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

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

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Office Action Summary

Application No.

15/669,446

Applicant(s)

Maeng, Joon

Examiner

SAMICA L NORMAN

Art Unit

3697

AIA (FITF) Status

Yes

– 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 28 May 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5a) Of the above claim(s) ____ is/are withdrawn from consideration.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 04 August 2017 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)

3) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date ____.

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)

4) ☐ Other: ____.

Paper No(s)/Mail Date ____.

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 1-20 are pending.

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 without significantly more.

The claim(s) recite(s) receiving a selection of the mobile wallet element from a user; determining that the mobile wallet element is a parent mobile wallet element with at least a first and a second child mobile wallet element corresponding to the parent mobile wallet element, wherein the first child mobile wallet element is a proximity card non- payment mobile wallet element and the second child mobile wallet element is a payment mobile wallet element; determining a context of the user, the context of the user including biometric information of the user and an intended usage of the mobile wallet element, wherein the intended usage includes data describing a transaction initiated using the mobile wallet element; selecting the first child mobile wallet element based upon a selection rule corresponding to the mobile wallet element and the context of the user, wherein the selection rule specifies criteria for selecting the first child mobile wallet element based on the data describing the transaction and the biometric

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information; and executing the first child mobile wallet element to complete a transaction according to the intended usage. The limitations as drafted, under its broadest reasonable interpretation, covers a fundamental economic practice but for the recitation of a generic computer component. The claim encompasses using rules to determine if a transaction can be completed but for the “one or more hardware processors” language. If a claim limitation, under its broadest reasonable interpretation, covers a fundamental economic practice but for the recitation of a generic computer component, than it falls within the “Certain Method of Organizing Human Activity” grouping of abstract ideas.

This judicial exception is not integrated into a practical application. The claims only recites one or more hardware processors to perform the operations comprising the above listed determining, selecting and executing steps. The hardware processor(s) is recited at a high level of generality and amounts to mere instructions to apply the exception using a generic computer component. Therefore, the additional element does not integrate the abstract idea into a practical application because it does not impose any meaningful limits on practicing the abstract idea.

The claim(s) does/do not include additional elements that are sufficient to amount to significantly more than the judicial exception. As discussed above the additional element of using a processor to perform the steps (operations) amounts to no more than mere instructions to apply the exception using a generic computer component. Mere instructions to apply an exception using a generic computer component cannot provide an inventive concept. The claim is not patent eligible.

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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.

Claims 1-20 is/are rejected under 35 U.S.C. 103 as being unpatentable over Neal et al., U.S. PG-Pub No. 2014/0038546 (reference A on the attached PTO-892) in view of Phillips et al., U.S. PG-Pub No. 2012/0310760 (reference B on the attached PTO-892) and in further view of Kursun et al., U.S. Patent No. 9,760,702 (reference C on the attached PTO-892).

As per claims 1, 9 and 17, Neal et al. teaches a method of context-based element selection of a mobile wallet element from a digital wallet, the method comprising: causing one or more hardware processors to perform operations comprising: receiving a selection of the mobile wallet element from a user; determining that the mobile wallet element is a parent mobile wallet element with at least a first and a second child mobile wallet element corresponding to the parent mobile wallet element; determine a context of the user, the context of the user including an intended usage of the mobile wallet element, wherein the intended usage includes data describing a transaction initiated using the mobile wallet element; selecting the first child mobile wallet element based upon a selection rule corresponding to the mobile wallet element and the context of the user, wherein the selection rule specifies criteria for selecting the first child mobile wallet element based on the data describing the transaction; and executing the first child mobile wallet element to complete a transaction according to the intended usage (see paragraph 0025, lines 7, paragraph 0063-0064, paragraph 0124, lines 4-19 and paragraph 0037, lines 1-1-5).

Neal et al. does fails to teach the context of the user includes biometric information of the user and the criteria for selecting the first child mobile wallet element based on the biometric

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information. Kursun et al. teaches the context of the user includes biometric information of the user and the criteria for selecting the first child mobile wallet element based on the biometric information (see column, lines 35-57). 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 Neal et al. One of ordinary skill in the art would have motivated to incorporate this feature for the purpose of granting a vehicle occupant access to a vehicle wallet and conduct a transaction (see column 2, lines 55-57 of Kursun et al.).

