UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTIFICATION DATE	DELIVERY MODE
01/10/2020	ELECTRONIC

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

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

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

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 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 08/22/2019.
  ☐ 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) 1,4,6-10,12-13,16,19 and 21-30 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  5a) Of the above claim(s) _____ is/are withdrawn from consideration.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) 1,4,6-10,12-13,16,19 and 21-30 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)   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.

DETAILED ACTION

Response to amendment:

In the amendment filed 08/22/2019, the following has occurred: claims

1,4,6-10,12,13,16, have been amended. Claims 21-30 have been added.

Claims 1,4,7,8,12,13,16,21 -27,30 are pending and are presented for

examination.

RESPONSE TO ARGUMENT

Applicant argues as follows:

Applicant respectfully submits that the subject matter of independent claims

1 and 13 cannot reasonably be interpreted as reciting certain methods of

organizing human interactions, such as fundamental economic practices,

commercial and legal interactions, managing relationships or interactions

between people, and advertising, marketing, and sales activities,

as delineated by the 2019 Revised Patent Subject Matter Eligibility

Guidance. For example, evaluating fitness of a user before proceeding with

a transaction, as generally recited by claims 1 and 13, cannot reasonably

interpreted as a method of organizing human activity, such as fundamental

economic practices, commercial and legal interactions, managing

relationships or interactions between people, and advertising, marketing,

and sales activities.

The above argument is not found to be persuasive. The claims recite

evaluating fitness of the user performing the transaction in response to

determining that the transaction exceeds a predetermined financial

threshold, wherein evaluating the fitness of the user comprises:

receiving a plurality of health factors as inputs to a fitness test algorithm

with weighting values for each of the plurality of health factors, wherein the

weighting values are based on a defined characteristic of the user: and

calculating a fitness score as output from the fitness test algorithm: and

sending, via the graphical user interface, an approval after the

evaluation based on a comparison of the fitness score to a predetermined

fitness threshold.

The claims are a combination of mathematical concepts, mental processes

and certain methods of organizing human activity. The claims utilizes a

fitness test algorithm that is by definition a mathematical formula involving a

mathematical calculation.

Further, the claims recites evaluating fitness based on observations,

evaluations, judgement or opinion as performed in the human mind.

These two identified abstract ideas are combined in a system of an

evaluation of the user performance prior to facilitating a transaction. This is

similar to a fundamental economic practice such as a payment transaction.

If a claim limitation , under its broadest reasonable interpretation, covers

performance of certain methods of organizing human activity or

performance of the limitations within the min, but for the recitation of

generic computer components, when it falls within the mental processes,

mathematical concepts or certain methods of organizing human activities

grouping of abstract ideas, the claims recites an abstract idea.

Applicant argues as follows:

Assuming, arguendo, that the claims "recite a judicial exception," Applicant

submits that the claims "integrate the recited judicial exception into a

practical application of that exception." 2019 Revised Patent Subject Matter

Eligibility Guidance, p. 13. As stated in the 2019 Revised Patent Subject

Matter Eligibility Guidance, "[a] claim is not 'directed to' a judicial exception,

and thus is patent eligible, if the claim as a whole integrates the recited

judicial exception into a practical application of that exception." Id.

In particular, the claims do not merely "enable the selection of one card

among a plurality of payment cards for a transaction request", as

contended by the Examiner. Office Action, p. 3. For example, as described

in paragraphs 2-5 of the Specification, individuals suffering from diminished

mental health capacity may unintentionally make poor decisions that can

result in significant financial hardships affecting them and their loved ones.

See Application, 2-5. Accordingly, the application is directed to systems

and methods that reduce and/or eliminate the likelihood that individuals

with mental health disorders make poor financial decisions. See id.,

If 5. In particular, the disclosed systems and methods may determine

whether a request to perform a financial transaction exceeds a

predetermined threshold. See id.,]f 54. If so, the disclosed systems and

methods may perform a fitness test that evaluates one or more

factors associated with the user's specific mental health condition, such as

physical health, mental awareness, current medications being taken,

birthday, climate, time of day, and other social and environmental

considerations that are known to affect judgment. See id., ^f 55-56. In this

way, the disclosed systems and methods may prevent poor financial

decisions from being performed, thus avoiding subsequent transactions

that compensate for the poor financial decisions and/or claims filed by the

individuals or guardians of the individuals that result in the

subsequent transactions, which may make extensive use of finite

computing resources (e.g., memory, storage space, networking, and/or

processing resources). In this manner, the disclosed systems and methods

may increase computational resource efficiency.

The above argument is not found to be persuasive. Because the claim

recites a judicial exception, the claims are evaluated to determine whether

they integrate the judicial exception into a practical application. To

determine whether the judicial exception is integrated into a practical

application, Examiner identifies whether there are any additional elements

recited in the claim beyond the judicial exception and evaluate those

elements to determine whether they integrate the judicial exception into a

practical application. The additional elements, a non-transitory memory

coupled to the processor do not integrate the judicial exception into a

practical application. The claims do not recite (i) an improvement to the

functionality of a computer or other technology or technical field, (ii) a

particular machine to apply or use the judicial exception (iii) a particular

transformation of an article to a different state or thing or (iv) and other

meaningful limitation.

The steps of displaying an input box, receiving information, evaluating

fitness of the user, receiving health factors and calculating a fitness score

are the type of extra-solution activities the courts have determined

insufficient to transform judicial excepted subject matter into a patent –

eligible application. See MPEP 106.05(g)

Applicant argues as follows:

Independent claims 1 and 13 recite an inventive concept under Step 2B of

the test outlined in the 2019 Revised Patent Subject Matter Eligibility

Guidance.

Under Step 2B of the test outlined in the 2019 Revised Patent Subject

Matter Eligibility Guidance, if additional elements recited by the claims

amount to "significantly more" than the judicial exception, then the claim is

eligible under 35 U.S.C. § 101. See 2019 Revised Patent Subject Matter

Eligibility Guidance, pp. 22-23. Additional claim elements may amount

to "significantly more", for example, by providing an inventive concept by

adding a particular limitation or combination of limitations that are not well-

understood, routine, or conventional.

See id. For example, the 2019 Revised Patent Subject Matter Eligibility

Guidance explains that performing a combination of data gathering steps in

an unconventional way constitutes an inventive step, rendering the

hypothetical claim eligible under Step 2B of the test. See id. at page 24.

Even if claims 1 and 13 did include a broad recitation of an abstract idea

itself, and failed to integrate the abstract idea into a practical application,

the claims pass Step 2B of the test because the claims include significantly

more than "enable the selection of one card among a plurality of payment

cards for a transaction request." Office Action, p. 3. As noted above,

the subject matter of claims 1 and 13 are directed to a practical application,

for example, displaying an input box that receives information associated

with a transaction, receiving the information associated with the transaction

from the input box, and evaluating fitness of a user performing the

transaction in response to determining that the transaction exceeds a

predetermined threshold.

Additionally, Applicant notes that Step 2 requires an "inventive concept,"

which is defined as "an element or combination of elements that is

'sufficient to ensure that the patent in practice amounts to significantly more

than a patent upon the [ineligible concept] itself." Alice, 134 S.Ct. 2355

(citing Mayo Collaborative Services v. Prometheus Laboratories, Inc., 566

U.S._, 132 S.Ct. 1289, 1294 (2012) (emphasis added). As explained in

more detail below with regard to the rejections under §§102 and 103,

Applicant respectfully submits that the claims recite features that are

missing from the cited prior art references. As such, Applicant respectfully

submits that the claimed subject matter does not employ processes that are simply routine or conventional. Rather, the claims recite systems and methods that are unique and provide an improvement in evaluating fitness of a user before proceeding with a transaction.

The above argument is not found to be persuasive .The additional elements in the claim both individually and in combination, amount to no more than tools to perform the abstract idea. Merely performing the abstract idea using a computer cannot provide an inventive concept.

Applicant argues as follows:

In the Office Action, the Examiner rejected claims 1 and 13 under 35 U.S.C. § 102(a)(1) as anticipated over Moritz, et al., (U.S. Patent No. 9,185,095). Applicant respectfully traverses this rejection.

