

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the pending claims. Applicant herein amends claims 1, 2, 4, 5, and 11-18. Therefore, claims 1-20 are pending, with claims 1, 11, and 17 being independent. Support for the amendments can be found in Applicant's originally filed specification, including at least paragraph [0034], [0038], [0060], [0069], [0079], [0090], [00102], [00148], [00152]. The amendments do not present new matter.

### **OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTIONS**

Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being obvious over claims 1-20 of U.S. Patent No. 9,754,245.

Without commenting on the basis for the obviousness-type double patenting rejection, Applicant respectfully requests that this rejection be held in abeyance until at least one claim is found to be allowable.

### **CLAIMS 1-20 COMPLY WITH 35 U.S.C. § 101**

Claims 1-20 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. As shown above, Applicant herein amends claims 1 and 11-17 and Applicant respectfully submits that these amendments render the § 101 rejection of these claims moot.

The Office asserts that the claims are directed to an abstract idea without significantly more. Applicant respectfully disagrees with the Office's rejection.

### **THE CLAIMS SATISFY STEPS 1, 2A, AND 2B OF THE *MAYO*/*ALICE* TEST**

Applicant respectfully submits that the amended claims are patent eligible under § 101 because the amended claims satisfy the *Mayo/Alice* subject matter eligibility test. This is demonstrated, below, by applying § 101 to the amended claims in accordance with the 2019 Revised Patent Subject Matter Eligibility Guidance (hereinafter "2019 PEG") and the October 2019 Update: Subject Matter Eligibility ("2019 Update").

**a) The claims are directed to a statutory category (Step 1)**

The Office explicitly indicates or implicitly indicates that each of the claims is directed to one of the four statutory categories. And claims 1-20 all recite either a system or a method, which are included in the aforementioned statutory categories. Applicant agrees.

**b) The claims are not directed to an abstract idea (Step 2A)**

The 2019 PEG revised Step 2A of the *Mayo/Alice* subject matter eligibility test by specifying a two-pronged test to be followed under Step 2A. Prong One of Step 2A evaluates whether a claim recites a judicial exception, such as an abstract idea.

Applicant respectfully submits that none of the limitations – in amended claim 1, for example – recite an abstract idea. Since no exception is recited in claim 1, amended claim 1 is patent eligible. Moreover, Applicant hereby amends independent claim 1 to recite “receiving, by a web server and via a network, a request for a webpage...; receiving, by the web server and from the one or more computing devices, via the network, the first iteration of the user interface widget; embedding the first iteration of the user interface widget into the webpage; sending the webpage to the computer system...; receiving, by the web server and from the one or more computing devices, via the network, the next iteration of the user interface widget; and refreshing... the webpage.” Since receiving a request via a network, receiving the first iteration of the user interface widget from one or more computing devices, via the network, and receiving the next iteration of the user interface widget from the one or more computing devices, via the network, cannot be performed by a human without the use of a computing device, Applicant submits that independent claim 1, as amended, is not directed to an abstract idea. For instance, a human, without use of some type of computing device, is unable to “receiv[e]... a request for a webpage...; receiv[e]... the first iteration of the user interface widget; embed[] the first iteration of the user interface widget into the webpage; send[] the webpage to the computer system ...; receiv[e]... the next iteration of the user interface widget; and refresh[]... the webpage,” as recited in amended claim 1.

For at least these reasons, Applicant submits that the claims, as amended, do not recite an abstract idea, including that alleged by the Office.

Even assuming, *arguendo*, that independent claim 1 is directed to an abstract idea, as the Office alleges (which Applicant does not concede), the amended claims are eligible under Prong Two of Step 2A. Prong Two of Step 2A evaluates whether the claim recites additional elements that integrate the exception (e.g., abstract idea) into a practical application of the exception. As a whole, claim 1 is directed toward the performance of a particular output based on the outcome of causing the portal service to update the first iteration of the user interface widget to be a next iteration of the user interface widget, and refreshing, as a refreshed webpage, the webpage loaded in the browser executed by the computer system, the next iteration of the user interface widget being embedded in the refreshed webpage. For example, claim 1 recites “causing a portal service implemented by one or more computing devices to generate a first iteration of a user interface widget ...; embedding the first iteration of the user interface widget into the webpage; sending the webpage to the computer system to be loaded in the browser executed by 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...; and refreshing, as a refreshed webpage, the webpage loaded in the browser executed by the computer system, the next iteration of the user interface widget being embedded in the refreshed webpage...”