Neal et al. does not explicitly teach wherein the first child mobile wallet element is a proximity card non- payment mobile wallet element and the second child mobile wallet element is a payment mobile wallet element. Phillips et al. teaches wherein the first child mobile wallet element is a proximity card non- payment mobile wallet element and the second child mobile wallet element is a payment mobile wallet element (see paragraph 0029, lines 22-35). 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 Neal et al. One of ordinary skill in the art would have motivated to incorporate this feature for the purpose of managing and storing loyalty accounts and payment card accounts (see paragraph 0029, lines 22-35 of Phillips et al.).

As per claims 2, 10 and 18, Neal et al. in view of Phillips et al. and in further view of Kursun et al. teaches the method of claim 1 as described above. Neal et al. further teaches comprising: determining that a usage restriction corresponding to the first child mobile wallet element indicates that a notification is to be sent when the transaction is completed; and responsive to completing the transaction, sending the notification over a network to a third party, the third party not involved in approving the transaction (see paragraph 0027, lines 7-16; paragraph 0057, lines 10-13 and paragraph 0058, lines 12-15).

As per claims 3, 11 and 19, Neal et al. in view of Phillips et al. and in further view of Kursun et al. teaches the method of claim 1 as described above. Neal et al. further teaches comprising: receiving a second selection of the mobile wallet element; determine a second context of the user, the second context of the user including a second intended usage of the mobile wallet element; selecting the first child mobile wallet element based upon the selection rule corresponding to the mobile wallet element and the second context of the user; determining that a usage rule corresponding to the first child mobile wallet element forbids (see paragraph 0124, lines 4-23).

As per claims 4, 12 and 20, Neal et al. in view of Phillips et al. and in further view of Kursun et al. teaches the method of claim 1 as described above. Neal et al. further teaches comprising: providing a GUI for selection of mobile wallet elements, including the mobile wallet element; and wherein receiving the selection of the mobile wallet element includes receiving a selection of a graphical user interface element representing the mobile wallet element (see paragraph 0055, lines 3-6 and paragraph 0056, lines 1-4).

As per claims 5 and 13, Neal et al. in view of Phillips et al. and in further view of Kursun et al. teaches the method of claim 4 as described above. Neal et al. further teaches wherein the GUI for selection shows a graphical representation of the mobile wallet element and icons within that graphical representation that represent the first and second child mobile wallet elements (see paragraph 0055, lines 3-6 and paragraph 0056, lines 1-4).

As per claims 6 and 14, Neal et al. in view of Phillips et al. and in further view of Kursun et al. teaches the method of claim 1 as described above. Neal et al. further teaches comprising: receiving a second selection of the mobile wallet element; determine a second context of the user, the second context of the user including a second intended usage of the mobile wallet

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element; selecting the second child mobile wallet element based upon the selection rule corresponding to the mobile wallet element and the second context of the user; determining that the second child mobile wallet element also has a third and fourth child mobile wallet element; selecting the third child mobile wallet element based upon second selection rules corresponding to the second child mobile wallet element; and executing the third child mobile wallet element to complete a transaction.

As per claims 7 and 15, Neal et al. in view of Phillips et al. and in further view of Kursun et al. teaches the method of claim 1 as described above. Neal et al. does not explicitly teach wherein executing the first child mobile wallet element to complete a transaction comprises communicating with a transacting party using near field communications. Phillips et al. teaches wherein executing the first child mobile wallet element to complete a transaction comprises communicating with a transacting party using near field communications (see paragraph 0023, lines 13-18). 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 Neal et al. One of ordinary skill in the art would have motivated to incorporate this feature for the purpose of using a mobile device as a contactless payment device (see paragraph 0004, lines 1-4 of Phillips et al.).