The above argument is moot in view of the amended claims and the applied prior art.

Applicant argues as follows:

In the Office Action, the Examiner rejected claims 2-12 under 35 U.S.C. § 103 as being unpatentable over Moritz and Ronca, et al., (U.S. Publication No. 2015/0363770) and Christensen, et al (U.S. Patent No. 7,891,477). Applicant respectfully traverses this rejection. The above argument is moot in view of the amended claims and the applied prior art.

Claim Rejections - 35 USC § 101

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 1,4,6-10,12-13,16,21-30 are rejected under 35 U.S.C. 101

because the claimed invention is directed to an abstract idea

without significantly more.

Claims 1,13 and 27 are drawn to a method and system

respectively. Therefore they are within the four enumerated

statutory categories. Step 1: Yes.

Step 2A: Prong One: The claim recites a method displaying, on a

graphical user interface, an input box requesting information

associated with the transaction;

receiving, via the graphical user interface over a network, the

information associated with the transaction from the input box:

evaluating fitness of the user performing the transaction in

response to determining that the transaction exceeds a

predetermined financial threshold, wherein evaluating the fitness

of the user comprises:

receiving a plurality of health factors as inputs to a fitness test

algorithm with weighting values for each of the plurality of health

factors, wherein the weighting values are based on a defined

characteristic of the user: and

calculating a fitness score as output from the fitness test

algorithm: and sending, via the graphical user interface, an

approval after the evaluation based on a comparison of the fitness

score to a predetermined fitness threshold.

The claims are directed to a system of an evaluation of user

performance prior to facilitating a transaction. This method of

organizing human activity is similar to a fundamental economic

practice such as a payment transaction. Accordingly, the claim

recites an abstract idea.

Step 2A: Prong Two:. The claim is not patent eligible. The claimed

computer components are recited at a high level of generality and

are merely invoked as tools to enable the selection of one card

among a plurality of payment cards for a transaction request. The

additional elements do not improve the functioning of a computer

or device.

Simply implementing the abstract idea on a generic computer is

not a practical application of the abstract idea. The abstract idea

is not integrated into a practical application.

Step 2B: The claim does not include additional elements that are

sufficient to amount to significantly more than the judicial

exception because the additional elements when considered both

individually and as an ordered combination do not amount to

significantly more than the abstract idea. The use of generic

computer components to process information through an

unspecified device does not impose any meaningful limit on the

computer implementation of the abstract idea.

The additional element of using a processor to perform the

method for performing an evaluation evaluating fitness of a

user performance before proceeding with a transaction

comprising: displaying, on a graphical user interface, an input box

requesting a user to input information associated with the

transaction;

receiving, via the graphical user interface over a network, the

information from the user associated with the transaction from the

input box:

evaluating fitness of the user performing the transaction in

response to determining that the received information associated

with the transaction based on decision criteria including

whether the transaction exceeds a predetermined financial

threshold, wherein evaluating the fitness of the user comprises:

receiving a plurality of health factors as inputs to a fitness test

algorithm with weighting values for each of the plurality of health

factors, wherein the weighting values are based on a defined

characteristic of the user: and

calculating a fitness score as output from the fitness test

algorithm: and sending, via the graphical user interface, an

approval to the user after the evaluation based on a comparison

of the fitness score to a predetermined fitness threshold steps

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.

The specification does not provide any improved computer or

technology rather generically applies the abstract idea to generic

computers as filed specification in pages 3-23 and Figure 1

[discloses generic computer systems and components that

conduct the method].

Thus, taken alone, the additional elements do not amount to

significantly more than the above-identified judicial exception (the

abstract idea). Looking at the limitations as an ordered

combination adds nothing that is not already present when looking at the elements taken individually. There is no indication that the combination of elements improves the functioning of a computer or improves any other technology.

The dependent claims do not recite additional limitations beyond those identified as the judicial exception in the independent claims that would qualify as significantly more. The dependent claims do not amount to significantly more than the identified abstract idea. The dependent claims do not recite limitations that transforms the corresponding independent claims into a patent-eligible application of the otherwise ineligible abstract idea recited in the independent claims.

The claims do not recite any limitations that qualify as significantly more than the abstract idea. The claimed invention does not recite improvement to another technology or another technical field or the server. The claimed invention does not recite any improvement to the functioning of the computer system itself. The

claimed invention does not improve the network facility or network

centric technology.

Therefore the claim limitations do not qualify as significantly more.

Step 2B: No.

The Examiner notes that independent claim 13 and 27 are similar in scope

to claim 1 and is rejected on the same basis. The dependent claims do not

correct the deficiencies and are therefore also rejected.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

> (a) IN GENERAL.—The specification shall contain a written description of the
> invention, and of the manner and process of making and using it, in such full, clear, concise,
> and exact terms as to enable any person skilled in the art to which it pertains, or with which it
> is most nearly connected, to make and use the same, and shall set forth the best mode
> contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35

U.S.C. 112:

> The specification shall contain a written description of the invention, and of the
> manner and process of making and using it, in such full, clear, concise, and exact terms as to
> enable any person skilled in the art to which it pertains, or with which it is most nearly
> connected, to make and use the same, and shall set forth the best mode contemplated by the
> inventor of carrying out his invention.

Claim 16 is rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA),

first paragraph, as failing to comply with the written description

requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation " requesting a reason" is not supported in the specification. Examiner interprets the request to be any information

for the transaction.

Claim 28 is rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation " prompt via user interface" is not supported in the specification. Examiner interprets the prompt to be any action the processor initiates.

Claim Rejections - 35 USC § 103

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

obviousness rejections set forth in this Office action:

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

The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at

issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating

obviousness or nonobviousness.

Claims 1,4,7,8,12,13,16,21 -27,30 are rejected under 35 U.S.C. 103 as

being unpatentable over Moritz et al (Patent 9185095 and in further

view of Ohnemus et al (PGPub 2014/0156308).

As regards claims 1, 13 and 27 , Moritz discloses a non-transitory memory

coupled to the processor, wherein the non-transitory memory is configured

to store instructions executable by the processor, and wherein

the instructions are configured to cause the processor to display, on a

graphical user interface of a display, an input box configured to receive

information associated with a transaction; [col 24 lines 46-53]

receive, via the graphical user interface, the information associated with the

transaction from the input box; [Fig 2 and 5]

Moritz does not expressly disclose evaluating evaluate fitness of a user

performing the transaction in response to determining that the transaction

exceeds a predetermined transaction threshold, wherein the instructions

are configured to cause the processor to evaluate the fitness of the user by:

receiving a plurality of health factors as inputs to a fitness test algorithm

with weighting values for each of the plurality of health factors, wherein the

weighting values are based on a defined characteristic of the user;

and calculating a fitness score as output from the fitness test algorithm:

and approve or decline the transaction based on comparison of the fitness

score to a predetermined fitness threshold.

Ohnemus discloses evaluate fitness of a user performing the transaction in

response to determining that the transaction exceeds a predetermined

transaction threshold, wherein the instructions are configured to cause the

processor to evaluate the fitness of the user by:

receiving a plurality of health factors as inputs to a fitness test algorithm

with weighting values for each of the plurality of health factors, wherein the

weighting values are based on a defined characteristic of the user: [0158]

and calculating a fitness score as output from the fitness test algorithm: and

approve or decline the transaction based on comparison of the fitness

score to a predetermined fitness threshold. [0158]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ohnemus in the

device of Moritz. The rationale to support a conclusion that the claim would

have been obvious is that a method of enhancing a particular class of

devices was made part of the ordinary capabilities of one skilled in the art

based upon the teaching of such improvement in other situations. One of

ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 4 , Moritz and Ohnemus discloses the apparatus of claim

1_, Moritz does not discloses wherein the plurality of health factors

comprise measurements indicative of physical health of the user.

