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14/873,440	10/02/2015	Wesley Frederico Espinal Rios	P02301-US-UTIL (M01.377)	3710

125619 7590 05/22/2018		EXAMINER
Mastercard International Incorporated		
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ART UNIT	PAPER NUMBER
3697	

New Canaan, CONNECTICUT 06840
UNITED STATES OF AMERICA

NOTIFICATION DATE	DELIVERY MODE
05/22/2018	ELECTRONIC

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

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

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

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☑ Responsive to communication(s) filed on <u>05 March 2018</u>.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a) ☑ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☑ Claim(s) <u>1-25</u> is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) <u>1-25</u> is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement

* If any claims have been determined <u>allowable</u>, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☑ The drawing(s) filed on <u>02 October 2015</u> is/are: a)☑ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
Certified copies:
a)☐ All   b)☐ Some**   c)☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

Notice of Pre-AIA or AIA Status

The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Claims 1-25 are pending.

The Claim Objection is withdrawn due to Applicant's current amendment.

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.

1.   Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more. Claim(s) 1-25 is/are directed to a method that includes the steps of associating an account number with a first and second primary account number in a first and second currency, receiving transaction information associated with the account number and routing the transaction data to the one of the funding bank accounts. These steps are similar to the concepts of organizing and manipulating information through mathematical correlations and data recognition and storage that the courts have previously found to be abstract. The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception because the generically recited computer elements do not add a meaningful limitation to the abstract idea because they would be routine in any computer implementation.

2.   Claim 1 is directed to an apparatus that includes a storage device and computer. Therefore, the apparatus is directed to a statutory category. Claim 10 is directed to a method that includes a multi-currency transaction platform (processor, input device, output device and storage device). Therefore, the method is directed to a statutory category. Claim 21 is directed to a non-transitory computer readable medium that includes a multi-currency transaction platform (processor, input device, output device and storage device). Therefore, the computer readable medium is directed to a statutory category. Next, the claim is analyzed to determine whether it is directed to a judicial exception. The claim recites the steps of associating an account number with a first and second primary account number in a first and second currency, receiving transaction information associated with the account number and routing the transaction data to the one of the funding bank accounts. In other words, the claim recites comparing and formatting information for transmission. This is simply the organization and manipulation of data which can be performed mentally and is an idea of itself and mathematical relationship. It is similar to other concepts that have been identified as abstract by the courts, such as data recognition and storage in Content Extraction or organizing information thorough mathematical correlations in Digitech. The concepts in Content Extraction and Digitech relate to ideas of itself practices in which data is manipulated. The concept described in claim 1 is not meaningfully different than the idea concept found by the courts to be an abstract idea. Therefore, the description in claim 1 of manipulating transaction data is an abstract idea. Next, the claim as a whole is analyzed to determine whether any element, or combination of elements, is sufficient to ensure that the claim amounts to significantly more than the exception. The claim recites the additional limitations of using a platform to route transaction data. The platform simply perform the generic computer functions of transmitting data. Generic computers performing generic computer functions, alone,

do not amount to significantly more than the abstract idea. Viewing the limitations as an ordered

combination does not add anything further than looking at the limitations individually. When

viewed either individually, or as an ordered combination, the additional limitations do not

amount to a claim as a whole that is significantly more than the abstract idea. The claim is not

patent eligible.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness

rejections set forth in this Office action:

> A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not
> identically disclosed as set forth in section 102, if the differences between the claimed invention and the
> prior art are such that the claimed invention as a whole would have been obvious before the effective
> filing date of the claimed invention to a person having ordinary skill in the art to which the claimed
> invention pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 1-4, 6-13 and 16-24 is/are rejected under 35 U.S.C. 103 as being unpatentable

over French et al., U.S. PG-Pub No. 2011/0282780 (reference B on the attached PTO-892) in

view of Grinhute, U.S. PG-Pub No. 2011/0055083 (reference F on the attached PTO-892).

As per claims 1, 10 and 21, French et al. teaches a method, comprising: associating a

generic primary account number with a first primary account number of a first funding bank

account in a first currency (see paragraph 0007, lines 2-6 and 9-14); associating the generic

primary account number with a second primary account number of a second funding bank

account in a second currency (see paragraph 0007, lines 6-9 and 9-14); receiving from an

acquirer bank information about a business as usual transaction associated with the generic

primary account number (see paragraph 0007, lines 14-19); and automatically routing, by a

multi-currency transaction routing platform, data about the transaction to one of the first and second funding bank accounts (see paragraph 0007, lines 14-19).

French et al. fails to teach wherein the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account. Grinhute teaches wherein the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account (see paragraphs 0027, 0009 and 0010). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of French et al. One of ordinary skill in the art would have motivated to incorporate this feature for the purpose of allowing accounts to be available to travelers and avoiding identity theft and fraud concerns (see paragraph 0003, lines 3-6 and 9-11 of Grinhute).

As per claims 2 and 11, French et al. in view of Grinhute teaches the method of claim 10 as described above. French et al. further teaches wherein said routing is based on at least one currency exchange rate value (see paragraph 0041, lines 12-16).

As per claims 3 and 12, French et al. in view of Grinhute teaches the method of claim 10 as described above. French et al. further teaches wherein said routing is based on payment card network business rules or logic stored in a cloud environment (see paragraph 0046, lines 1-2).

As per claims 4, 13 and 22, French et al. in view of Grinhute teaches the method of claim 10 as described above. French et al. further teaches wherein the generic primary account number is associated with a cardholder, and said routing is based on information received via an application executing on a smartphone associated with the cardholder (see paragraph 0035, lines 7-9 and paragraph 0055, lines 4-9).