As per claims 8 and 16, Neal et al. in view of Phillips et al. and in further view of Kursun et al. teaches the method of claim 1 as described above. Neal et al. does not explicitly teach wherein executing the first child mobile wallet element to complete a transaction comprises: retrieving code corresponding to the first child mobile wallet element from storage; and causing the one or more hardware processors to execute at least a portion of the code. Phillips et al. teaches wherein executing the first child mobile wallet element to complete a transaction comprises: retrieving code corresponding to the first child mobile wallet element from storage;

and causing the one or more hardware processors to execute at least a portion of the code (see paragraph 0024). 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 Neal et al. One of ordinary skill in the art would have recognized that applying the technique of Phillips et al. would have yielded predictable results.

Response to Arguments

Applicant's arguments filed 5/28//2020 have been fully considered but they are not persuasive.

Applicant argues “the claims do not recite an economic practice as identified in the guidance, such as hedging, insurance, and mitigating risk.” Under the 2019 PEG, “fundamental economic principles or practices,” which describe subject matter relating to the economy and commerce, are considered to be a “certain method of organizing human activity.” According to the 2019 PEG, “fundamental economic principles or practices” include hedging, insurance, and mitigating risk. The term “fundamental” is not used in the sense of necessarily being “old” or “well-known,” 24 25 although being old or well-known may indicate that the practice is “fundamental.”

MPEP 2106.04(a)(2)(I) provides examples of “fundamental economic principles or practices.” Additional examples of “fundamental economic practices or principles” not discussed in this MPEP section include:

- local processing of payments for remotely purchased goods, *Inventor Holdings, LLC v.*

Bed Bath & Beyond, Inc.;26

- using a marking affixed to the outside of a mail object to communicate information about the mail object, i.e., the sender, recipient, and contents of the mail object, *Secured Mail Solutions LLC v. Universal Wilde, Inc.*;27 and

- placing an order based on displayed market information, *Trading Technologies Int'l, Inc. v. IBG LLC* .28

The claims are drawn to using a mobile wallet to complete a transaction which involves commerce. A fundamental economic practice involves concepts relating to the economy and commerce. Fundamental Economic Practices fall under the abstract idea grouping of Certain Methods of Organizing Human activity.

Applicant argues “Applicant’s claims represent a practical application of any alleged abstract idea at least because the claims are *executing the first child mobile wallet element to complete a transaction according to the intended usage.*” The instant Specification does not disclose the problem that is being solved is “providing a wallet” nor does it disclose Applicant’s invention “reducing the processing required by the computing system.” However, it does state in paragraph 0012 that users with many mobile wallet elements may not appreciate a cluttered mobile wallet environment. It is unclear as to how the ability to use child mobile wallet elements of a parent wallet element to execute transactions based on context is a technical solution to the technical problem of a cluttered mobile environment. Regarding Example 42. The claim as a whole integrates the method of organizing human activity into a practical application. Specifically, the additional elements recite a specific improvement over prior art systems by allowing remote users to share information in real time in a standardized format regardless of the format in which the information was input by the user.

Conclusion

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

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method of context-based element selection of a mobile wallet element from a digital wallet, the method comprising:

causing one or more hardware processors to perform operations comprising:

receiving a selection of the mobile wallet element from a user;

determining that the mobile wallet element is a parent mobile wallet element with at least a first and a second child mobile wallet element corresponding to the parent mobile wallet element, wherein the first child mobile wallet element is a proximity card non-payment mobile wallet element and the second child mobile wallet element is a payment mobile wallet element;

determining a context of the user, the context of the user including biometric information of the user and an intended usage of the mobile wallet element, wherein the intended usage includes data describing a transaction initiated using the mobile wallet element;

determining an activity goal has been met based on activity tracking information provided in the biometric information;

activating the first child mobile wallet element based on meeting the activity goal;

selecting the first child mobile wallet element based upon a selection rule corresponding to the mobile wallet element and the context of the user, wherein the selection rule specifies criteria for selecting the first child mobile wallet element based on the data describing the transaction and the biometric information; and

executing the first child mobile wallet element to complete a transaction according to the intended usage.