Ohnemus discloses wherein the plurality of health factors comprise

measurements indicative of physical health of the user. [0045]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ohnemus in the

device of Moritz. The rationale to support a conclusion that the claim would

have been obvious is that a method of enhancing a particular class of

devices was made part of the ordinary capabilities of one skilled in the art

based upon the teaching of such improvement in other situations. One of

ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 7 , Moritz and Ohnemus discloses the apparatus of claim

I, Moritz further discloses wherein the instructions are configured to cause

the processor checking perform a comparison of the information

associated with the transaction with similar transactions for another user,

and [col 1 lines 46-58; col 4 lines 60-col 5 line 02]

 send a recommendation to the user to change the information based upon

the comparison.[col 23 lines 13-17]

As regards claim 8 , Moritz and Ohnemus discloses the apparatus of claim

1, Moritz further discloses wherein the instructions are configured to cause

the processor is further configured to execute the instructions of sending

send, via the graphical user interface, a partial approval after the evaluation

including indicating an approved amount lower than provided in the

received information from the user associated with the transaction in

response to evaluating the fitness of the user.[col 22 lines 11-23]

As regards claim 12, Moritz and Ohnemus discloses the apparatus of claim

1, Moritz further discloses wherein

the graphical user interface includes a box displaying denied and approved

requests of the user, and the instructions are configured to cause the

processor receive, via the graphical user interface, a request to review the

denied and approved requests.[Fig 5, col 20 lines 24-35; col 21 lines 19-

24]

As regards claim 16 , Moritz and Ohnemus discloses the method of claim

13, Moritz further discloses further comprising requesting a reason for the

transaction exceeding the predetermined financial threshold.[col 7 lines 54-

57]

As regards claim 21 , Moritz and Ohnemus discloses the apparatus of

claim 1, Moritz further discloses wherein the processor is configured to

store the fitness score correlated with an indication of the transaction in the

non-transitory memory. [Col 7 lines 49-58]

As regards claim 22, Moritz and Ohnemus discloses the apparatus of

claim 1, Moritz does not expressly disclose wherein the plurality of health

factors comprise inputs related to medications prescribed to the user.

Ohnemus discloses wherein the plurality of health factors comprise

inputs related to medications prescribed to the user. [0039, 0051]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ohnemus in the

device of Moritz. The rationale to support a conclusion that the claim would

have been obvious is that a method of enhancing a particular class of

devices was made part of the ordinary capabilities of one skilled in the art

based upon the teaching of such improvement in other situations. One of

ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 23, Moritz and Ohnemus discloses the apparatus of claim

1, Moritz does not expressly disclose wherein the plurality of health factors

comprise an age of the user.

Ohnemus discloses wherein the plurality of health factors comprise an

age of the user. [0011, 0053]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ohnemus in the

device of Moritz. The rationale to support a conclusion that the claim would

have been obvious is that a method of enhancing a particular class of

devices was made part of the ordinary capabilities of one skilled in the art

based upon the teaching of such improvement in other situations. One of

ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 24, Moritz and Ohnemus discloses the apparatus of claim

1, Moritz does not expressly disclose wherein the plurality of health factors

comprise a time of the day.

Ohnemus discloses wherein the plurality of health factors comprise a time

of the day. [0171]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ohnemus in the

device of Moritz. The rationale to support a conclusion that the claim would

have been obvious is that a method of enhancing a particular class of

devices was made part of the ordinary capabilities of one skilled in the art

based upon the teaching of such improvement in other situations. One of

ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

Rein the plurality of health factors comprise a time of day.

As regards claim 25, Moritz and Ohnemus discloses the apparatus of claim

1, Moritz does not expressly disclose wherein the plurality of health factors

comprise climate where the user is located.

Ohnemus discloses wherein the plurality of health factors comprise

climate where the user is located. [0139]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ohnemus in the

device of Moritz. The rationale to support a conclusion that the claim would

have been obvious is that a method of enhancing a particular class of

devices was made part of the ordinary capabilities of one skilled in the art

based upon the teaching of such improvement in other situations. One of

ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 26 , Moritz and Ohnemus discloses the method of claim

13, Moritz does not expressly disclose wherein evaluating fitness of the

user comprises evaluating a plurality of factors associated with a mental

health condition of the user.

Ohnemus discloses wherein evaluating fitness of the user

comprises evaluating a plurality of factors associated with a mental health

condition of the user. [0158]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ohnemus in the

device of Moritz. The rationale to support a conclusion that the claim would

have been obvious is that a method of enhancing a particular class of

devices was made part of the ordinary capabilities of one skilled in the art

based upon the teaching of such improvement in other situations. One of

ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 30, Moritz and Ohnemus discloses the apparatus of claim

1, Moritz further discloses scan the Internet for similar transactions as the

transaction; [0057]

Compare the similar transactions to the transaction; [0010] and

send a recommendation to the user to change the information based upon

the comparing the similar transactions to the transaction. [col 23 lines 113-

17]

Claims 6,9-10,28-29 are rejected under 35 U.S.C. 103 as being

unpatentable over Moritz et al (Patent 9185095) and in view of

Ohnemus et al (PGPub 2014/0156308) and in further view of Ronca

(PGPub 2015/0363770).

As regards claims 6 and 29 , Moritz and Ohnemus discloses the apparatus

of claim 1, Moritz and Ohnemus does not expressly disclose wherein the

instructions are configured to cause the processor is validate the

transaction using a block chain associated with a previous dealing of the

user.

Ronca discloses wherein the instructions are configured to cause the

processor is further configured to execute the instructions of checking

validate the transaction using a block chain associated with a previous

dealing of the user. [0172, Fig 9 and 10]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ronca in the device of

Moritz and Ohnemus. The rationale to support a conclusion that the claim

would have been obvious is that a method of enhancing a particular class

of devices was made part of the ordinary capabilities of one skilled in the

art based upon the teaching of such improvement in other situations. One

of ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 9, Moritz and Ohnemus discloses the apparatus of claim

1, Moritz and Ohnemus does not expressly disclose wherein the

instructions are configured to cause the processor transfer funds for the

transaction to the user or a third party.

Ronca discloses wherein the instructions are configured to cause the

processor transfer funds for the transaction to the user or a third party.

[008, Fig 9]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ronca in the device of

Moritz and Ohnemus. The rationale to support a conclusion that the claim

would have been obvious is that a method of enhancing a particular class

of devices was made part of the ordinary capabilities of one skilled in the

art based upon the teaching of such improvement in other situations. One

of ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 10 , Moritz and Ohnemus discloses the apparatus of

claim 9, wherein the instructions are configured to cause the processor to

update a block chain to record the funds transferred for the transaction.

Moritz and Ohnemus does not expressly disclose wherein the instructions

are configured to cause the processor to update a block chain to record the

funds transferred for the transaction.

Ronca discloses wherein the instructions are configured to cause the

processor to update a block chain to record the funds transferred for the

transaction. [0109]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ronca in the device of

Moritz and Ohnemus. The rationale to support a conclusion that the claim

would have been obvious is that a method of enhancing a particular class

of devices was made part of the ordinary capabilities of one skilled in the

art based upon the teaching of such improvement in other situations. One

of ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

As regards claim 28 , Moritz and Ohnemus discloses the system of claim

27, Moritz and Ohnemus does not expressly disclose prompt, via the user

interface, entry of the additional criterion related to the transaction and;

approve or decline the transaction based on the additional criterion

corresponding to a designated category based on comparison with related

criterion on a database of previous transactions.

Ronca discloses prompt, via the user interface, entry of the additional

criterion related to the transaction and; [0050]

approve or decline the transaction based on the additional criterion

corresponding to a designated category based on comparison with related

criterion on a database of previous transactions. [0008]

It would have been obvious for a person of ordinary skill in the art at the

time of effective filing the invention was made to use Ronca in the device of

Moritz and Ohnemus. The rationale to support a conclusion that the claim

would have been obvious is that a method of enhancing a particular class

of devices was made part of the ordinary capabilities of one skilled in the

art based upon the teaching of such improvement in other situations. One

of ordinary skill in the art would have been capable of applying this known

method of enhancement to a base device in the prior art and the results

would have been predictable to one of ordinary skill in the art.