As per claims 6 and 16, French et al. in view of Grinhute teaches the method of claim 13 as described above. French et al. further teaches wherein the smartphone application displays at least one currency exchange rate value to the cardholder (see paragraph 0057, lines 10-12).

As per claims 6 and 17, French et al. in view of Grinhute teaches the method of claim 13 as described above. French et al. further teaches wherein the smartphone application includes a transaction calculator to estimate a total transaction cost based on at least one currency exchange rate value (see paragraph 0057, lines 10-12).

As per claims 7, 18 and 23, French et al. in view of Grinhute teaches the method of claim 10, wherein the first funding bank account and the second funding bank account are associated with a single issuer bank (see paragraph 0034, lines 10-14).

As per claims 8, 19 and 23, French et al. in view of Grinhute teaches the method of claim 10 as described above. French et al. further teaches wherein the first funding bank account and the second funding bank account are associated with different issuer banks (see paragraph 0030, lines 1-6 and paragraph 0033, lines 1-5).

As per claim 9, 20 and 24, French et al. in view of Grinhute teaches the method of claim 10, wherein at least one of the first and second funding bank accounts is associated with at least one of: (i) a credit card account, (ii) a debit card account, (iii) a pre-paid account, and (iv) an electronic transaction account (see paragraph 0039, lines 4-5)

Claims 5 and 14 is/are rejected under 35 U.S.C. 103 as being unpatentable over French et al., U.S. PG-Pub No. 2011/0282780 (reference B on the attached PTO-892) in view of Grinhute, U.S. PG-Pub No. 2011/0055083 (reference F on the attached PTO-892) and further in view of Hansen et al., U.S. PG-Pub No. 2012/0330783 (reference E on the attached PTO-892).

As per claims 5, 14, French et al. in view of Grinhute teaches the method of claim 13 as

described above. French et al. does not explicitly teach wherein the smartphone application

further verifies that a current geolocation associated with the transaction corresponds to the

business as usual transaction. Hansen et al. teaches wherein the smartphone application further

verifies that a current geolocation associated with the transaction corresponds to the business as

usual transaction (see paragraph 0030). It would have been obvious to one of ordinary skill in

the art at the time of the invention to incorporate this feature into the method of French et al.

One of ordinary skill in the art would have motivated to incorporate this feature for the purpose

of approving or rejecting a transaction request (see paragraph 0030 of Hansen et al.).

Claims 5 and 15 is/are rejected under 35 U.S.C. 103 as being unpatentable over French et

al., U.S. PG-Pub No. 2011/0282780 (reference B on the attached PTO-892) in view of Grinhute,

U.S. PG-Pub No. 2011/0055083 (reference F on the attached PTO-892) and further in view of

Engelhart, U.S. PG-Pub No. 2003/0163383 (reference D on the attached PTO-892).

As per claims 5, 15, French et al. in view of Grinhute teaches the method of claim 13 as

described above. French et al. does not explicitly teach wherein the smartphone application

further collects biometric information from the cardholder to validate the transaction. Engelhart

teaches wherein the smartphone application further collects biometric information from the

cardholder to validate the transaction (see paragraph 0043 and Figure 9). It would have been

obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature

into the method of French et al. One of ordinary skill in the art would have recognized that

applying the technique of Engelhart would have yielded predictable results.

Response to Arguments

Applicant's arguments filed 3/5/2018 have been fully considered but they are not persuasive.

Applicant argues "this combination of limitations is not well understood, routine or conventional activity." The claim recites the additional limitations of using a platform to route transaction data. The platform simply perform the generic computer functions of transmitting data. The courts have recognized the following computer functions as well-understood, routine, and conventional functions when they are claimed in a merely generic manner (*e.g.*, at a high level of generality) or as insignificant extra-solution activity as noted by the instant invention:

        i. Receiving or transmitting data over a network, *e.g.*, using the Internet to gather data, *Symantec*, 838 F.3d at 1321, 120 USPQ2d at 1362 (utilizing an intermediary computer to forward information); *TLI Communications LLC v. AV Auto. LLC*, 823 F.3d 607, 610, 118 USPQ2d 1744, 1745 (Fed. Cir. 2016) (using a telephone for image transmission); *OIP Techs., Inc., v. Amazon.com, Inc.*, 788 F.3d 1359, 1363, 115 USPQ2d 1090, 1093 (Fed. Cir. 2015) (sending messages over a network); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355, 112 USPQ2d 1093, 1096 (Fed. Cir. 2014) (computer receives and sends information over a network); but see *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1258, 113 USPQ2d 1097, 1106 (Fed. Cir. 2014) ("Unlike the claims in *Ultramercial*, the claims at issue here specify *how* interactions with the Internet are manipulated to yield a desired result—a result that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink."

iv. Storing and retrieving information in memory, *Versata Dev. Group, Inc. v.*

SAP Am., Inc., 793 F.3d 1306, 1334, 115 USPQ2d 1681. 1701 (Fed. Cir. 2015); *OIP*

Techs., 788 F.3d at 1363, 115 USPQ2d at 1092-93;

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Knowles (2010/0088219) and Lorgberg (2008/0249908).

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 SAMICA L NORMAN whose telephone number is (571)270-

1371. The examiner can normally be reached on Mon-Thur 9:30am-8p EST, with Fri off.

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, Jerry O'Connor can be reached on (571) 272-6787. 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 http://pair-direct.uspto.gov. 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.

/SAMICA L NORMAN/   SAMICA L. NORMAN
Primary Examiner, Art Unit 3696   Primary Examiner
                                                            Art Unit 3697

R E M A R K S

Claims 1-25 are in the application, with Claims 1, 10, and 21 having been amended. Claims 1, 10, and 21 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

To facilitate the Examiner's consideration of this Amendment, which is being filed after a rejection marked as "final", a Certification and Request for Consideration Under the After Final Consideration Pilot Program 2.0 (AFCP 2.0) accompanies this Amendment. The Amendment above, which includes an amendment to at least one independent claim, is believed clearly to place the application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116.