2. (Original) The method of claim 1, comprising:

determining that a usage restriction corresponding to the first child mobile wallet element indicates that a notification is to be sent when the transaction is completed; and

responsive to completing the transaction, sending the notification over a network to a third party, the third party not involved in approving the transaction.

3. (Original) The method of claim 1, comprising:
 - receiving a second selection of the mobile wallet element;
 - determine a second context of the user, the second context of the user including a second intended usage of the mobile wallet element;
 - selecting the first child mobile wallet element based upon the selection rule corresponding to the mobile wallet element and the second context of the user;
 - determining that a usage rule corresponding to the first child mobile wallet element forbids the second intended usage; and
 - denying a transaction for the second intended usage.
4. (Original) The method of claim 1, comprising:
 - providing a GUI for selection of mobile wallet elements, including the mobile wallet element; and
 - wherein receiving the selection of the mobile wallet element includes receiving a selection of a graphical user interface element representing the mobile wallet element.
5. (Original) The method of claim 4, wherein the GUI for selection shows a graphical representation of the mobile wallet element and icons within that graphical representation that represent the first and second child mobile wallet elements.
6. (Original) The method of claim 1, comprising:
 - receiving a second selection of the mobile wallet element;
 - determine a second context of the user, the second context of the user including a second intended usage of the mobile wallet element;
 - selecting the second child mobile wallet element based upon the selection rule corresponding to the mobile wallet element and the second context of the user;
 - determining that the second child mobile wallet element also has a third and fourth child mobile wallet element;
 - selecting the third child mobile wallet element based upon second selection rules

corresponding to the second child mobile wallet element; and
executing the third child mobile wallet element to complete a transaction.

7. (Original) The method of claim 1 wherein executing the first child mobile wallet element to complete a transaction comprises communicating with a transacting party using near field communications.

8. (Original) The method of claim 1, wherein executing the first child mobile wallet element to complete a transaction comprises:

retrieving code corresponding to the first child mobile wallet element from storage; and
causing the one or more hardware processors to execute at least a portion of the code.

9. (Currently Amended) A system for context-based element selection of a mobile wallet element from a digital wallet, the system comprising:

a computer processor;

a memory, the memory comprising instructions, which when performed by the computer processor, cause the computer processor to perform operations comprising:

causing one or more hardware processors to perform operations comprising:

receiving a selection of the mobile wallet element from a user;

determining that the mobile wallet element is a parent mobile wallet element with at least a first and a second child mobile wallet element corresponding to the parent mobile wallet element, wherein the first child mobile wallet element is a proximity card non-payment mobile wallet element and the second child mobile wallet element is a payment mobile wallet element;

determining a context of the user, the context of the user including biometric information of the user and an intended usage of the mobile wallet element, wherein the intended usage includes data describing a transaction initiated using the mobile wallet element;

determining an activity goal has been met based on activity tracking information provided in the biometric information;

- activating the first child mobile wallet element based on meeting the activity goal;
selecting the first child mobile wallet element based upon a selection rule
corresponding to the mobile wallet element and the context of the user, wherein the selection
rule specifies criteria for selecting the first child mobile wallet element based on the data
describing the transaction and the biometric information; and
executing the first child mobile wallet element to complete a transaction according to
the intended usage.
10. (Original) The system of claim 9, wherein the operations further comprise:
determining that a usage restriction corresponding to the first child mobile wallet element
indicates that a notification is to be sent when the transaction is completed; and
responsive to completing the transaction, sending the notification over a network to a third
party, the third party not involved in approving the transaction.
11. (Original) The system of claim 9, wherein the operations further comprise:
receiving a second selection of the mobile wallet element;
determine a second context of the user, the second context of the user including a second
intended usage of the mobile wallet element;
selecting the first child mobile wallet element based upon the selection rule corresponding to
the mobile wallet element and the second context of the user;
determining that a usage rule corresponding to the first child mobile wallet element forbids
the second intended usage; and
denying a transaction for the second intended usage.
12. (Original) The system of claim 9, wherein the operations further comprise:
providing a GUI for selection of mobile wallet elements, including the mobile wallet
element; and
wherein receiving the selection of the mobile wallet element includes receiving a selection
of a graphical user interface element representing the mobile wallet element.