Applicant submits that these features, when viewed as a whole, integrate the alleged abstract idea into a practical application of the abstract idea by effecting an improvement to e-commerce payment transaction systems. As explained in Applicant’s Specification, by way of example and not limitation:

...clients can configure the website to include one or more widgets associated with the payments portal. As used herein, a “widget” can refer to a UI component that includes structure, data, and control flow handling for providing functionality in a webpage or web environment.... A “static widget” can refer to a widget that does not include JavaScript for providing core functionality of the widget and/or a widget that may not communicate with the payments portal.

The widgets can be embedded in the website and can provide various payment functionality for a customer or other user of the merchant site. Because the widgets can be embedded in the website, the widgets can

be maintained by the payments portal and updated by the payments portal. Also, the widgets can be released and/or updated.... Thus, the widgets can be updated without updating merchant sites.

*Applicant's Specification*, paras. [0017] and [0018]

In other words, a widget is embedded in a merchant website for providing payment functionality to a customer using the merchant website. The widget is maintained and updated by a payment portal. Because the payment portal is used to update the widget, the merchant website does not need to change code or restart when payment methods and/or payment functionality is released or updated.

Thus, amended claim 1, in consideration of the additional features recited therein, provides an improved e-commerce payment transaction process, as compared to technology that existed at the time of filing the instant Application. As such, Applicant submits that amended claim 1 (and similarly, claims 11 and 17) recites limitations that, when viewed as a whole, target an improvement to a technological field by improving the e-commerce payment transaction systems, and are thus indicative of integration into a practical application.

**c) The Claims amount to “significantly more” than the alleged judicial exception (Step 2B)**

Even if the claims are directed to an abstract idea, which Applicant does not concede, the amended claims amount to “significantly more” than the alleged judicial exception because the amended claims include features which are an “inventive concept.”

For example, amended claim 1 recites (with added language underlined):

causing the portal service to update the first iteration of the user interface widget to be a next iteration of the user interface widget...;  
receiving, by the web server and from the one or more computing devices, via the network, the next iteration of the user interface widget;  
and  
refreshing, as a refreshed webpage, the webpage loaded in the browser executed by the computer system, the next iteration of the user interface widget being embedded in the refreshed webpage to replace the first iteration of the user interface widget.

Applicant submits that these limitations of claim 1 improve upon prior art e-commerce payment transaction technology by “causing the portal service to update the

first iteration of the user interface widget ...; receiving ... the next iteration of the user interface widget; and refreshing... the webpage ..., the next iteration of the user interface widget being embedded in the refreshed webpage to replace the first iteration of the user interface widget.” Thus, amended claim 1 (and similarly, claims 11 and 17) improves upon the shortcomings of prior art solutions, thereby providing significantly more than the alleged abstract idea.

Accordingly, Applicant respectfully submits that independent claim 1, as amended, recites statutory subject matter pursuant to 35 U.S.C. § 101. Furthermore, for at least reasons similar to those set forth above with respect to claim 1, Applicant submits that independent claims 11 and 17, as amended, also recite statutory subject matter pursuant to 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that the Office reconsider and withdraw the rejection.

#### **CLAIMS 1 AND 6-17 STAND ALLOWABLE OVER JOHNSON**

The Office rejects claims 1 and 6-17 under 35 U.S.C. § 103 as allegedly being obvious over US Patent Appln. Pub. No. 2012/0144327 to Johnson, et al. (hereinafter, “Johnson”). Applicant respectfully submits that these claims stand allowable as listed above and discussed below.

#### **Independent Claim 1**

Applicant respectfully submits that Johnson does not teach nor suggest at least the following features recited in independent claim 1, as amended (with added language underlined):

causing the portal service to update the first iteration of the user interface widget to be a next iteration of the user interface widget...;  
receiving, by the web server and from the one or more computing devices, via the network, the next iteration of the user interface widget;  
and  
refreshing, as a refreshed webpage, the webpage loaded in the browser executed by the computer system, the next iteration of the user interface widget being embedded in the refreshed webpage to replace the first iteration of the user interface widget.