Claim Rejections - 35 USC § 101

Claims 1-25 are rejected under 35 U.S.C. §101 as allegedly being directed towards non-statutory subject matter. This rejection is respectfully traversed.

The first prong of the test for subject-matter eligibility under 35 U.S.C. § 101 requires a determination of whether a claim at issue is directed to a "patent-ineligible concept" such as an abstract idea. *See, e.g. MPEP 2106.* Applicant respectfully submits that Claims 1, 10, and 21 are not directed to abstract ideas and therefore the rejection under 35 U.S.C. § 101 should be withdrawn.

Applicant respectfully notes that per MPEP 2106.04, the "directed to" inquiry of the first prong of the *Alice* test requires that the character of a claim "as a whole is directed to a patent ineligible concept." (Emphasis added). Applicant reminds the Examiner that in determining whether a claim at issue is directed to a patent ineligible concept, "it is critical that examiners look at the claim "as a whole," in other words, the claim should be evaluated "as an ordered combination, without ignoring the requirements of the individual steps." When performing this evaluation, examiners should be "careful to avoid oversimplifying the claims" by looking at them generally and failing to account for the specific requirements of the claims." *See, e.g.* MPEP 2106.05(a).

In this regard, page 2 of the Office Action includes a general characterization that the claims "are similar to the concept of organizing and manipulating information through mathematical correlations and data recognition and storage." Applicant respectfully disagrees

with this characterization of claims. Contrary to Section 2106.04 of the MPEP, the abstract idea alleged in the Office Action clearly fails to consider the character of Claims 1, 10, and 21 <u>as a whole,</u> and instead severely over-simplifies the claims.

Applicant's claims are not directed to simply "organizing and manipulating information through mathematical correlations and data recognition and storage." Rather, as amended, Applicant's claims (e.g., Claim 1) recite:

> *a first input to receive, from an acquirer bank, an electronic message containing information about a business as usual transaction including a generic primary account number of a single payment instrument;*
> *a storage device storing: (i) an association between the generic primary account number of the single payment instrument and a first primary account number of a first funding bank account in a first currency, and (ii) an association between the generic primary account number of the single payment instrument and a second primary account number of a second funding bank account in a second currency wherein the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account;*
> *a routing module computer to detect the generic primary account number within the electronic message and to automatically transmit data about the transaction to a remote device associated with one of the first and second funding bank accounts in accordance with the associations stored in the storage device.*

In addition, Applicant reminds the Examiner that, as described in section 2106.04(a), **"claims that are directed to improvements in computer functionality or other technology are not abstract."**

The courts have found that improvements in technology beyond computer functionality may demonstrate patent eligibility. For example, the Federal Circuit stated in *Trading Technologies Int'l., Inc. v. CQG, Inc.*, "an eligible improvement in computer functionality includes making the overall operation on the computer as a tool easier, faster, or more accurate, without in any way making the computer itself perform physically faster...For Section 101 purposes, the claimed subject matter is directed to a specific improvement to the way computers operate, for the claimed graphical user interface method imparts a specific functionality to a trading system directed to a specific implementation of a solution to a problem in the software arts." *See, e.g. Trading Technologies Int'l., Inc. v. CQG, Inc* (Fed. Cir. 2017) and MPEP 2106.05(a).

Even more recently, the Federal Circuit stated in *Finjan, Inc. v. Blue Coat Systems, Inc.*, with regard to the claims "Finjan's claims recite more than a mere result; instead they recite specific steps that accomplish the desired result." Applicant notes that this is similar to the present claims that recite specific steps to accomplish the desired result (e.g., a multi-currency payment solution that leverages existing market infrastructure by allowing an existing card (e.g., standard plastic card having a generic primary account number) to be the single payment instrument for several different currencies.). *See, e.g. Finjan, Inc. v. Blue Coat Systems, Inc.* (Fed. Cir. 2018).

And still even more recently, the Federal Circuit stated in in *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, that the claims "are directed to a particular manner of summarizing and presenting information in electronic devices." The court also held that "the invention improves the efficiency of using the electronic device by bringing together 'a limited list of common functions and commonly accessed stored data' which can be accessed directly from the main menu." The holding was that "the claims are directed to an improvement in the functioning of computers," and the Court determined the claimed invention was an improved user interface, rather than the abstract idea of an index. Applicant notes that this is similar to the present claims that are related to a particular manner of routing financial information, providing a multi-currency payment solution (e.g., multi-currency transaction routing platform) that may, for example, allow a traveler to use a single payment card to make purchases in many different currencies using different currency funding accounts. *See, e.g. Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.* (Fed. Cir. 2018).

Applicant also notes, "**a claim that purports to improve computer capabilities or to improve an existing technology may provide significantly more.**" *See, e.g.* MPEP 2106.05(f). Further, "[i]f it is asserted that the invention improves upon conventional functioning of a computer, or upon conventional technology or technological processes, a technical explanation as to how to implement the invention should be present in the specification. That is, the disclosure must provide sufficient details such that one of ordinary skill in the art would recognize the claimed invention as providing an improvement. An indication that the claimed invention provides an improvement can include a discussion in the specification that identifies a technical problem and explains the details of an unconventional technical solution expressed in

the claim, or identifies technical improvements realized by the claim over the prior art." *See, e.g.* MPEP 2106.05(a).

