the information representing the plurality of transaction accounts of the respective user."

Upadhya, instead, describes that a "master account may generate a unique key, set up rules associated with accessing the marketing resources, and associate the rules with the key." Upadhya's "master account may transmit the key to a potential new sub-account, and a user associated with the sub-account may submit a key into the online portal." (See paragraphs [0005]-[0007] of Upadhya). Further, paragraph [0031] of Upadhya recites, "[o]nce the key is submitted by the user associated with the potential new sub-account, the system 100 may determine if the submitted key is valid based on whether or not the submitted key matches the key generated by the master account. If the system 100 determines that the submitted key does not match the key generated by the master account, then the sub-account may be prevented by the system 100 from registering with the online portal. As a result, the system 100 may prevent the sub-account from accessing the resources of the master account, and, thus, prevent unauthorized access."

Applicant respectfully submits that Upadhya, despite describing use of a key to restrict access to a portal and corresponding rules, does not teach or suggest applicant's "matching key" as described herein. Upadhya does not regard generating a "key" that represents a person who accepts and redeems a promotion. Instead, Upadhya's security key is to "allow a local marketer [i.e., not a consumer] to access marketing resources for one or more brands through the use of a sub-account." (See, Upadhya's Abstract). In other words, Upadhya regards generating access keys for marketers to access Upadhya's portal for marketing purposes. Updahya does not teach or suggest generating a matching key representing a consumer in order to receive transaction account information of the consumer in a way that protects the consumer's privacy. One of ordinary skill applying the teachings of Upadhya would be unable to gain access to such sensitive information representing a consumer's transaction accounts by relying on the teaching of Upadhya and Upadhya's generic security keys.

Furthermore, applicant respectfully submits that Fordyce does not teach or suggest the features that the Office notes are missing from the teachings of Otto and Upadhya. Applicant

respectfully disagrees with the Office and submits that Fordyce does not teach or suggest applicant's claimed feature of "generating and providing a prompt that includes selectable items, each respective item in the prompt representing a respective one of the plurality of transaction accounts," as currently set forth in the respective independent claims. Instead, Fordyce enables "constituents to collaborate to construct, implement, [and/or] refine a loyalty program." (See, [0027] of Fordyce). Offers that are formed by Fordyce's collaborative system "may be targeted to a set of eligible consumers," such as described at [0027], but despite this apparent similarity, nowhere does Fordyce teach or suggest applicant's claimed "prompt" that includes "selectable items, each respective item in the prompt representing a respective one of the plurality of transaction accounts" of the user who accepted the promotion. As noted above, applicant's claimed "prompt" requires use of applicant's claimed "match key," which is transmitted to at least one respective computing device having access to "account information representing a plurality of transaction accounts of the respective user." In response to receiving account information therefrom, applicant's claimed "prompt" is generated that includes "selectable items, each respective item in the prompt representing a respective one of the plurality of transaction accounts" of the user who accepted the promotion. This is in no way taught or suggested by Fordyce, nor by the combination of Otto, Upadhya, and Fordyce.

Accordingly, applicant submits that features of the currently amended independent claims 1, 7, 13, and 17 are missing from the teachings of Otto, Upadhya, and Fordyce, or the teachings of Otto, Upadhya, Fordyce, and Saenz. Accordingly, claims 1, 7, 13, and 17 cannot be obvious in view of those references under 35 USC §103(a).

Further, dependent claims 2-5, 8-11, 14-16, and 18-20 are submitted to be patentable at least in view of their respective dependencies from the respective independent claims and in view of their own further recitations.

Applicant's decision not to address other specific features in the claims and/or the features of the dependent claims does not constitute an admission that such elements are disclosed by the cited art, but rather a recognition that such features are moot given the Office Action fails to provide a showing of the combination of features of the corresponding independent claims. Applicant reserves the option to comment on such elements in further prosecution.

Reconsideration is respectfully requested.

CONCLUSION

Applicant respectfully submits that all of the issues raised by the Office have been addressed and overcome by the present amendment.

In view of the foregoing, it is believed that the pending claims are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.
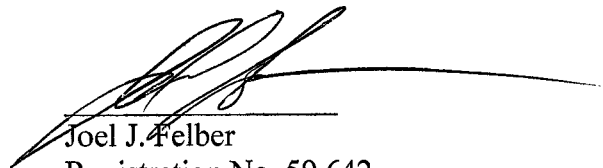
If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

It is believed that no fees are due or all fees have been paid; however, if the Patent Office believes that additional fees are due, the Patent Office is authorized to charge Deposit Account No. 50-4570.

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Respectfully submitted,

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