13. (Original) The system of claim 12, wherein the GUI for selection shows a graphical representation of the mobile wallet element and icons within that graphical representation that represent the first and second child mobile wallet elements.

14. (Original) The system of claim 9, wherein the operations further comprise:
receiving a second selection of the mobile wallet element;
determine a second context of the user, the second context of the user including a second intended usage of the mobile wallet element;
selecting the second child mobile wallet element based upon the selection rule corresponding to the mobile wallet element and the second context of the user;
determining that the second child mobile wallet element also has a third and fourth child mobile wallet element;
selecting the third child mobile wallet element based upon second selection rules corresponding to the second child mobile wallet element; and
executing the third child mobile wallet element to complete a transaction.

15. (Original) The system of claim 9 wherein the operations of executing the first child mobile wallet element to complete a transaction comprises communicating with a transacting party using near field communications.

16. (Original) The system of claim 9, wherein the operations of executing the first child mobile wallet element to complete a transaction comprises:
retrieving code corresponding to the first child mobile wallet element from storage; and
causing the one or more hardware processors to execute at least a portion of the code.

17. (Currently Amended) A non-transitory machine-readable medium for context-based element selection of a mobile wallet element from a digital wallet, the machine-readable medium comprising instructions, which when executed by a machine, causes the machine to perform operations comprising:
causing one or more hardware processors to perform operations comprising:

receiving a selection of the mobile wallet element from a user;

determining that the mobile wallet element is a parent mobile wallet element with at least a first and a second child mobile wallet element corresponding to the parent mobile wallet element, wherein the first child mobile wallet element is a proximity card non-payment mobile wallet element and the second child mobile wallet element is a payment mobile wallet element;

determining a context of the user, the context of the user including biometric information of the user and an intended usage of the mobile wallet element, wherein the intended usage includes data describing a transaction initiated using the mobile wallet element;

determining an activity goal has been met based on activity tracking information provided in the biometric information;

activating the first child mobile wallet element based on meeting the activity goal;

selecting the first child mobile wallet element based upon a selection rule corresponding to the mobile wallet element and the context of the user, wherein the selection rule specifies criteria for selecting the first child mobile wallet element based on the data describing the transaction and the biometric information; and

executing the first child mobile wallet element to complete a transaction according to the intended usage.

18. (Original) The machine-readable medium of claim 17, wherein the operations further comprise:

determining that a usage restriction corresponding to the first child mobile wallet element indicates that a notification is to be sent when the transaction is completed; and

responsive to completing the transaction, sending the notification over a network to a third party, the third party not involved in approving the transaction.

19. (Original) The machine-readable medium of claim 17, wherein the operations further comprise:

receiving a second selection of the mobile wallet element;

determine a second context of the user, the second context of the user including a second intended usage of the mobile wallet element;

selecting the first child mobile wallet element based upon the selection rule corresponding to the mobile wallet element and the second context of the user;

determining that a usage rule corresponding to the first child mobile wallet element forbids the second intended usage; and

denying a transaction for the second intended usage.

20. (Original) The machine-readable medium of claim 17, wherein the operations further comprise:

providing a GUI for selection of mobile wallet elements, including the mobile wallet element; and

wherein receiving the selection of the mobile wallet element includes receiving a selection of a graphical user interface element representing the mobile wallet element.

REMARKS

This correspondence responds to the Non-Final Office Action dated July 16, 2020.

Claims 1, 9, and 17 are presently amended. No claims are presently canceled. As a result, claims 1–20 are currently pending in this application.