As described in Applicant's specification, a cardholder who travels from country to country may face a foreign currency exchange rate dilemma when making a purchase. For example, he or she may have multiple payment cards, each associated at a different currency (e.g., U.S. dollars, European euros, British pounds, etc.). Moreover, each different currency will trade at a different exchange rate that will change on a day-to-day basis. It can be confusing and inconvenient for the cardholder to intelligently and efficiently choose between these various options ("technical problem"). The present inventors have recognized that there is a need for methods and/or systems to provide a multi-currency transaction routing platform to facilitate the processing of payment card transactions ("solution"). *See, e.g.,* paras. [0005]-[0006] of corresponding U.S. Publication No. 2017/0098213 ("Applicant's specification").

As described in Applicant's specification, and according to some embodiments of the present claims, through a single card having a generic primary account number, travelers may make purchases in many different currencies using different currency funding accounts ("solution"). The traveler may define what currency funding account he or she would like to use for the next transaction hailing from a single card (e.g., single default payment card). The cardholder may define (e.g., via an application on a smartphone) that the next transaction from his payment card should be treated as, for example, a euro transaction. The multi-currency router may switch the transaction to a euro funding account and send it directly to issuer responsible for that account for authorization. This solution may leverage existing market infrastructure by allowing an existing standard plastic card to be the single payment instrument for several different currencies as either the user can configure what funding account to use against each of the currency exchange rates the user would like to have. One benefit of such an arrangement is that the cardholder can now have one single default payment card for all his or currency exchange rate transactions. It may represent a universal multi-currency solution to all of his or her foreign travel needs. Given that the logic does not sit at the card, the cardholder can apply/modify currency exchange rate business rules for each of the currency exchange rate funding accounts remotely by configuring his or multi-currency application as needed. *See, e.g.* paras. [0025], [0029]-[0031], and [0042] of Applicant's specification.

Accordingly, Applicant respectfully submits that the claims are clearly directed to a technological improvement realized by the invention and not on economic or other task for which a computer or other hardware is used in its ordinary capacity.

Applicant therefore submits that the present claims are not directed to an abstract idea and, even if the claims are deemed to be so directed, the claims are clearly directed to a patent-eligible application thereof. Accordingly, Applicant respectfully submits that the Office has failed to meet its burden of establishing that the pending claims are directed to ineligible subject matter under 35 U.S.C. §101. Withdrawal of the outstanding rejection under 35 U.S.C. §101 is respectfully requested.

Claim Rejections - 35 USC §103

Claims 1-4, 6-13, and 16-25 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent Application Pub. No. 2011/0282780 ("French") in view of U.S. Patent Application Pub. No. 2011/0055083 ("Grinhute"), Claims 5 and 14, as being unpatentable over French in view of Grinhute and further in view of U.S. Patent Application Pub. No. 2012/0330788 ("Hansen"), and Claims 5 and 15, as being unpatentable over French in view of Grinhute and further in view of U.S. Patent Application Pub. No. 2003/0163383 ("Engelhart"). Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1 is directed to multi-currency transaction routing apparatus comprising: a first input to receive, from an acquirer bank, an electronic message containing information about a business as usual transaction including a generic primary account number of a single payment instrument (e.g., Fig. 3; single card / generic credit card 320 having a generic primary account number (PAN)), a storage device storing: (i) an association between the generic primary account number of the single payment instrument and a first primary account number of a first funding bank account in a first currency, and (ii) an association between the generic primary account number the single payment instrument and a second primary account number of a second funding bank account in a second currency wherein the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account (e.g., S210-S220 in Fig. 2; "USD (PAN 1)", "EURO (PAN 2)", "GBP (PAN 3)" in Fig. 3; Fig. 9), and a routing module computer to detect the generic primary account number within the electronic message and to automatically transmit data about the transaction to a

remote device associated with one of the first and second funding bank accounts in accordance with the associations stored in the storage device (e.g., 350 in Fig. 3).[1]

The Office Action, on pages 4 and 5, allege that French, at paragraph [0007] discloses "associating a generic primary account number with a first primary account number of a first funding bank account in a first currency," and "associating the generic primary account number with a second primary account number of a second funding bank account in a second currency." At paragraph [0007], French discloses a first account identifier associated with a first account of a sending party and receiving transaction details of the value transfer transaction that includes at least an amount of money being transferred. French further describes receiving information about a second account of a receiving party in the value transfer transaction including a second account identifier for the second account, and analyzing the first account identifier to determine a first currency associated with the first account and using the second account identifier to determine a second currency associated with the second account. In other words, French discloses a first account identifier using a first currency that sends money to a second account identifier using a second currency. However, nowhere can French be seen to disclose or to suggest a **generic primary account number that is associated with two different bank accounts where each bank account is associated with a different currency**, much less a generic primary account number of a single payment instrument that is associated with two different bank accounts where each bank account is associated with a different currency, as now amended.

Grinhute relates to a system and method of funds transfer using a secure financial account. Grinhute, cited in the Office Action against Claim 1, including paras. [0009], [0010], and [0027] of that reference, may teach a secure account 202 ("SA 202") that has two account IDs which allow a single account to have deposit and withdraw capabilities. A first account ID is for deposits only, referred to as a deposit account number 204 ("DAN 204"). A second account ID is for withdraw or payments, referred to as withdraw account number 208 ("WAN 208"). The secure account 202 has a deposit account ID, a withdraw account ID, and a first and second access card for each account ID respectively. The deposit account ID and its access card (Fig. 2; deposit account card 206) allow for deposits only. The withdraw account ID and its

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[1] Any examples presented herein are intended for purposes of illustration and are not to be construed to limit the scope of the claims.

access card (Fig. 2; withdraw account card 209) functions as a debit account, a checking account or as a prepaid credit account. However, nothing in the above-mentioned paragraphs of Grinhute or anywhere else in Grinhute discloses or suggests a **generic primary account _number_ associated with a _single_ payment instrument that is associated with two different bank accounts where each bank account is associated with a different currency**, as recited in Claim 1. Grinhute is silent about a secure account number/ID.