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 JOHN A ANDERSON whose telephone

number is (571)270-3327. The examiner can normally be reached on

9Am-6PM EST M-F.

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, Sarah Monfeldt can be reached on 571-270-1833.

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.

/JOHN A ANDERSON/
Examiner, Art Unit 3692
/BRUCE I EBERSMAN/
Primary Examiner, Art Unit 3692

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AMENDMENTS TO THE CLAIMS

The following is a complete listing of the claims, which replaces all previous versions and listings of the claims.

1.　　(currently amended)　A computer-implemented apparatus comprising:

a processor; and

a non-transitory memory coupled to the processor, wherein the non-transitory memory is configured to store instructions executable by the processor, and wherein the instructions are configured to cause the processor to:

　　display, on a graphical user interface of a display, an input box configured to receive information associated with a financial transaction;

　　receive, via the graphical user interface, the information associated with the financial transaction from the input box;

　　evaluate mental fitness of a user performing the financial transaction in response to determining that the financial transaction exceeds a predetermined financial transaction threshold, wherein the instructions are configured to cause the processor to evaluate the mental fitness of the user by:

　　　　receiving a plurality of health factors of the user, wherein:

　　　　　　the plurality of health factors comprises a physical health of the user, a mental awareness of the user, and a current medication being taken by the user; and

　　　　　　each of the plurality of health factors is associated with a respective predetermined weighting value based on a specific mental health condition of the user;

　　　　as inputs to inputting each of the plurality of health factors to a mental fitness test equation by applying the respective predetermined algorithm with weighting value values for each of the plurality of health factors, wherein the weighting values are based on a defined characteristic of the user; and

　　　　calculating a mental fitness score as output from the mental fitness test equation algorithm; [[and]]

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in response to determining that the mental fitness score does not meet a
predetermined threshold score:

check a block chain for past financial transactions of the user similar to the
financial transaction; and

decline the financial transaction in response to determining that the block
chain does not include the past financial transactions of the user similar to the
financial transaction; and

approve ~~or decline~~ the financial transaction ~~based on~~ in response to determining
that the financial transaction does not meet the predetermined financial transaction
threshold, determining that the mental fitness score exceeds the predetermined threshold
score, determining that the block chain includes the past financial transactions of the user
similar to the financial transaction, or any combination thereof ~~comparison of the fitness
score to a predetermined fitness threshold~~.

2-3.   (canceled)

4.   (currently amended) The apparatus of claim 1, wherein the plurality of health factors
comprise a birthday of the user ~~measurements indicative of physical health of the user~~.

5-6.   (canceled)

7.   (currently amended) The apparatus of claim 1, wherein the instructions are configured to
cause the processor to:

perform a comparison of the information associated with the financial transaction with
similar financial transactions for another user, and

send a recommendation to the user to change the information based upon the comparison.

8.   (currently amended) The apparatus of claim 1, wherein the instructions are configured to
cause the processor to send, via the graphical user interface, a partial approval indicating an

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approved amount lower than provided in the information associated with the <u>financial</u> transaction in response to evaluating the <u>mental</u> fitness of the user.

9.   (currently amended) The apparatus of claim 1, wherein the instructions are configured to cause the processor to transfer funds for the <u>financial</u> transaction to the user or a third party.

10.   (currently amended) The apparatus of claim 9, wherein the instructions are configured to cause the processor to update [[a]] <u>the</u> block chain to record the funds transferred for the <u>financial</u> transaction.

11.   (canceled)

12.   (currently amended) The apparatus of claim 1, wherein<u>:</u>

the graphical user interface includes a box displaying denied and approved requests of the user, and

the instructions are configured to cause the processor to receive, via the graphical user interface, a request to review the denied and approved requests.

13.   (currently amended) A method for evaluating <u>mental</u> fitness of a user before proceeding with a <u>financial</u> transaction comprising:

displaying, on a graphical user interface, an input box requesting information associated with the <u>financial</u> transaction;

receiving, via the graphical user interface over a network, the information associated with the <u>financial</u> transaction from the input box;

evaluating <u>mental</u> fitness of the user performing the <u>financial</u> transaction in response to determining that the <u>financial</u> transaction exceeds a predetermined financial threshold, wherein evaluating the <u>mental</u> fitness of the user comprises:

receiving a plurality of health factors <u>of the user, wherein:</u>

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the plurality of health factors comprises a physical health of the user, a mental awareness of the user, and a current medication being taken by the user; and

each of the plurality of health factors is associated with a respective predetermined weighting value based on a specific mental health condition of the user;

~~as inputs to~~ inputting each of the plurality of health factors to a mental fitness test equation by applying the respective predetermined ~~algorithm with~~ weighting value ~~values for each of the plurality of health factors, wherein the weighting values are based on a defined characteristic of the user~~; and

calculating a mental fitness score as output from the mental fitness test equation ~~algorithm~~; [[and]]

in response to determining that the mental fitness score does not meet a predetermined threshold score:

checking a block chain for past financial transactions of the user similar to the financial transaction; and

sending, via the graphical user interface, a denial of the financial transaction in response to determining that the block chain does not include the past financial transactions of the user similar to the financial transaction; and

sending, via the graphical user interface, an approval after the evaluation in response to determining that the financial transaction does not meet the predetermined financial threshold, determining that the mental fitness score exceeds the predetermined threshold score, determining that the block chain includes the past financial transactions of the user similar to the financial transaction, or any combination thereof ~~based on a comparison of the fitness score to a predetermined fitness threshold~~.

14-15. (canceled)

16.   (currently amended) The method of claim 13, further comprising requesting a reason for the financial transaction exceeding the predetermined financial threshold.

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17-20. (canceled)

21. (currently amended) The apparatus of claim 1, wherein the processor is configured to store the <u>mental</u> fitness score correlated with an indication of the <u>financial</u> transaction in the non-transitory memory.

22. (canceled)

23. (currently amended) The apparatus of claim 1, wherein the plurality of health factors ~~comprise~~ <u>comprises</u> an age of the user.

24. (currently amended) The apparatus of claim 1, wherein the plurality of health factors ~~comprise~~ <u>comprises</u> a time of day.

25. (currently amended) The apparatus of claim 1, wherein the plurality of health factors ~~comprise~~ <u>comprises</u> climate where the user is located.

26. (canceled)

27. (currently amended) A system comprising:
a processor; and
a non-transitory memory coupled to the processor, wherein the non-transitory memory is configured to store instructions executable by the processor, and wherein the instructions are configured to cause the processor to
display, on a graphical user interface of a display, an input <u>box</u> configured to receive information associated with a <u>financial</u> transaction;
receive, via the graphical user interface, the information associated with the <u>financial</u> transaction from the input box;

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evaluate <u>mental</u> fitness of a user performing the <u>financial</u> transaction in response to determining that the <u>financial</u> transaction exceeds a predetermined threshold, wherein the instructions, when executed by the processor, are configured to cause the processor to evaluate the <u>mental</u> fitness of the user by:

receiving a plurality of health factors <u>of the user, wherein:</u>

<u>the plurality of health factors comprises a physical health of the user, a mental awareness of the user, and a current medication being taken by the user; and</u>

<u>each of the plurality of health factors is associated with a respective predetermined weighting value based on a specific mental health condition of the user;</u>

~~as inputs to~~ <u>inputting each of the plurality of health factors to</u> a <u>mental</u> fitness test <u>equation by applying the respective predetermined</u> ~~algorithm with~~ weighting <u>value</u> ~~values for each of the plurality of health factors~~; and

calculating a <u>mental</u> fitness score as output from the <u>mental</u> fitness test equation ~~algorithm~~;

~~in response to determining that the~~ <u>~~mental~~</u> ~~fitness score is within an approved range, approve the~~ <u>~~financial~~</u> ~~transaction; and~~

in response to determining that the <u>mental</u> fitness score is outside of <u>an</u> [[the]] approved range:

<u>check a block chain for past financial transactions of the user similar to the financial transaction; and</u>

<u>decline the financial transaction in response to determining that the block chain does not include the past financial transactions of the user similar to the financial transaction; and</u>

<u>approve the financial transaction in response to determining that the financial transaction is within the approved range, determining that the mental fitness score exceeds the predetermined threshold, determining that the block chain includes the past financial transactions of the user similar to the financial transaction, or any combination thereof</u>

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~~evaluate additional criterion related to the transaction; and~~

~~approve or decline the transaction based on the additional criterion.~~

28.   (currently amended) The system of claim 27, wherein the instructions are configured to cause the processor to:

        ~~prompt~~ evaluate, via the user interface, ~~entry of the~~ additional criterion related to the financial transaction; and[[;]]

        approve or decline the financial transaction based on the additional criterion corresponding to a designated category based on comparison with related criterion on a database of previous financial transactions.