The Rejection of Claims Under § 101

Claims 1–20 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. When evaluating claims for subject matter eligibility, even if the claims fall within the abstract idea grouping of certain methods of organizing human activity, under step 2A prong 2 of the 2019 Revised Patent Subject Matter Eligibility Guidance, the claims represent a practical application of the abstract idea. On page 9 of the Office Action, the Examiner notes that Applicant's specification at paragraph [0012] indicates that users may not appreciate a cluttered mobile wallet environment. But the Examiner indicates they are not sure how Applicant's claims are a "technical solution to the technical problem of a cluttered mobile environment." The independent claims are presently amended to recite *determining an activity goal has been met based on activity tracking information provided in the biometric information and activating the first child mobile wallet element based on meeting the activity goal*. These elements limit the mobile wallet elements that are available to the user, as the first child mobile wallet element is active when the user has met an activity goal. Thus, the user's mobile wallet is less cluttered as a mobile wallet element may not be activated and available for use when the activity goal has not been met, and integrating any abstract idea into a practical application. This is similar to claim 1 of example 37 from the subject matter eligibility examples. Claim 1 of example 37 integrates the judicial exception into a practical application by moving icons on a GUI based on the amount of use and thus improving the experience for the user.

In the Office Action, the Examiner continues to allege that Applicant's claims cover "a fundamental economic practice." The Examiner's alleges that the claim use "rules to determine if a transaction can be completed." (Office Action, p. 3) While Applicant's claims result in the completion of a transaction, the Examiner misconstrues Applicant's claims as being directed toward the determination of completing a transaction instead of the management of access to elements of a mobile wallet. The functioning and limitations of a mobile wallet is a technological field.

Applicant's claims are directed toward the technological field of mobile wallets and not the resulting transaction, whether economically related or not. This is further exemplified in Applicant's claims as *the first child mobile wallet element* that is used to *complete a transaction* is identified earlier in the claim as *a proximity card non-payment mobile wallet element*. Thus, the evidence that non-economic uses for a mobile wallet exist, in addition to *the first child mobile wallet element* not being a payment element, demonstrates that the Examiner's allegation of the claims being a fundamental economic practice is unfounded.

For the reasons stated above, Applicant respectfully submits that claims 1–20 are directed to patent eligible subject matter. Accordingly, Applicant requests reconsideration and withdrawal of the § 101 rejection.

The Rejection of Claims Under § 103

Claims 1–20 stand rejected under 35 U.S.C. § 103 as allegedly being obvious given a combination of Neal et al. (U.S. Pat. Publ'n. No. 2014/0038546; hereinafter "Neal"), Phillips et al. (U.S. Pat. Publ'n. No. 2012/0310760; hereinafter "Phillips"), and Kursun et al. (U.S. Patent 9,760,702, hereinafter "Kursun").

Independent claim 1 is amended to include:

determining an activity goal has been met based on activity tracking information provided in the biometric information;

activating the first child mobile wallet element based on meeting the activity goal.

Support for the amendments may be found at least in paragraph [0027] of the specification.

Independent claims 9 and 17 are similarly amended.

The amendments include using *activity tracking information* from the *biometric information* to determine that an *activity goal has been met*. The *first child mobile wallet element* is then activated *based on meeting the activity goal*. In the Office Action, the Examiner introduces Kursun as allegedly teaching the use of biometric information to determine the context of the user. Kursun describes using a wallet system for access and operation of a vehicle, where one of the methods of authenticating a user is through biometrics. However, Kursun does not discuss using biometric information to determine a user has met an activity goal and then activating a mobile wallet element

based on meeting the activity goal. Neal and Phillips do not remedy this deficiency, and thus Neal, Phillips, and Kursun, alone or in combination, do not teach all the elements of Applicant's claims.

For at least the above reasons, a *prima facie* case of obviousness cannot be maintained for claims 1, 9, or 17. The remaining pending claims depend from one of claim 1, 9, or 17 and are therefore allowable over Neal and Phillips for at least the same reasons. Reconsideration and allowance are respectfully requested for the rejected claims.

Reservation of Rights

In the interest of clarity and brevity, every assertion made in the Office Action may not have been equally addressed. Silence regarding any such assertion does not constitute any admission or acquiescence. All rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference, are reserved. It is not admitted that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, timely objection to such reliance on Official Notice is made, and all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03, are reserved. All rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04, are likewise reserved.

CONCLUSION


It is respectfully submitted that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6900 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By 
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