In summary, Applicant submits that any permissible combination of French and Grinhute, assuming that a permissible combination is even possible, would fail to teach or suggest all the elements of Claim 1, discussed above. Accordingly, Claim 1 is believed to be patentable over those references, and therefore withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

Independent Claims 10 and 21 include features sufficiently similar to those of Claim 1, that those claims are believed to be patentable for at least the reasons discussed above.

The dependent claims distinguish the invention over the applied prior art for reasons discussed above in regard to their corresponding independent claim as well as on their own merits.

CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 594-9963.

Respectfully submitted,

July 11, 2018
Date

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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A multi-currency transaction routing apparatus, comprising:

a first input to receive, from an acquirer bank, an electronic message containing information about a business as usual transaction including a generic primary account number of a single payment instrument;

a storage device storing: (i) an association between the generic primary account number of the single payment instrument and a first primary account number of a first funding bank account in a first currency, and (ii) an association between the generic primary account number of the single payment instrument and a second primary account number of a second funding bank account in a second currency wherein the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account;

a routing module computer to detect the generic primary account number within the electronic message and to automatically transmit data about the transaction to a remote device associated with one of the first and second funding bank accounts in accordance with the associations stored in the storage device.

2. (Original) The apparatus of claim 1, wherein said routing is based on at least one currency exchange rate value.

3. (Original) The apparatus of claim 1, wherein said routing is based on payment card network business rules or logic stored in a cloud environment.

4. (Original) The apparatus of claim 1, wherein the generic primary account number is associated with a cardholder, and said routing is based on information received via an application executing on a smartphone associated with the cardholder.

5. (Original) The apparatus of claim 4, wherein the smartphone application further verifies at least one of: (i) that a current geolocation associated with the transaction corresponds to the business as usual transaction, and (ii) that biometric information received from the cardholder validates the transaction.

6. (Original) The apparatus of claim 4, wherein the smartphone application displays at least one currency exchange rate value to the cardholder and includes a transaction calculator to estimate a total transaction cost based on at least one currency exchange rate value.

7. (Original) The apparatus of claim 1, wherein the first funding bank account and the second funding bank account are associated with a single issuer bank.

8. (Original) The apparatus of claim 1, wherein the first funding bank account and the second funding bank account are associated with different issuer banks.

9. (Original) The apparatus of claim 1, wherein at least one of the first and second funding bank accounts are associated with at least one of: (i) a credit card account, (ii) a debit card account, (iii) a pre-paid account, and (iv) an electronic transaction account.

10. (Currently Amended) A method, comprising:

associating a generic primary account number of a single payment instrument with a first primary account number of a first funding bank account in a first currency;

associating the generic primary account number of the single payment instrument with a second primary account number of a second funding bank account in a second currency wherein the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account;

receiving from an acquirer bank information about a business as usual transaction associated with the generic primary account number of the single payment instrument; and

automatically routing, by a multi-currency transaction routing platform, data about the transaction to one of the first and second funding bank accounts.

11. (Original) The method of claim 10, wherein said routing is based on at least one currency exchange rate value.

12. (Original) The method of claim 10, wherein said routing is based on payment card network business rules or logic stored in a cloud environment.

13. (Original) The method of claim 10, wherein the generic primary account number is associated with a cardholder, and said routing is based on information received via an application executing on a smartphone associated with the cardholder.

14. (Original) The method of claim 13, wherein the smartphone application further verifies that a current geolocation associated with the transaction corresponds to the business as usual transaction.

15. (Original) The method of claim 13, wherein the smartphone application further collects biometric information from the cardholder to validate the transaction.

16. (Original) The method of claim 13, wherein the smartphone application displays at least one currency exchange rate value to the cardholder.

17. (Original) The method of claim 13, wherein the smartphone application includes a transaction calculator to estimate a total transaction cost based on at least one currency exchange rate value.

18. (Original) The method of claim 10, wherein the first funding bank account and the second funding bank account are associated with a single issuer bank.

19. (Original) The method of claim 10, wherein the first funding bank account and the second funding bank account are associated with different issuer banks.

20. (Original) The method of claim 10, wherein at least one of the first and second funding bank accounts is associated with at least one of: (i) a credit card account, (ii) a debit card account, (iii) a pre-paid account, and (iv) an electronic transaction account.

21. (Currently Amended) A non-transitory, computer readable medium having stored therein instructions that, upon execution, cause a computer to perform a method, the method comprising:

associating a generic primary account number of a single payment instrument with a first primary account number of a first funding bank account in a first currency;

associating the generic primary account number of the single payment instrument with a second primary account number of a second funding bank account in a second currency wherein the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account;

receiving from an acquirer bank information about a business as usual transaction associated with the generic primary account number of the single payment instrument; and

automatically routing, by a multi-currency transaction routing platform, data about the transaction to one of the first and second funding bank accounts.

22. (Original) The medium of claim 21, wherein the generic primary account number is associated with a cardholder, and said routing is based on information received via an application executing on a smartphone associated with the cardholder.

23. (Original) The medium of claim 22, wherein the first funding bank account and the second funding bank account are associated with a single issuer bank.

24. (Previously Presented) The medium of claim 22, wherein the first funding bank account and the second funding bank account are associated with different issuer banks.

25. (Previously Presented) The medium of claim 22, wherein at least one of the first and second funding bank accounts are associated with at least one of: (i) a credit card account, (ii) a debit card account, (iii) a pre-paid account, and (iv) an electronic transaction account.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/873,440	10/02/2015	Wesley Frederico Espinal Rios	P02301-US-UTIL (M01.377)	3710

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Mastercard International Incorporated c/o Buckley, Maschoff & Talwalkar LLC 50 Locust Avenue New Canaan, CT 06840	NORMAN, SAMICA L

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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.