In rejecting “embedding the next iteration of the user interface widget into a next iteration of the webpage,” prior to the current claim amendments, the Office cited to ¶¶

[0079]-[0081] of Johnson. Office Action, p. 5. Without acquiescing to the Office's assertions with respect to Johnson, Applicant submits that Johnson, including the cited portions thereof, does not teach or suggest the above recitations of amended claim 1. For instance, Applicant submits that Johnson, including the cited portions thereof, does not teach or suggest "receiving ... the next iteration of the user interface widget; and refreshing, as a refreshed webpage, the webpage loaded in the browser executed by the computer system, the next iteration of the user interface widget being embedded in the refreshed webpage to replace the first iteration of the user interface widget," as recited in amended claim 1.

For instance, Johnson generally describes a web application development tool and management system that improves the ease of designing, organizing and managing webpage resources (Johnson, ¶ [0003]). In particular, Johnson describes that the "...tool may also include API widgets for inserting financial transaction APIs, such as, for example, an API for Pay Pal, or a credit card processing API. Such APIs enable the user of tool to easily design a webpage that calls for visitors to make a payment through the webpage, whether via a PayPal account, a credit card, or some other type of financial transaction..." (*id.*, ¶ [0079]) (element #'s omitted for clarity).

Although the Office Action does not cite any specific features of Johnson as teaching "the next iteration of the user interface widget," as recite in amended claim 1, it appears that the Office is equating "API widgets" of Johnson as those recited features. Under this interpretation, or any other interpretation, Applicant submits that Johnson does not teach or suggest the foregoing recitations of amended claim 1.

As shown in Johnson, the API widgets are included in a design tool, which allows content to be inserted onto a console at any desired location (Johnson, ¶ [0074]). API widgets including financial transaction APIs, API widgets that interface with social-networking sites, weather APIs, and timing widgets used in the design of a webpage to enable a user to set viewing rules or viewing conditions that are time-based (*id.*, ¶¶ [0079]-[0081]). The API widgets are inserted into the webpage to enable a user to easily design the webpage (*id.*, ¶ [0079]). That is, while the API widgets are used to design the webpage, the API widgets are not embedded "into the webpage" that is sent to "the computer system," and then updated "to be a next iteration of the user interface widget"

“based at least in part on detection of an interaction with the first iteration of the user interface widget,” as recited in amended claim 1. Accordingly, Johnson fails to teach or suggest “sending the webpage to the computer system to be loaded in the browser executed by the computer system; causing the portal service to update the first iteration of the user interface widget ... based at least in part on detection of an interaction ...; [and] receiving, by the web server and from the one or more computing devices, via the network, the next iteration of the user interface widget,” as recited in amended claim 1. As a result, Applicant submits that Johnson cannot teach or suggest “refreshing, as a refreshed webpage, the webpage loaded in the browser executed by the computer system, the next iteration of the user interface widget being embedded in the refreshed webpage to replace the first iteration of the user interface widget,” as recited in amended claim 1.

Therefore, for at least the reasons set forth above, Applicant submits that the cited reference does not teach or suggest each and every feature recited in amended claim 1. Accordingly, Applicant respectfully submits that independent claim 1, as amended herein, is patentable over Johnson.

#### Dependent Claims 6-10

Claims 6-10 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 6-10 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 6-10.

#### Independent Claim 11

Claim 11, as amended herein, recites, in part:

- embed the first iteration of the static widget into the webpage;
- send the webpage to the computer system;
- cause the portal service to update the first iteration of the static widget as a next iteration of the static widget, the next iteration of the static widget being generated as an updated iteration of the first iteration of the static widget based at least in part on detection of an interaction with the first iteration of the static widget;
- receive, by the web server and from the one or more computing devices, via the network, the next iteration of the static widget; and

refresh, as a refreshed webpage, the webpage loaded in the browser executed by the computer system, the next iteration of the user interface widget being embedded in the refreshed webpage to replace the first iteration of the user interface widget.