29.   (canceled)

30.   (currently amended) The apparatus of claim 1, wherein the instructions are configured to cause the processor to:

        scan the Internet for similar financial transactions as the financial transaction;

        compare the similar financial transactions to the financial transaction; and

        send a recommendation to the user to change the information based upon the comparing the similar financial transactions to the financial transaction.

31.   (new) The apparatus of claim 1, wherein the instructions are configured to cause the processor to update the block chain with the approved financial transaction.

32.   (new) The apparatus of claim 1, wherein the instructions are configured to cause the processor to evaluate additional criteria.

33.   (new) The apparatus of claim 32, wherein the additional criteria comprise an importance of the transaction.

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34.   (new) The apparatus of claim 27, wherein the instructions, when executed by the processor, are configured to update the block chain with the approved financial transaction.

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REMARKS

In the Final Office Action, the Examiner rejected claims 1, 4, 6-10, 12, 13, 16, 19 and 21-30. By the present response, Applicant amends claims 1, 4, 7-10, 12, 13, 16, 21, 23-25, 27, 28, 30, cancels claims 6, 22, 26, and 29, and adds new claims 31-34 to clarify certain features to expedite allowance of the present application. The amendments do not add new matter, and support may be found in at least paragraphs 48, 49, 52, 53, 55, 56, 59, and 64 of the originally filed specification. Upon entry of these amendments, claims 1, 4, 7-10, 12, 13, 16, 21, 23-25, 27, 28, and 30-34 will remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following interview summary and remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Interview Summary

An applicant-initiated telephonic interview between the Examiner's supervisor, Bruce Ebersman, and Applicant's representative, Calvin Cheng (Reg. No. 75,266), was conducted on April 2, 2020. During the course of the interview, the rejections under 35 U.S.C. §§ 101 and 103 were discussed. The Examiner agreed that amending claim 1 to clarify the recited health factors of a user to include (1) a physical health of the user, a mental awareness of the user, and a current medication being taken by the user, (2) predetermined weighting values associated with the received health factors, and (3) a block chain associated with past financial transactions of the user, would advance prosecution of the claims toward allowance. As such, Applicant amends claims 1, 13, and 27 to recite these claim elements, as set forth above. Applicant welcomes the Examiner to contact Applicant's representative with any further suggested amendments to move the application toward allowance. Applicant thanks the Examiner for granting the interview.

Rejection under 35 U.S.C. § 101

In the Final Office Action, the Examiner rejected claims 1, 4, 6-10, 12, 13, 16, and 21-30 under 35 U.S.C. § 101 as directed to an abstract idea without significantly more. Applicant respectfully traverses this rejection.

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A. Legal Precedent and Guidelines

35 U.S.C. § 101 sets forth the statutory categories of patentable subject matter: "any new and useful process, machine, manufacture, or composition of matter." Excluded from these patent-eligible categories are abstract ideas, laws of nature, and natural phenomenon. In *Alice*, the Supreme Court provided some guidance on the meaning and scope of a patent-ineligible "abstract idea." *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 134 S. Ct. 2347 (2014). Following *Alice*, the USPTO established a multi-step test for evaluating the eligibility of claims under 35 U.S.C. § 101, most recently outlined in the "2019 Revised Patent Subject Matter Eligibility Guidance" issued on January 7, 2019. Step 1 asks whether the claimed subject matter falls within the four statutory categories of patentable subject matter: a process, a machine, an article of manufacture, or a composition of matter. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, p. 14. If not, the claim is not eligible. *See id.* If so, the claim is analyzed under Step 2A. *See id.* Step 2A, Prong 1 asks whether the claim recites a judicial exception (*i.e.*, a law of nature, a natural phenomenon, or an abstract idea). *See id.* at p.15. If the claim does not recite one of the judicial exceptions, the claim is patent eligible. *See id.* If the claim recites one of the judicial exceptions, further analysis is required under Step 2A, Prong 2. *See id.* Step 2A, Prong 2 asks whether the claim recites additional elements that integrate the exception into a practical application of the exception. *See id.* at p. 16. If the claim recites additional elements that integrate the exception into a practical application, the claim is eligible. *See id.* However, if the claim does not recite additional elements that integrate the exception into a practical application, then further analysis under step 2B is required. *See id.* Step 2B asks whether the claims recite additional elements that amount to "significantly more" (*e.g.*, an inventive concept) than the abstract idea. *See id.* at pp. 22-23. If the claim recites additional elements that amount to "significantly more" than the abstract idea, the claim is eligible. *See id.* If the claim does not recite additional elements that amount to "significantly more" than the abstract idea, the claim is not eligible. *See id.*

B. Independent claims 1, 13, and 27 are directed to patent-eligible subject matter.

In the Final Office Action, the Examiner appeared to interpret claims 1, 13, and 27 as allegedly directed to abstract ideas without significantly more. *See* Final Office Action, p. 10.

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Applicant respectfully disagrees and submits that claims 1, 13, and 27 pass the multi-step test for patent eligibility under 35 U.S.C. § 101 outlined in the 2019 Revised Patent Subject Matter Eligibility Guidance.

1. **Independent claims 1, 13, and 27 are directed statutory subject matter under Step 1 of the test outlined in the 2019 Revised Patent Subject Matter Eligibility Guidance.**

Step 1 of the test for patent eligibility under 35 U.S.C. § 101 outlined in the 2019 Revised Patent Subject Matter Eligibility Guidance asks whether the claim is within the four statutory categories: a process, a machine, a manufacture, or a composition of matter. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, p. 14. Independent claim 1 is directed to a computer-implemented apparatus, independent claim 13 is directed to a process for evaluating fitness of a user before proceeding with a transaction, and claim 27 is directed to a system that evaluates fitness of a user before proceeding with a transaction. As such, Applicant respectfully submits that claims 1, 13, and 27 are within the statutory categories.

2. **Independent claims 1, 13, and 27 do not recite a judicial exceptions under Step 2A, Prong 1 of the test outlined in the 2019 Revised Patent Subject Matter Eligibility Guidance.**

Step 2A, Prong 1 of the test for patent eligibility under 35 U.S.C. § 101 outlined in the 2019 Revised Patent Subject Matter Eligibility Guidance asks whether the claim recites a judicial exception (*i.e.*, a law of nature, a natural phenomenon, or an abstract idea). *See id.* at p. 15. Independent claims 1, 13 and 27 clearly do not recite laws of nature or natural phenomena. In the Final Office Action, the Examiner characterized the claims as allegedly directed to abstract ideas. *See* Final Office Action, pp. 10-12. Applicant respectfully disagrees and directs the Examiner to the 2019 Revised Patent Subject Matter Eligibility Guidance, which outlines what constitutes an abstract idea. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, pp. 7-11. Specifically, the 2019 Revised Patent Subject Matter Eligibility Guidance states that abstract ideas include certain methods of organizing human interactions, such as fundamental economic practices, commercial and legal interactions, managing relationships or interactions between people, and advertising, marketing, and sales activities. *See id.* The Examiner contended that the claims fall under this category of abstract ideas, as the claims allegedly recite a "method of

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organizing human activity" by being similar to "a fundamental economic practice such as a payment transaction." *See* Final Office Action, pp. 11, 12.