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte WESLEY FREDERICO ESPINAL RIOS

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Appeal 2019-004130
Application 14/873,440
Technology Center 3600

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Before RICHARD M. LEBOVITZ, ULRIKE W. JENKS, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

LEBOVITZ, *Administrative Patent Judge*.

DECISION ON APPEAL

The Examiner rejected the claims under 35 U.S.C. § 103 as obvious
and under 35 U.S.C. § 101 as reciting patent ineligible subject matter.
Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's
decision to reject the claims. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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[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 Mastercard
International Incorporated. Appeal Br. 2.

STATEMENT OF THE CASE

The claims stand rejected by the Examiner as follows:

1. Claims 1–4, 6–13, and 16–24 under 35 U.S.C. § 103 as obvious in view of French et al. (US 2011/0282780 A1, published Nov. 17, 2011) ("French") and Grinhute (US 2011/0055083 A1, published Mar. 3, 2011) ("Grinhute"). Ans. 5.

2. Claims 5 and 14 under 35 U.S.C. § 103 as obvious in view of French, Grinhute, and Hanson et al. (US 2012/0330788 A1, published Dec. 27, 2012) ("Hanson").[2] Ans. 7.

3. Claims 5 and 15 under 35 U.S.C. § 103 as obvious in view of French, Grinhute, and Engelhart et al. (US 2003/0163383 A1, published Aug. 28, 2003) ("Engelhart"). Ans. 8.

4. Claims 10–13 and 18–20 35 U.S.C. § 101 because the claimed invention is directed to an abstract idea. Ans. 3.

Claims 1 and 10 are representative and are reproduced below:

1.   A multi-currency transaction routing apparatus, comprising:
a first input to receive, from an acquirer bank, an electronic message containing information about a business as usual transaction including a generic primary account number of a single payment instrument;
a storage device storing: (i) an association between the generic primary account number of the single payment instrument and a first primary account number of a first funding bank account in a first currency, and (ii) an association between the generic primary account number of the single payment instrument and a second primary account number of a second funding bank account in a second currency wherein the first primary account number of the first funding bank account is

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[2] The application number listed in the Final Office Action for Hanson was incorrect. Hanson was also misspelled as "Hansen."

different than the second primary account number of the second funding bank account;

     a routing module computer to detect the generic primary account number within the electronic message and to automatically transmit data about the transaction to a remote device associated with one of the first and second funding bank accounts in accordance with the associations stored in the storage device.

10. A method, comprising:

     associating a generic primary account number of a single payment instrument with a first primary account number of a first funding bank account in a first currency;

     associating the generic primary account number of the single payment instrument with a second primary account number of a second funding bank account in a second currency wherein the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account;

     receiving from an acquirer bank information about a business as usual transaction associated with the generic primary account number of the single payment instrument; and

     automatically routing, by a multi-currency transaction routing platform, data about the transaction to one of the first and second funding bank accounts.

OBVIOUSNESS REJECTIONS

In the first two steps of claim 10, a "generic primary account number" is associated with first and second bank account numbers in first and second currencies, respectively. The first and second bank accounts are recited in the claim to be different.

The generic primary account number is of a single payment instrument. The Specification discloses that the payment instrument can be a credit card ("standard plastic card"). Spec. 8:23–24.

In the third step of claim 10, information about "a business as usual transaction" associated with the generic account number is received from an "acquirer bank." The acquirer bank, for example, is the bank of a merchant from which a customer wants to make a purchase (the "business as usual transaction"). In the final step of claim 10, data about the transaction is routed automatically "by a multi-currency transaction routing platform."

The Specification, which is titled "Multi-currency Transaction Routing Platform for Payment Processing System," explains:

> a multi-currency transaction routing platform 150 *(e.g.,* associated with the credit card network) may receive information about the business as usual transaction and arrange for the transaction to be routed to either a first funding bank account 160 (associated with a first currency) or a second funding bank account 162 (associated with a second currency different from the first currency).

Spec. 4:13–17.

As further explained in the Specification:

> Thus, embodiments may help address the currency exchange rate dilemma faced by cross border travelers when making purchases in a foreign country. In particular, some embodiments described herein may allow a traveler to use a single payment card [associated with the claimed generic primary account number] to make purchases in many different currencies using different currency funding accounts. The traveler may define what currency funding account he or she would like to use for the next transaction hailing from a single default payment card.

Spec. 8:13–18.

As an example, the Specification teaches that the cardholder may decide, via an application on smartphone, what currency should be used in a next transaction, and then the multi-currency router would switch the

transaction to the appropriate funding account (the first or second bank account). Spec. 8:18–22. The Specification teaches that "[t]his solution may leverage existing market infrastructure by allowing an existing standard plastic card to be the single payment instrument for several different currencies as either the user can configure what funding account to use against each of the currency exchange rates the user would like to have." Spec. 8:22–25.

Independent claim 1 is directed to a system that performs the same method recited in claim 10. Independent claim 21 is directed to computer readable medium having the instructions to perform the same method as recited in claim 10.

Obviousness Rejections based on French and Grinhute

The Examiner found that French discloses associating a generic primary account number with first and second accounts, each with first and second currencies. Ans. 5. The Examiner also found that French discloses automatically routing the transaction by a multi-currency transaction routing platform. *Id.* The Examiner found that French does not teach that the first primary account number of the first funding bank account is different than the second primary account number of the second funding bank account as required by all the claims. *Id.* However, the Examiner found that Grinhute teaches this limitation and found that it would have been obvious to incorporate this feature into French "for the purpose of allowing accounts to be available to travelers and avoiding identity theft and fraud concerns." *Id.*

Appellant argues that French does not disclose a generic primary account number of a single payment instrument that is associated with two

different bank accounts where each bank account is associated with a different currency. Appeal Br. 12–13.