For at least reasons similar to those set forth above with respect to independent claim 1, Applicant respectfully submits that the Johnson fails to teach or suggest each limitation of claim 11, as amended. Therefore, Applicant respectfully submits that independent claim 11, as amended, is patentable over Johnson.

#### Dependent Claims 12-16

Claims 12-16 ultimately depend from independent claim 11. As discussed above, claim 11 is allowable over the cited documents. Therefore, claims 12-16 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 12-16.

#### Independent Claim 17

Claim 17, as amended herein, recites, in part:

embed the first iteration of the user interface widget into the webpage,

provide the webpage to the computer system,

provide, to the portal service, a request 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 detection of an interaction with the first iteration of the user interface widget, the next iteration of the user interface widget providing second functionality for a second part of the transaction,

receive, by the web server and from the one or more computing devices, via the network, the next iteration of the user interface widget, [and]

refresh, as a refreshed webpage, the webpage loaded in the browser executed by the computer system, the next iteration of the user interface widget being embedded in the refreshed webpage to replace the first iteration of the user interface widget.



For at least reasons similar to those set forth above with respect to independent claim 1, Applicant respectfully submits that the Johnson fails to teach or suggest each limitation of claim 17, as amended. Therefore, Applicant respectfully submits that independent claim 17, as amended, is patentable over Johnson.

**CLAIM 2 STANDS ALLOWABLE OVER JOHNSON AND LIDDELL**

The Office rejects claim 2 under 35 U.S.C. § 103 as allegedly being obvious over Johnson and US Patent No. 8,640,064 to Liddell, et al. (hereinafter, “Liddell”). Applicant respectfully submits that this claim stands allowable as listed above and discussed below.

As stated above, independent claim 1 is patentable over Johnson. Liddell does not remedy the deficiencies in Johnson noted above with respect to independent claim 1. As a result, independent claim 1 is patentable over Johnson and Liddell, both singularly and in combination (assuming for the sake of argument that they can even be combined, as suggested in the Office Action). Accordingly, dependent claim 2 is also patentable over the above combination of references at least by virtue of its dependency from independent claim 1, as well as for the additional features that claim 2 recites.

**CLAIM 3 STANDS ALLOWABLE OVER JOHNSON AND DOERKSEN**

The Office rejects claim 3 under 35 U.S.C. § 103 as allegedly being obvious over Johnson and US Patent Appln. Pub. No. 2004/0015537 to Doerksen, et al. (hereinafter, “Doerksen”). Applicant respectfully submits that this claim stands allowable as listed above and discussed below.

As stated above, independent claim 3 is patentable over Johnson. Doerksen does not remedy the deficiencies in Johnson noted above with respect to independent claim 1. As a result, independent claim 1 is patentable over Johnson and Doerksen, both singularly and in combination (assuming for the sake of argument that they can even be combined, as suggested in the Office Action). Accordingly, dependent claim 3 is also patentable over the above combination of references at least by virtue of its dependency from independent claim 1, as well as for the additional features that claim 3 recites.

**CLAIMS 4, 5, AND 18-20 STAND ALLOWABLE OVER JOHNSON AND VENTURA**

The Office rejects claims 4, 5, and 18-20 under 35 U.S.C. § 103 as allegedly being obvious over Johnson and US Patent Appln. Pub. No. 2013/0103580 to Ventura, et al. (hereinafter, “Ventura”). Applicant respectfully submits that these claims stand allowable as listed above and discussed below.

As stated above, independent claims 1 and 17 are patentable over Johnson. Ventura does not remedy the deficiencies in Johnson noted above with respect to independent claims 1 and 17. As a result, independent claims 1 and 17 are patentable over Johnson and Ventura, both singularly and in combination (assuming for the sake of argument that they can even be combined, as suggested in the Office Action). Accordingly, dependent claims 4, 5, and 18-20 are also patentable over the above combination of references at least by virtue of their dependency from one of independent claims 1 and 17, as well as for the additional features that each of claims 4, 5, and 18-20 recite.

## **CONCLUSION**

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, Applicant respectfully requests that the Office contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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