Applicant respectfully submits that the subject matter of independent claims 1, 13, and 27 cannot reasonably be interpreted as reciting certain methods of organizing human interactions, such as fundamental economic practices, as delineated by the 2019 Revised Patent Subject Matter Eligibility Guidance. For example, evaluating *mental fitness* of a user before proceeding with a financial transaction, as generally recited by claims 1, 13, and 27 cannot reasonably interpreted as a method of *organizing* human activity, such as fundamental economic practices.

Further, the Applicant notes that the 2019 Revised Patent Subject Matter Eligibility Guidance specifically states that "[c]laims that do not recite matter that falls within these enumerated groupings of abstract ideas *should not be treated as reciting abstract ideas*". *See* 2019 Revised Patent Subject Matter Eligibility Guidance, p. 11 (emphasis added). Thus, for at least the reasons discussed above, the Examiner cannot treat the subject matter recited by independent claims 1, 13, and 27 as reciting abstract ideas under the 2019 Revised Patent Subject Matter Eligibility Guidance. Accordingly, Applicant respectfully submits that the claims are directed to patent eligible subject matter and no further analysis is necessary.

3. **Even if independent claims 1, 13, and 27 recite abstract ideas, the claims integrate the abstract ideas into practical applications under Step 2A, Prong 2 of the test outlined in the 2019 Revised Patent Subject Matter Eligibility Guidance.**

Assuming, *arguendo*, that the claims "recite a judicial exception," Applicant submits that the claims "integrate[] the recited judicial exception into a practical application of that exception." 2019 Revised Patent Subject Matter Eligibility Guidance, p. 13. As stated in the 2019 Revised Patent Subject Matter Eligibility Guidance, "[a] claim is not 'directed to' a judicial exception, and thus is patent eligible, if the claim as a whole integrates the recited judicial exception into a practical application of that exception." *Id.*

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In particular, the claims do not merely "enable the selection of one card among a plurality of payment cards for a transaction request", as contended by the Examiner. Final Office Action, p. 12. For example, as described in paragraphs 2-5 of the Specification, individuals suffering from diminished mental health capacity may unintentionally make poor decisions that can result in significant financial hardships affecting them and their loved ones. *See* Application, ¶¶ 2-5. Accordingly, the application is directed to systems and methods that reduce and/or eliminate the likelihood that individuals with mental health disorders make poor financial decisions. *See id.*, ¶ 5. In particular, the disclosed systems and methods may determine whether a request to perform a financial transaction exceeds a predetermined threshold. *See id.*, ¶ 54. If so, the disclosed systems and methods may perform a fitness test that evaluates one or more factors associated with the user's specific mental health condition, such as physical health, mental awareness, current medications being taken, birthday, climate, time of day, and other social and environmental considerations that are known to affect judgment, input to an equation using a weight of the fitness test factors. *See id.*, ¶¶ 55-56. Moreover, the disclosed systems and methods may check a block chain regarding past dealings of the user. *See id.*, ¶ 59. In this way, the disclosed systems and methods may prevent poor financial decisions from being performed, thus avoiding subsequent transactions that compensate for the poor financial decisions and/or claims filed by the individuals or guardians of the individuals that result in the subsequent transactions, which may make extensive use of finite computing resources (e.g., memory, storage space, networking, and/or processing resources). In this manner, the disclosed systems and methods may increase computational resource efficiency.

Accordingly, under the 2019 Revised Patent Subject Matter Eligibility Guidance, Applicant submits that independent claims 1, 13, and 27 integrate the alleged abstract idea into a practical application. Accordingly, Applicant respectfully submits that the claims are directed to patent eligible subject matter and no further analysis is necessary.

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4. Independent claims 1, 13, and 27 recite an inventive concept under Step 2B of the test outlined in the 2019 Revised Patent Subject Matter Eligibility Guidance.

Under Step 2B of the test outlined in the 2019 Revised Patent Subject Matter Eligibility Guidance, if additional elements recited by the claims amount to "significantly more" than the judicial exception, then the claim is eligible under 35 U.S.C. § 101. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, pp. 22-23. Additional claim elements may amount to "significantly more", for example, by providing an inventive concept by adding a particular limitation or combination of limitations that are not well-understood, routine, or conventional. *See id.* For example, the 2019 Revised Patent Subject Matter Eligibility Guidance explains that performing a combination of data gathering steps in an unconventional way constitutes an inventive step, rendering the hypothetical claim eligible under Step 2B of the test. *See id.* p. 24.

Even if claims 1, 13, and 27 did include a broad recitation of an abstract idea itself, and failed to integrate the abstract idea into a practical application, the claims pass Step 2B of the test because the claims include significantly more than "enable the selection of one card among a plurality of payment cards for a transaction request." Final Office Action, p. 12. As noted above, the subject matter of claims 1, 13, and 27 are directed to a practical application, for example, displaying an input box that receives information associated with a transaction, receiving the information associated with the transaction from the input box, evaluating fitness of a user performing the transaction in response to determining that the transaction exceeds a predetermined threshold by applying predetermined weighting values to health factors based on a specific mental health condition of the user, and checking a block chain for past financial transactions of the user similar to the transaction in response to determining that a mental fitness score is outside of an approved range.

Additionally, Applicant notes that Step 2 requires an "inventive concept," which is defined as "an element or combination of elements that is 'sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself." *Alice*, 134 S.Ct. 2355 (citing *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. ___, 132 S.Ct. 1289, 1294 (2012)) (emphasis added). As explained in more detail below with

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regard to the rejections under § 103, Applicant respectfully submits that the claims recite features that are not taught by the cited prior art references. As such, Applicant respectfully submits that the claimed subject matter does not employ processes that are simply routine or conventional. Rather, the claims recite systems and methods that are unique and provide an improvement in evaluating fitness of a user before proceeding with a transaction.

C. Dependent claims 4, 7-10, 12, 16, 21, 23-25, 27, 28, and 30 are directed to patent-eligible subject matter.

Dependent claims 4, 7-10, 12, 16, 21, 23-25, 27, 28, and 30 were also rejected under 35 U.S.C. § 101. Claims 4, 7-10, 12, 21, 23-25, and 30 depend from independent claim 1 and incorporate the respective recitations of independent claim 1, in addition to further recitations. Claim 16 depend from independent claim 13 and incorporate the respective recitations of independent claim 13, in addition to further recitations. Claims 28 depend from independent claim 27 and incorporate the respective recitations of independent claim 27, in addition to further recitations.

For at least these reasons among others, Applicant respectfully requests withdrawal of the rejection of claims 4, 7-10, 12, 16, 21, 23-25, 27, 28, and 30 under 35 U.S.C. § 101.

Claim Rejections under 35 U.S.C. § 112(a)

In the Final Office Action, the Examiner rejected claims 16 and 28 under 35 U.S.C. § 112(a) for containing subject matter not described in specification. Applicant respectfully traverses this rejection.

In the Final Office Action, the Examiner rejected claim 16 by alleging that the recitation of "*requesting a reason*" not being supported by the specification. *See* Final Office Action, p. 17. Applicant respectfully disagrees and submits that requesting a user to provide a reason for the transaction exceeding the predetermined threshold is sufficiently described in paragraph 57 of the specification. That is, authorizing a financial transaction request in response to inquiring a credible reason provided by the user cannot be interpreted as "any information for the transaction." *See* id. Therefore, Applicant respectfully submits that the recitation of *requesting*

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a reason is supported in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor was in possession of the claimed invention at the time of filing the application.

Moreover, in the Final Office Action, the Examiner rejected claim 28 based on the recitation of a "*prompt via user interface*", stating that the recitation is not supported in the specification. *See* Final Office Action, p. 17. While Applicant does not necessarily agree with this position, Applicant presently amends claim 28 to replace the term "prompt" with "evaluate" to clarify certain features of the claim. In view of this amendment and in light of paragraph 59 of the specification, Applicant respectfully submits that evaluating additional criterion via the user interface is sufficiently described the specification. As such, Applicant respectfully submits that claim 28 is supported in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor was in possession of the claimed invention at the time of filing the application.

