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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.

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DETAILED ACTION

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Applicant filed a response dated 1/21/2020 in which claims 1, 10-18, and 20 have been amended. Thus, the claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea of user interaction with regard to a transaction without significantly more.

Examiner has identified claim 1 as the claim that represents the claimed invention described in independent claims 1, 11, and 17.

Claim 1 is directed to a method, which is one of the statutory categories of invention (*Step 1: YES*).

The claim 1 recites a series of steps, e.g., receiving a request for *a webpage* including *a user interface widget*, the request received by *a computer system executing a browser*; causing *a portal service* to generate a first iteration of *a user interface widget* providing functionality for a first part of a transaction; fetching, *from the portal service*, the first iteration of *the user interface widget*; embedding the first iteration of *the user interface widget* into a first iteration of the *webpage*; providing the first iteration of the *webpage* to the *computer system*; causing *the portal service* to update the first iteration of *the user interface widget* to be a next iteration of *the user interface widget*, the next iteration of *the user interface widget* being generated as an updated iteration of the first iteration of *the user interface widget* based at least in part on detecting an interaction with the first iteration of *the user interface*

widget, the next iteration of *the user interface widget* providing functionality for a second part of the transaction; fetching, *from the portal service*, the next iteration of *the user interface widget*; embedding the next iteration of *the user interface widget* into a next iteration of the *webpage*; and providing the next iteration of *the webpage to the computer system*. These limitations describe the abstract idea of user interaction with regard to a transaction, which correspond, to a Certain Methods of Organizing Human Activity (commercial or legal interactions (business relations)). The limitations of a webpage, a user interface widget, a computer system executing a browser, and a portal service do not necessarily restrict the claim from reciting an abstract idea. Thus, the claim 1 recites an abstract idea (*Step 2A-Prong 1: YES*).

This judicial exception is not integrated into a practical application because the additional limitations of a webpage, a user interface widget, a computer system executing a browser, and a portal service result in no more than simply applying the abstract idea using generic computer elements. The additional elements are all recited at a high level of generality and under their broadest reasonable interpretation comprises a generic computing arrangement. The presence of a generic computer arrangement is nothing more than to implement the claimed invention (MPEP 2106.05(f)). Therefore, the recitations of additional elements do not meaningfully apply the abstract idea and hence do not integrate the abstract idea into a practical application. Thus, the claim 1 is directed to an abstract idea (*Step 2A-Prong 2: NO*).

The claim 1 does not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements of a webpage, a user interface widget, a computer system executing a browser, and a portal service are recited at a high level of generality in that it results in no more than simply applying the abstract idea using generic computer elements. The additional elements have been considered separately and as an ordered combination and do not

amount to add significantly more as these limitations provide nothing more than to simply apply the exception in a generic computer environment (*Step 2B: NO*). Thus, the claim 1 is not patent eligible.

Similar arguments can be extended to other independent claims 11 and 17 and hence the claims 11 and 17 are rejected on similar grounds as claim 1.

Dependent claims 2-10, 12-16, and 18-20 further define the abstract idea that is present in their respective independent claims 1, 11, and 17 and thus correspond to Certain Methods of Organizing Human Activity and hence are abstract in nature for the reason presented above. Dependent claims do not include any additional elements that integrate the abstract idea into a practical application or are sufficient to amount to significantly more than the judicial exception when considered both individually and as an ordered combination. Therefore, the claims 2-10, 12-16, and 18-20 are directed to an abstract idea. Thus, the claims 1-20 are not patent-eligible.

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6-17 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Johnson et al., US Patent Application No. 2012/0144527.

Regarding claim 1, Johnson discloses a computer-implemented method comprising:

receiving a request for a webpage including a user interface widget, the request received by a computer system executing a browser (abstract, [0008]-[0021], [0037], [0042]);

causing a portal service to generate a first iteration of a user interface widget providing functionality for a first part of a transaction ([0008]-[0012], [0037], [0042], [0079]);

fetching, from the portal service, the first iteration of the user interface widget ([0008]-[0012], [0037], [0042], [0079]-[0081]);

embedding the first iteration of the user interface widget into a first iteration of the webpage ([0079]-[0081]);

providing the first iteration of the webpage to the computer system ([0079]);