We agree with Appellant that the Examiner did not establish a prima facie case of obviousness. French discloses "a method for determining currency and currency exchange rates for a money transfer transaction based on account information of the sending party and the account information of the receiving party." French ¶ 6. The Examiner cited paragraph 7 of French to meet the first and second limitations of claim 10 in which "a generic primary account number of a single payment instrument" is associated with first and second primary bank accounts with first and second currencies, respectively. Final Act. 4.

Paragraph 7 of French is reproduced below:

> In some embodiments, a method for performing a value transfer transaction is provided. The method includes receiving a *first account identifier associated with a first account of a sending party* and receiving transaction details of the value transfer transaction that includes at least an amount of money being transferred. The method further includes receiving information about a *second account of a receiving party in the value transfer transaction including a second account identifier for the second account,* analyzing the first account identifier to determine a first currency associated with the first account and using the second account identifier to determine a second currency associated with the second account, determining an exchange rate between the first currency and the second currency, applying the exchange rate to the value transfer transaction to determine a total amount payable by the sending party, presenting the total amount to the sending party for approval, and performing transfer of money from the first account to the second account if the sending party approves the value transfer.

French ¶ 7 (emphasis added).

Paragraph 7 does not describe "a generic primary account number of a single payment instrument" which is associated with two accounts as required by claim 10. To the contrary, the two accounts described by French are held by different parties. One is a sending party and the other is receiving party. There is nothing in this paragraph that discloses or suggests that the two accounts are associated with the same "generic primary account number" as required by claim 10.

The Examiner further cited paragraphs 35–38 of French to support the rejection. Ans. 13. Paragraph 34 explains the context of paragraphs 35–38. Paragraph 34 discloses a "data store 108" which is used "to determine the currency associated with an account." French ¶ 34. "FIGS. 2 and 3 illustrate information in an account data store, e.g., account data store 108." French ¶ 35. French describes Table 200 depicted in Fig. 2:

> Table 200 [Fig. 2] includes account identifiers 202 that list one or more account identifiers associated with a sender accounts. For example, account identifiers 202 may be a personal account number (PAN) associated with a sender account.

French ¶ 35.

While multiple accounts are shown in Figure 2, each associated with a different currency, French does not teach that the accounts are tied to one generic primary account number as required by the claims. Instead, Figure 2 illustrates a table that can be used to look up a sender's account and determine the currency associated with the account. French ¶¶ 34, 35. Once this determination is made, French further teaches determining exchange rates between the currency in the sender's account and the currency in the receiver's account. French ¶ 41.

Grinhute is further cited by the Examiner. Ans. 5 (citing ¶¶ 27, 9, 10). The paragraphs in Grinhute cited by the Examiner refer to two accounts associated with a single account. One is a deposit account and the other is an account for paying or withdrawing funds. Grinhute ¶ 27. The accounts can have different currencies. Grinhute ¶ 9. The Examiner stated that the skilled artisan would have had reason to incorporate Grinhute's teaching into French "for the purpose of allowing accounts to be available to travelers and avoiding identity theft and fraud concerns." Ans. 5. However, the Examiner did not explain why one of ordinary skill in the art would modify French's teaching of a single account with a single currency with Grinhute's teaching of a payment and deposit account to meet the limitations of claim 10 of two *funding* accounts (the payment account of Grinhute), each associated with a different currency.

Accordingly, the rejection of claim 10 is reversed. Claims 2–24 are reversed for the same reasons and, because the additional references cited in obviousness rejections 2 and 3 do not meet the deficiencies found in claim 10.

REJECTION BASED ON § 101
Principles of Law

Under 35 U.S.C. § 101, an invention is patent-eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." However, not every discovery is eligible for patent protection. *Diamond v. Diehr*, 450 U.S. 175, 185 (1981). "Excluded from such patent protection are laws of nature, natural phenomena, and abstract ideas." *Id.* The Supreme Court articulated a two-step analysis to determine whether a claim falls

within an excluded category of invention. *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014); *Mayo Collaborative Servs. v. Prometheus Labs, Inc.*, 566 U.S. 66, 75–77 (2012).

In the first step, it is determined "whether the claims at issue are directed to one of those patent-ineligible concepts." *Alice*, 573 U.S. at 217. If it is determined that the claims are directed to an ineligible concept, then the second step of the two-part analysis is applied in which it is asked "[w]hat else is there in the claims before us?" *Id.* The Court explained that this step involves:

> a search for an 'inventive concept' — *i.e.,* an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'

Alice, 573 U.S. at 217–18 (citing from *Mayo*, 566 U.S. at 75–77).

Alice, relying on the analysis in *Mayo* of a claim directed to a law of nature, stated that in the second part of the analysis, "the elements of each claim both individually and 'as an ordered combination'" must be considered "to determine whether the additional elements 'transform the nature of the claim' into a patent-eligible application." *Alice*, 573 U.S. at 217.

The PTO has published revised guidance on the application of 35 U.S.C. § 101. USPTO's January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance,* 84 Fed. Reg. 50, 51–57 (2019) ("Eligibility Guidance"). This guidance provides additional direction on how to implement the two-part analysis of *Mayo* and *Alice*.

Step 2A, Prong One, of the 2019 Eligibility Guidance, looks at the specific limitations in the claim to determine whether the claim recites a

judicial exception to patent eligibility. In Step 2A, Prong Two, the claims are examined to identify whether there are additional elements in the claims that integrate the exception in a practical application, namely, is there a "meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception." Eligibility Guidance, 84 Fed. Reg. at 54 (Prong Two).