Additionally, in the Advisory Action, the Examiner contended that the recitations of "mental fitness test algorithm and mental fitness score ... are not supported in the specification or description." Advisory Action, p. 3. Applicant respectfully disagrees, and submits that the application is directed to facilitating transactions by evaluating an individual's mental state. *See* Application paragraph 21. Moreover, with respect, to an aspect of the application, a fitness test to evaluate some factors using an equation to determine a score in relation to the user's mental health condition is sufficiently described in the application, and expressly referred to as "evaluating mental fitness". Application, ¶ 16; *see also id.* at ¶¶ 21 and 55-57. Therefore, Applicant respectfully submits that the recitations of "mental fitness test algorithm and mental fitness score" are supported by the specification.

For at least these reasons, among others, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 112(a) and allowance of the same.

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Claim Rejections Under 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 1, 4, 7, 8, 12, 13, 16, 21-27, and 30 under 35 U.S.C. § 103 as being unpatentable over Moritz et al., (U.S. Patent No. 9,185,095) and Ohnemus et al., (U.S. Pub. No. 2014/0156308); claims 6, 9, 10, 28, and 29 under 35 U.S.C. § 103 as being unpatentable over Moritz, Ohnemus, and Ronca (U.S. Pub. No. 20150363770). Applicant respectfully traverses this rejection.

Legal Precedent and Guidelines

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Moritz and Ohnemus do not teach all claim elements recited by independent claims 1, 13, and 27.

Independent claim 1 recites, *inter alia*, "evaluate *mental fitness* of a user performing the financial transaction in response to determining that the financial transaction exceeds a predetermined financial transaction threshold by receiving a *plurality of health factors* of the user, wherein the plurality of health factors comprises a *physical health* of the user, a *mental awareness* of the user, and a *current medication* being taken by the user, and each of the plurality of health factors is associated with a respective predetermined weighting value based on a specific mental health condition of the user, inputting each of the plurality of health factors to a mental fitness test *equation* by applying the respective *predetermined weighting value*, and check a *block chain* for past financial transactions of the user similar to the financial transaction." (Emphasis added.) Independent claim 13 recites, *inter alia*, "evaluating *mental fitness* of the user performing the financial transaction in response to determining that the financial transaction exceeds a predetermined financial threshold, receiving a *plurality of health factors* of the user, wherein the plurality of health factors comprises a *physical health* of the user, a *mental awareness* of the user, and a *current medication* being taken by the user, and each of the plurality of health factors is associated with a respective predetermined weighting value based on a specific mental health condition of the user, inputting each of the plurality of health factors to a

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mental fitness test *equation* by applying the respective *predetermined weighting value,* and checking a *block chain* for past financial transactions of the user similar to the financial transaction" (Emphasis added.) Independent claim 27 recites, *inter alia,* "evaluate *mental fitness* of a user performing the financial transaction in response to determining that the financial transaction exceeds a predetermined threshold, receiving a *plurality of health factors* of the user, wherein the plurality of health factors comprises a *physical health* of the user, a *mental awareness* of the user, and a *current medication* being taken by the user, and each of the plurality of health factors is associated with a respective predetermined weighting value based on a specific mental health condition of the user, inputting each of the plurality of health factors to a mental fitness test *equation* by applying the respective *predetermined weighting value,* and check a *block chain* for past financial transactions of the user similar to the financial transaction." (Emphasis added.) Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach at least these claim elements.

In particular, Applicant respectfully submits that Moritz and Ohnemus fail to teach or suggest using a block chain in evaluating a mental fitness of a user to proceed with a financial transaction, as generally recited in independent claims 1, 13, and 27. Specifically, the cited references do not appear to mention declining or approving the financial transaction in response to checking a block chain for past financial transactions of the user similar to the financial transaction. In contrast, Applicant respectfully submits that Moritz merely describes using behavioral profile of a user to detect the user's behavioral deviation in using a session interacting with a company for fraud detection. *See* Moritz, abstract, FIG. 1, and col. 4 ln. 60 to col. 5 ln. 2. Moreover, Ohnemus merely appears to teach consistently tracking a user's physical activity and lifestyle data to calculate a health score. *See* Ohnemus, ¶ 158. However, Applicant respectfully submits that Moritz and Ohnemus are silent regarding using a block chain to evaluate a mental fitness of the user to proceed with a financial transaction when the financial transaction exceeds a predetermined financial threshold, as generally recited in independent claims 1, 13, and 27.

Moreover, Applicant respectfully submits that Moritz and Ohnemus fail to teach or suggest calculating a mental fitness score of the user to approve the financial transaction or

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perform additional evaluation of the user mental health, by an equation using predetermined weighting values associated with a physical health of the user, a mental awareness of the user, and a current medication being taken by the user, as generally recited in independent claims 1, 13, and 27. Specifically, the cited references do not appear to mention receiving a plurality of health factors of a user and evaluating a mental fitness of the user based on the weighting values associated with the received health factors. In stark contrast, Applicant respectfully submits that Moritz merely describes using behavioral profile of a user to detect the user's behavioral deviation in using a session interacting with a company for fraud detection. *See* Moritz, abstract, FIG. 1, and col. 4 ln. 60 to col. 5 ln. 2. Moreover, Ohnemus merely appears to teach consistently tracking a user's physical activity and lifestyle data to calculate a health score. *See* Ohnemus, ¶ 158. However, Applicant respectfully submits that Moritz and Ohnemus are silent regarding evaluating the user financial transaction request based on calculating mental score of the user by a weighted equation by receiving a physical health of the user, a mental awareness of the user, and a current medication being taken by the user, as generally recited in independent claims 1, 13, and 27.

In the Final Office Action, the Examiner conceded that Moritz does not expressly disclose the recitation of evaluating fitness of a user performing the transaction in response to determining that the transaction exceeds a predetermined transaction threshold. *See* Final Office Action, pp. 19 and 20. However, upon review of Ohnemus, Applicant respectfully submits that the cited portions of Ohnemus also do not appear to teach these recitations. In sharp contrast, Ohnemus merely appears to teach consistently tracking a user's physical activity and lifestyle data to calculate a health score. *See* Ohnemus, ¶ 158. That is, Ohnemus appears to be silent regarding evaluating *mental fitness* of a user in response to determining that *a transaction exceeds a predetermined threshold*, as generally recited by claims 1, 13, and 27. Moreover, Applicant submits that Moritz does not obviate the deficiencies of Ohnemus with respect to these recitations.

For at least these reasons, among others, Moritz and Ohnemus, alone or in hypothetical combination, do not teach all elements of independent claims 1, 13, and 27. Moreover, based at

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least on their dependencies from claims 1 and 13, as well as the recitations therein, Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, also do not teach all elements of claims 4, 7, 8, 12, 16, 21-26, and 30. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 4, 7, 8, 12, 13, 16, 21, 23-25, 27, and 30 under 35 U.S.C. § 103.

Moritz and Ohnemus do not teach sending a recommendation to a user to change information associated with a transaction based on comparing the information with similar transactions for another user, as generally recited by claim 7.

Dependent claim 7 recites, *inter alia*, "perform a *comparison* of the information associated with the financial transaction *with similar transactions for another user*, and *send a recommendation to the user to change the information* based upon the comparison." (Emphases added.) Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach at least these claim elements.

Indeed, the cited portions of Moritz appear to teach proactive user authentication based on the user's normal patterns of interactions with a company session. *See* Moritz, col. 1, ln. 46-58, col. 4, ln. 60-col. 5, ln. 2, and col. 23, lns. 13-17. However, Moritz is silent regarding performing a comparison of information associated with a financial transaction *with similar transactions for another user*. Moreover, Ohnemus does not obviate the deficiencies of Moritz with respect to claim 7.

As such, Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach all elements of claim 7 and thus cannot support a *prima facie* case of obviousness with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 7 under 35 U.S.C. § 103 and allowance of the same.

Moritz and Ohnemus do not teach sending partial approval indicating an approved amount lower than provided in financial transaction information in response to evaluating the mental fitness of a user, as generally recited by claim 8.