causing the portal service to update the first iteration of the user interface widget to be a next iteration of the user interface widget, the next iteration of the user interface widget being generated as an updated iteration of the first iteration of the user interface widget based at least in part on detecting an interaction with the first iteration of the user interface widget, the next iteration of the user interface widget providing functionality for a second part of the transaction ([0047], [0049], [0079]-[0081], [0098], [0111], design webpages that are contingent upon specific statistics gathered from individual users);

fetching, from the portal service, the next iteration of the user interface widget ([0079]-[0081]);

embedding the next iteration of the user interface widget into a next iteration of the webpage ([0079]-[0081]); and

providing the next iteration of the webpage to the computer system ([0079]-[0081], widgets for inserting financial transaction APIs, such as, for example, an API for PayPal, or a credit card processing API).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine different disclosures of Johnson. The motivation for combining different disclosures would have been to customize the widgets according to user's preferences.

Regarding claim 6, Johnson discloses wherein causing the portal service to generate the first iteration of the user interface widget includes accessing the portal service via a hypertext transfer protocol application programming interface ([0017]-[0018]).

Regarding claim 7, Johnson discloses wherein causing the portal service to generate the next iteration of the user interface widget includes accessing the portal service via a hypertext transfer protocol application programming interface ([0017]-[0018]).

Regarding claim 8, Johnson discloses wherein causing the portal service to generate the first iteration of the user interface widget includes providing a widget context to the portal service ([0008]-[0012], [0020]-[0021]).

Regarding claim 9, Johnson discloses wherein causing the portal service to generate the first iteration of the user interface widget includes providing a locale to the portal service ([0008]-[0012], [0020]-[0021]).

Regarding claim 10, Johnson discloses wherein causing the portal service to generate the first iteration of the user interface widget includes providing an identifier for the webpage to the portal service ([0008]-[0012], [0020]-[0021]).

Claims 11-17 are substantially similar to claims 1 and 6-10 and hence are rejected on similar grounds.

Claim 2 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Johnson et al., US Patent Application No. 2012/0144527 in view of Liddell et al., US Patent No. 8,640,064.

Regarding claim 2, Johnson discloses wherein the first iteration and the next iteration of the user interface widget comprise a script ([0116]), and

Liddell discloses the functionality for the first part of the transaction and the functionality for the second part of the transaction do not depend on execution of the script (col. 8, lines 20-31, provides every trace function an opportunity to modify the new value for the net).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the above-noted disclosure of Johnson to include the above-noted disclosure of Liddell. The motivation for combining these disclosures would have been to design a widget with a particular functionality.

Claim 3 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Johnson et al., US Patent Application No. 2012/0144527 in view of Doerksen et al., US Patent Application No. 2004/0015537.

Regarding claim 3, Doerksen discloses wherein the browser has blocked execution of scripts ([0121]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the above-noted disclosure of Johnson to include the above-noted disclosure of Doerksen. The motivation for combining these disclosures would have been to limit the functionality of the widget.

Claims 4-5 and 18-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Johnson et al., US Patent Application No. 2012/0144527 in view of Ventura, US Patent Application No. 2013/0103580.

Regarding claim 4, Ventura discloses wherein the functionality of the first part of the transaction includes presenting multiple payment plans ([0088], [0091]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the above-noted disclosure of Johnson to include the above-noted disclosure of Ventura. The motivation for combining these disclosures would have been to process a payment for the user.

Regarding claim 18, Ventura discloses a payment service for providing at least one of payment plans, payment methods, payment instruments, loyalty information, rewards information, promotions

information, non-payments data, address information, or preferences to the portal service ([0088], [0091]).

Johnson discloses

wherein the next iteration of the user interface widget provides functionality for the second part of the transaction based at least in part on data that is obtained from the payment service and used by the portal service to generate the next iteration of the user interface widget ([0047], [0049], [0079]-[0081], [0098], [0111], design webpages that are contingent upon specific statistics gathered from individual users).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the above-noted disclosure of Johnson to include the above-noted disclosure of Ventura. The motivation for combining these disclosures would have been to process a payment for the user.

Regarding claim 5, Ventura discloses wherein the functionality for the second part of the transaction includes applying a payment plan to a balance ([0088], [0091]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the above-noted disclosure of Johnson to include the above-noted disclosure of Ventura. The motivation for combining these disclosures would have been to process a payment for the user.

Regarding claim 19, Johnson discloses a routing service configured to route one or more requests from the computer system executing the browser to the payment service ([0079]).