If the claim recites a judicial exception that is not integrated into a practical application, then as in the *Mayo/Alice* framework, Step 2B of the Eligibility Guidance instructs us to determine whether there is a claimed inventive concept to ensure that the claims define an invention that is significantly more than the ineligible concept, itself. Eligibility Guidance, 84 Fed. Reg. at 56. In making this determination, we must consider whether there are specific limitations or elements recited in the claim "that are not well-understood, routine, conventional activity in the field, which is indicative that an inventive concept may be present" or whether the claim "simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, indicative that an inventive concept may not be present." *Id.* at 56 (footnote omitted).

With these guiding principles in mind, we proceed to determine whether the claimed subject matter in this appeal is eligible for patent protection under 35 U.S.C. § 101.

<div align="center">Discussion</div>

Claim 10 is directed to a "method." Following the first step of the *Mayo/Alice* analysis, we find that the claim is directed to a method, and therefore falls into one of the broad statutory categories of patent-eligible

subject matter under 35 U.S.C. § 101. We thus proceed to Step 2A, Prong One, of the Eligibility Guidance.

Step 2A, Prong One

In Step 2A, Prong One, of the Eligibility Guidance, the specific limitations in the claim are examined to determine whether the claim recites a judicial exception to patent eligibility, namely whether the claim recites an abstract idea, law of nature, or natural phenomenon. The Examiner found the claim recites the abstract idea of organizing human activity, one of the three groupings of abstract ideas. Ans. 3, 10.

Appellant contends that the Examiner erred in making this determination, but does not adequately explain why the claimed subject matter is not a method of organizing human activity. Reply Br. 3.

Claim 10 associates a generic primary account number with first and second accounts, each with a first and second currency, for the purpose of carrying out a business as usual transaction, such as a payment to a merchant. The payment method is implemented by "associating" the account information and then "receiving" information about the transaction. We find that these steps of the claim are an integral part of the payment method. Payment methods are characterized as fundamental economic practices in the Eligibility Guidance, which are categorized as the abstract idea of organizing human activity. Eligibility Guidance, 84 Fed. Reg. at 52 (n.13). Consequently, we agree with the Examiner that claim 10 recites an abstract idea. Accordingly, we proceed to Step 2A, Prong Two, of the Eligibility Guidance.

Step 2A, Prong Two

Prong Two of Step 2A under the 2019 Eligibility Guidance asks whether there are additional elements that integrate the exception into a practical application. As discussed in the Eligibility Guidance, "[a] claim that integrates a judicial exception in a practical application will apply, rely on, or use the judicial exception in a manner that places a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception." Eligibility Guidance, 84 Fed. Reg. at 54. Integration into a practical application is evaluated by identifying whether there are *additional elements* individually, and in combination, which go beyond the judicial exception. *Id.* at 54–55.

Appellant argues that the claimed method improves the conventional payment process "where a cardholder who travels from country to country may face a foreign currency exchange rate dilemma when making a purchase" and may use "multiple payment cards, each associated at a different currency," which have different exchange rates. Reply Br. 4; *see also* Spec. 2:8–27 (describing problem). Appellant states that the claims resolve this problem by using one generic primary account associated with two accounts, each with a different currency, and then using a multi-currency transaction routing platform to route the data about the transaction to one of the two accounts. Reply Br. 4.

As explained in the Specification, the routing of the transaction by the multi-currency transaction routing platform can be based on business rules or logic stored in a cloud environment, where the cardholder can determine, based on preferences, what account and currency to use in the transaction. Spec. 5:19–29; 6:1–12; 9:13–27; 10:4–11. The "multi-currency transaction

routing platform," which routes transaction data to one of two funding back accounts in first and second currencies, respectively, addresses the problem of payment instrument transactions in two different currencies. Spec. 8:13–18; 9:13–27. By having two accounts linked to the same generic primary account, each with a different currency, the instrument holder can decide what currency to use, and to instruct the multi-currency transaction routing platform to automatically route the transaction to one of the two accounts. *Id.*

We conclude that the aforementioned limitations of a multi-currency payment transaction platform using different currencies integrate the recited judicial exception into a practical application. Specifically, the additional elements limit the conventional practice of transacting multi-currency payments by reciting a "multi-currency transaction routing platform" that routes to one of two accounts, where each account has a different currency (first and second currencies). As explained in the Specification, these limitations provide an instrument holder with one single payment card "all his or [her] currency exchange rate transactions" as "a universal multi-currency solution to all of his or her foreign travel needs." Spec. 8: 13–16. The Specification further discloses that the claimed "routing platform that may enable a card provider to efficiently and intelligently use multi-currencies to fund his or her card purchase transactions." Spec. 13:13–16. Thus, the use of the multi-currency platform with two accounts and two currencies tied to a single generic account provides a technological improvement over prior multi-currency payment systems. *See also Ex parte Smith*, Appeal 2018-000064 (PTAB Jan. 31, 2019) (designated informative Mar. 19, 2019) ("the use of the claimed timing mechanisms and the

associated temporary restraints on execution of trades provide a specific technological improvement over prior derivatives trading systems.").

Accordingly, we conclude that the judicial exception recited in claim 10 is integrated into a practical application, and the claim is eligible because it is not directed to the judicial exception, itself. The rejection of claim 10 under 35 U.S.C. § 101 is reversed. Dependent claims 12, 13, and 18–20 incorporate all the limitations of claim 10 and are reversed for the same reasons.

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–4, 6–13, 16–24	103	French, Grinhute		1–4, 6–13, 16–24
5, 14	103	French, Grinhute, Hanson		5, 14
5, 15		French, Grinhute, Engelhart		5, 15
10–13, 18–20	101	Eligibility		10–13, 18–20
Overall Outcome				1–24

<u>REVERSED</u>

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