Dependent claim 8 recites, *inter alia*, "a partial approval *indicating an approved amount lower* than provided in the information associated with the financial transaction *in response to*

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evaluating the mental fitness of the user." (Emphases added.) Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach at least these claim elements.

Indeed, the cited portions of Moritz appear to describe criteria for triggering usage authentication for allowing or preventing a user to proceed with an activity using an active company session. *See* Moritz, col. 22, lns. 11-23. However, Moritz is silent regarding sending a partial approval *indicative of an approved amount lower* than provided in the activity the in response to the *evaluation of the user's mental fitness*. Moreover, Ohnemus does not obviate the deficiencies of Moritz with respect to claim 8.

As such, Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach all elements of claim 8 and thus cannot support a *prima facie* case of obviousness with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 8 under 35 U.S.C. § 103 and allowance of the same.

Moritz and Ohnemus do not teach receiving a request to review a denied or approved user request, as generally recited by claim 12.

Dependent claim 12 recites, *inter alia*, "*receive*, via the graphical user interface, *a request to review* the denied and approved requests." (Emphases added.) Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach at least these claim elements.

Indeed, the cited portions of Moritz appear to teach using a challenge level module via a GUI to present a user with a question or action to authenticate the user. *See* Moritz, col. 20, lns. 24-35 and col. 21, lns 19-24. However, Moritz is silent regarding displaying denied and approved requests, and *receiving* a user *request* to *review* the denied or approved requests. Moreover, Ohnemus does not obviate the deficiencies of Moritz with respect to claim 12.

As such, Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach all elements of claim 12 and thus cannot support a *prima*

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facie case of obviousness with respect to this claim. Accordingly, Applicant respectfully

requests withdrawal of the rejection of claim 12 under 35 U.S.C. § 103 and allowance of the

same.

**Moritz and Ohnemus do not teach requesting a reason for the financial transaction
exceeding the predetermined financial threshold, as generally recited by claim 16.**

Dependent claim 16 recites, *inter alia*, "*requesting a reason* for the financial transaction

exceeding the predetermined financial threshold." (Emphasis added.) Applicant respectfully

submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach at least

these claim elements.

Indeed, the cited portions of Moritz appear to teach asking a user to verify a transaction

based on pre-set preferences or instructions saved on a user database. *See* Moritz, col. 7, lns. 54-

57. However, Moritz is silent regarding *requesting a reason* for the transaction exceeding a

predetermined threshold. Moreover, Ohnemus does not obviate the deficiencies of Moritz with

respect to claim 16.

As such, Applicant respectfully submits that Moritz and Ohnemus, alone or in

hypothetical combination, do not teach all elements of claim 16 and thus cannot support a *prima*

facie case of obviousness with respect to this claim. Accordingly, Applicant respectfully

requests withdrawal of the rejection of claim 16 under 35 U.S.C. § 103 and allowance of the

same.

**Moritz and Ohnemus do not teach using a time of day as a health factor, as
generally recited by claim 24.**

Dependent claim 24 recites, *inter alia*, "plurality of health factors comprises *a time of*

day." (Emphasis added.) Applicant respectfully submits that Moritz and Ohnemus, alone or in

hypothetical combination, do not teach at least these claim elements.

Indeed, the cited portions of Ohnemus merely teaches using a prediction module to

predict health related behavior of a user based on past data. *See* Ohnemus, ¶ 171. However,

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Ohnemus is silent regarding using *a time of day* as a mental fitness evaluation factor. Moreover, Moritz does not obviate the deficiencies of Ohnemus with respect to claim 24.

As such, Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach all elements of claim 24 and thus cannot support a *prima facie* case of obviousness with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 24 under 35 U.S.C. § 103 and allowance of the same.

Moritz and Ohnemus do not teach using climate where the user is located as a health factor, as generally recited by claim 25.

Dependent claim 25 recites, *inter alia*, "plurality of health factors comprises *climate where the user is located.*" (Emphasis added.) Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach at least these claim elements.

Indeed, the cited portions of Ohnemus merely teaches establishing a communication platform and a news feed for users with similar interests or backgrounds. *See* Ohnemus, ¶ 139. However, Ohnemus is silent regarding using *climate where a user is located* as a mental fitness evaluation factor. Moreover, Moritz does not obviate the deficiencies of Ohnemus with respect to claim 25.

As such, Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach all elements of claim 25 and thus cannot support a *prima facie* case of obviousness with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 25 under 35 U.S.C. § 103 and allowance of the same.

Moritz and Ohnemus do not teach scanning the Internet for similar transactions as the transaction, as generally recited by claim 30.

Dependent claim 30 recites, *inter alia*, "*scan the Internet for similar financial transactions* as the financial transaction." (Emphasis added.) Applicant respectfully submits that

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Moritz and Ohnemus, alone or in hypothetical combination, do not teach at least these claim elements.

The Examiner rejected claim 30 by citing paragraph 57 of Moritz for teaching "scan the Internet for similar transactions as the transaction". *See* Final Office Action, p. 27. However, upon review of the citation, Applicant respectfully submits that the citation cannot be found and is inaccurate. Thus, the inaccurate citation of Moritz cannot teach this claim element. Moreover, Ohnemus does not obviate the deficiencies of Moritz with respect to claim 30.

As such, Applicant respectfully submits that Moritz and Ohnemus, alone or in hypothetical combination, do not teach all elements of claim 30 and thus cannot support a *prima facie* case of obviousness with respect to this claim. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 30 under 35 U.S.C. § 103 and allowance of the same.

Moritz, Ohnemus, and Ronca do not teach approving or declining a transaction based on evaluating entry of additional criterion, as generally recited by claim 28.

Dependent claim 28 recites, *inter alia*, "approve or decline the financial transaction based on the *additional criterion*." (Emphasis added.) Applicant respectfully submits that Moritz, Ohnemus, and Ronca, alone or in hypothetical combination, do not teach at least these claim elements.

Indeed, the cited portions of Ronca merely teach providing presentation functionality information to a user, sorted in different levels of abstraction. *See* Ronca, ¶ 50. However, Ronca is silent regarding approving or declining a transaction based on evaluating entry of additional criterion. Moreover, Moritz and Ohnemus do not obviate the deficiencies of Ronca with respect to claim 28.

As such, Applicant respectfully submits that Moritz, Ohnemus, and Ronca, alone or in hypothetical combination, do not teach all elements of claim 28 and thus cannot support a *prima facie* case of obviousness with respect to this claim. Accordingly, Applicant respectfully

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requests withdrawal of the rejection of claim 28 under 35 U.S.C. § 103 and allowance of the same.

Dependent claims 9, 10, and 28 are believed to be in condition for allowance based at least on their dependencies on independent claims 1 and 27 as well as the elements therein.

Claims 9 and 10 depend from independent claim 1, and claim 28 depend from independent claim 27. As discussed above, Moritz and Ohnemus, alone or in hypothetical combination, do not teach all recitations of independent claims 1 and 27 and thus cannot support a *prima facie* case of obviousness with respect to independent claims 1 and 27. Moreover, Applicant respectfully submits that Ronca does not obviate the deficiencies of Moritz and Ohnemus with respect to claim 1 and 27. Accordingly, based at least on their dependencies from claims 1 and 27, as well as the elements therein, Applicant submits that the cited art does not teach all elements of claims 9, 10, and 28. As such, Applicant respectfully requests withdrawal of the rejection of these claims under 35 U.S.C. § 103 and allowance of the same.

New claims 31-34

As noted above, Applicant adds new claims 31-34, which recites additional features not disclosed by the cited references. Support for the new claim may be found in at least paragraphs 59, 62 and 63 of the specification. Applicant notes that no excess claims fees are due for the new claim due to cancellation of claims 6, 22, 26, and 29. Applicant respectfully requests allowance of the new claims based at least on the dependency from independent claims 1 and 27, as well as the elements therein.

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Conclusion

Applicant respectfully submits that all pending claims are in condition for allowance. However, if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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