Regarding claim 20, Ventura discloses wherein the routing service routes the one or more requests from the computer system executing the browser to the payment service behind a firewall ([0033], [0088], [0091]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the above-noted disclosure of Johnson to include the above-noted disclosure of Ventura. The motivation for combining these disclosures would have been to process a payment for the user.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(I)(1) - 706.02(I)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-l.jsp.

Claims 1-20 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 9,754,245. Although the claims at issue are not identical, they are not patentably distinct from each other because the claims are directed to designing widgets for a transaction.

Response to Arguments

With respect to obviousness-type double patenting rejection of claims 1-20, Examiner notes that the amendments do not overcome the rejection and hence the Examiner maintains the rejection.

Examiner withdraws the claim objection of claim 10 in view of amendment/argument.

Applicant's arguments filed dated 1/21/2020 have been fully considered but they are not persuasive due to the following reasons:

With respect to the rejection of claims 1-20 under 35 U.S.C. 101, Applicant states that claim 1 requires a computer and includes features that cannot practically be performed in the human mind without the use of a computing device, the features including "receiving a request... the next iteration of the webpage." As shown above, claim 1 recites components relating to a user interface and a webpage and, thus amended claim 1 (and similarly, claims 11 and 17) includes features from controlling a computer that interacts with other computers, not for managing personal behavior or relationships or interactions between people.

Examiner notes that under Step 2A, Prong One, the claim recites an abstract idea irrespective of whether claim recites a computer limitation (see October 2019 Update: Subject Matter Eligibility, page 8; a claim that requires a computer may still recite a mental process).

With respect to Applicant's arguments that the claims recite additional elements that integrate the judicial exception into a practical application, Examiner notes that the claimed features do not result in computer functionality improvement or technical/technology improvement. The claims makes use of a technology in implementing the underlying abstract idea without providing any technical/technology improvements. The receiving, causing, fetching, embedding, providing, and embedding recitations are simply supporting the identified abstract idea without transforming the underlying abstract idea into a patent eligible subject matter. The claimed features do not address technical solution to a technical problem or provide any technical improvements when the underlying abstract idea is implemented on a computer. The computer limitations are simply utilized as a tool to implement the underlying abstract idea without transforming the underlying abstract idea into a practical application. If there is improvement, the improvement is to an underlying abstract idea and not to technology (see October 2019 Update: Subject Matter Eligibility; page 13, it is important to keep in mind that an improvement in the judicial exception itself (e.g., a recited fundamental economic concept) is not an improvement in technology. For example, in *Trading Technologies Int'l v. IBG LLC*, the court determined that the claim simply provided a trader with more information to facilitate market trades, which improved the business process of market trading but did not improve computers or technology). Even though, the claim may recite technology limitations, it does not result in technical/technology improvements when the underlying abstract idea is implemented on a computer. Thus, these arguments are not persuasive.

With respect to Applicant's arguments regarding the claims amount to "significantly more" than the alleged judicial exception, Examiner notes that an inventive concept "cannot be furnished by the unpatentable law of nature (or natural phenomenon or abstract idea) itself." *Generic Techs v. Merial*

LLC, 818 F.3d 1369, 1376, 118 USPQ2d 1541, 1546 (Fed. Cir. 2016). Instead, an “inventive concept” is furnished by an element or combination of elements that is recited in the claim in addition to (beyond) the judicial exception, and is sufficient to ensure that the claim as a whole amounts to significantly more than the judicial exception itself (see MPEP 2106.05(I)). As made clear by the courts, the “‘novelty’ of any element or steps in a process, or even of the process itself, is of **no relevance** in determining whether the subject matter of a claim falls within the 101 categories of possibly patentable subject matter.” *Intellectual Ventures I v. Symantec Corp.*, 838 F.3d 1307, 1315, 120 USPQ2d 1353, 1358 (Fed. Cir. 2016) (see MPEP 2106.05(I)).

With respect to the rejection of claims 1-20 under 35 U.S.C. 103, Applicant’s arguments are moot in view of new grounds of rejection presented above in this office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **RAJESH KHATTAR** whose telephone number is (571)272-7981. The examiner can normally be reached on **M-F 8AM-5PM**.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shahid Merchant can be reached on 571-270-1360. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <https://ppair-my.uspto.gov/pair/PrivatePair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RAJESH KHATTAR/
Primary Examiner, Art Unit 3693