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EXAMINER
KHATTAR, RAJESH

ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
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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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Office Action Summary	Application No. 15/656,666	Applicant(s) Davison et al.	
	Examiner RAJESH KHATTAR	Art Unit 3693	AIA (FITF) Status No

-- 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 3 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 1/21/2020.

☐ 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) 1-20 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5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 1-20 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 allowable, 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 _____ 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 12/27/2019.

4) ☐ Other: _____.

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 negatived 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(l)(1) - 706.02(l)(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-I.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

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,

Lee & Hayes, P.C.
Representatives for Applicant

By: /Justen Fauth Reg. No. 63559/ Dated: 2020-05-19

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A LISTING OF THE CLAIMS

Claims pending

- At time of the Action: 1-20
- After this Response: 1-20

Currently Amended claims: 1, 2, 4, 5, and 11-18

1. (Currently Amended) A computer-implemented method comprising:

receiving, by a web server and via a network, a request for a webpage ~~including a user interface widget~~, the request received from ~~by~~ a computer system executing a browser;

causing a portal service implemented by one or more computing devices to generate a first iteration of a user interface widget to be embedded in the webpage, the first iteration of the user interface widget providing first functionality for a first part of a transaction;

receiving, by the web server and from the one or more computing devices, via the network ~~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;

sending ~~providing the first iteration of~~ 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, 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 ~~detecting~~ 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;

receiving, by the web server and from the one or more computing devices, via the network ~~fetching, from the portal service~~, 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~~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~~.

2. (Currently Amended) The computer-implemented method of claim 1 wherein the first iteration of the user interface widget and the next iteration of the user interface widget comprise a script, and the first functionality for the first part of the transaction and the second functionality for the second part of the transaction do not depend on execution of the script.

3. (Original) The computer-implemented method of claim 1 wherein the browser has blocked execution of scripts.

4. (Currently Amended) The computer-implemented method of claim 1 wherein the first functionality of the first part of the transaction includes presenting multiple payment plans.

5. (Currently Amended) The computer-implement method ~~of claim~~ of claim 1 wherein the second functionality for the second part of the transaction includes applying a payment plan to a balance.

6. (Original) The computer-implemented method of claim 1 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.

7. (Original) The computer-implemented method of claim 1 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.

8. (Original) The computer-implemented method of claim 1 wherein causing the portal service to generate the first iteration of the user interface widget includes providing a widget context to the portal service.

9. (Original) The computer-implemented method of claim 1 wherein causing the portal service to generate the first iteration of the user interface widget includes providing a locale to the portal service.

10. (Previously Presented) The computer-implemented method of claim 1 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.

11. (Currently Amended) A system comprising:

one or more hardware processors; and

one or more non-transitory computer-readable media storing instructions that when executed by one or more hardware processors cause the system to:

receive, by a web server and via a network, a request for a webpage including a user interface widget, the request received from ~~by~~ a computer system executing a browser that has blocked execution of scripts;

cause ~~causing~~ a portal service implemented by one or more computing devices to generate a first iteration of a static widget to be embedded in the webpage, the static widget providing at least some functionality of the user interface widget without executing scripts;

receive, by the web server and from the one or more computing devices, via the network~~fetching, from the portal service~~, the first iteration of the static widget;

embed ~~embedding~~ the first iteration of the static widget into ~~a first iteration of~~ the webpage;

send ~~providing the first iteration of~~ the webpage to the computer system;

cause ~~causing~~ 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 ~~detecting~~ 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~~fetching, from the portal service~~, 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 static widget being embedded in the refreshed webpage to replace the first iteration of the static widget~~embedding the next iteration of the static widget into a next iteration of the webpage; and~~

~~providing the next iteration of the webpage to the computer system~~.

12. (Currently Amended) The system of claim 11 wherein, to cause ~~causing~~ the portal service to generate the first iteration of the static widget, the instructions further cause the system to access ~~includes accessing~~ the portal service via a hypertext transfer protocol application programming interface.

13. (Currently Amended) The system of claim 11 wherein, to cause ~~causing~~ the portal service to generate the next iteration of the static widget, the instructions further cause the system to access ~~includes accessing~~ the portal service via a hypertext transfer protocol application programming interface.

14. (Currently Amended) The system of claim 11 wherein, to cause ~~causing~~ the portal service to generate the first iteration of the static widget, the instructions further cause the system to provide ~~includes providing~~ a widget context to the portal service.

15. (Currently Amended) The system of claim 11 wherein, to cause ~~causing~~ the portal service to generate the first iteration of the static widget, the instructions further cause the system to provide ~~includes providing~~ a locale to the portal service.

16. (Currently Amended) The system of claim 11 wherein, to cause ~~causing~~ the portal service to generate the first iteration of the static widget, the instructions further cause the system to provide ~~includes providing~~ an identifier for the webpage to the portal service.

17. (Currently Amended) A distributed computing system comprising:

a web server; [[and]]

a network; and

one or more computing devices implementing a portal service in communication with the web server via the network,

wherein the web server comprises:

first one or more hardware processors; and

first one or more non-transitory computer-readable media storing instructions that when executed by one or more hardware processors cause the web server to:

receive, via the network, a request for a webpage ~~including a user interface widget~~, the request received by a computer system executing a browser,

cause the portal service to generate ~~request, from the portal service,~~ a first iteration of a [[the]]user interface widget to be embedded in the webpage, the user interface widget providing first functionality for a first part of a transaction,

receive, by the web server and from the one or more computing devices, via the network ~~receive, from the portal service~~, the first iteration of the user interface widget,

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

provide ~~the first iteration of~~ 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 ~~detecting~~ 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~~fetch, from the portal service~~, the next iteration of the user interface widget,

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

~~embed the next iteration of the user interface widget into a next iteration of the webpage, and~~

~~provide the next iteration of the webpage to the computer system~~,

wherein the one or more computing devices comprise~~the portal service comprises~~:

second one or more hardware processors, and

second one or more non-transitory computer-readable media storing instructions that when executed by one or more hardware processors cause the portal service to:

generate the first iteration of the user interface widget based at least in part on receiving a first request from the web server for the first iteration of the user interface widget; and

generate the next iteration of the user interface widget based at least in part on receiving a second request from the web server for the next iteration of the user interface widget.

18. (Currently Amended) The distributed computing system of claim 17 further comprising 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,

wherein the next iteration of the user interface widget provides the second 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.

19. (Original) The distributed computing system of claim 18 further comprising a routing service configured to route one or more requests from the computer system executing the browser to the payment service.

20. (Previously Presented) The distributed computing system of claim 19 wherein the routing service routes the one or more requests from the computer system executing the browser to the payment service behind a firewall.