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

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

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DETAILED ACTION

Notice of Pre-AIA or AIA Status

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

Continued Examination under 37 CFR §1.114

2. A request for continued examination under 37 CFR §1.114, including the fee set forth in 37 CFR §1.17(e), was filed on November 11, 2020 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR §1.114 and the fee set forth in 37 CFR §1.17(e) has been timely paid, the finality of the previous Office action dated October 21, 2020 has been withdrawn pursuant to 37 CFR §1.114 and the submission filed on November 11, 2020 has been entered. Claims 1, 10, and 19 have been amended. Claims 4, 13, and 22 were cancelled previously. Thus, claims 1–3, 5–12, 14–21, and 23–26 are pending and rejected for the reasons set forth below.

Claim Rejections - 35 USC § 101

3. 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.

4. **Claims 1–3, 5–12, 14–21, and 23–26 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea) without significantly more.**

In sum, claims 1–3, 5–12, 14–21, and 23–26 are rejected under 35 U.S.C. §101 because the claimed invention is directed to a judicial exception to patentability (i.e., a law of nature, a natural phenomenon, or an abstract idea) and do not include an inventive concept that is something “significantly more” than the judicial exception under the January 2019 patentable subject matter eligibility guidance (2019 PEG) analysis which follows.

Under the 2019 PEG step 1 analysis, it must first be determined whether the claims are directed to one of the four statutory categories of invention (i.e., process, machine, manufacture, or composition of matter). Applying step 1 of the analysis for patentable subject matter to the claims, it is determined that the claims are directed to the statutory category of a process (claims 1–3 and 5–9), a machine (claims 10–12 and 14–18) and a manufacture (claims 19–21 and 23–26) where the machine and manufacture are substantially directed to the subject matter of the process. (*See, e.g.*, MPEP §2106.03). Therefore, we proceed to step 2A, Prong 1.

Under the 2019 PEG step 2A, Prong 1 analysis, it must be determined whether the claims recite an abstract idea that falls within one or more designated categories of patent ineligible subject matter (i.e., organizing human activity, mathematical concepts, and mental processes) that amount to a judicial exception to patentability. Here, the claims recite the abstract idea of verifying the identity of a user of an electronic device and transferring personal information of the user from said electronic device to various fields during an online transaction by:

**detecting, by the, . . ., multiple entry, . . ., in a financial application
corresponding to an online transaction;**

in response to the multiple entry fields being detected, obtaining, by a . . . , of the . . . , biometric, . . . , of a user of the, . . . , wherein the sensor senses at least one external physical input associated with the user;

verifying the user of the, . . . , by comparing the obtained biometric, . . . , with pre-stored biometric data of the user;

**in response the user being verified based on the obtained biometric, . . . :
identifying, by the, . . . , multiple sets of personal, . . . , of the user, wherein each set of the multiple sets of personal, . . . , of the user comprises multiple personal, . . . , entries that are used for the online transaction, respectively, and displaying, by the, . . . , a list of the multiple sets of personal, . . . , of the user;**

**receiving, from a user, a selection of a set of personal, . . . , from the list;
and**

automatically inserting, by the, . . . , the personal, . . . , entries in the set of personal, . . . , corresponding to the received selection into the multiple entry , . . . , for the online transaction.

Here, the recited abstract idea falls within one or more of the three enumerated 2019 PEG categories of patent ineligible subject matter, to wit: certain methods of organizing human activity, which includes fundamental economic practices or principles as well as commercial or legal interactions, (e.g., verifying the identity of a user of an electronic device and transferring personal information of the user from said electronic device to various fields during an online transaction).

Under the 2019 PEG step 2A, Prong 2 analysis, the identified abstract idea to which the claim is directed does not include limitations that integrate the abstract idea into a practical application, since the recited features of the abstract idea are being applied on a computer or computing device or via software programming that is simply being used as a tool (“apply it”) to implement the abstract idea. (*See, e.g.*, MPEP §2106.05(f)). Therefore, the claim is directed to an abstract idea.

Under the 2019 PEG step 2B analysis, the additional elements are evaluated to determine whether they amount to something “significantly more” than the recited abstract idea. (i.e., an innovative concept). Here, the additional elements, such as: an “electronic device,” “sensor,” “information” and “fields” do not amount to an innovative concept since, as stated above in the step 2A, Prong 2 analysis, the claims are simply using the additional elements as a tool to carry out the abstract idea (i.e., “apply it”) on a computer or computing device and/or via software programming. (*See, e.g.*, MPEP §2106.05(f)). The additional elements are specified at a high level of generality to simply implement the abstract idea and are not themselves being technologically improved. (*See, e.g.*, MPEP §2106.05 I.A.); (*see also*, paragraph [0004] of the specification).

The same analysis of claim 1 applies to the mirror independent claims 10 and 19. Dependent claims 2–3, 5–9, 11–12, 14–18, 20–21, and 23–26 have all been considered and do not integrate the abstract idea into a practical application. The additional elements of the dependent claims merely refine and further limit the abstract idea of the independent claims and do not add any feature that is an “inventive concept” which cures the deficiencies of their respective parent claim under the 2019 PEG analysis. None of the dependent claims considered individually, including their

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respective limitations, include an “inventive concept” of some additional element or combination of elements sufficient to ensure that the claims in practice amount to something “significantly more” than patent-ineligible subject matter to which the claims are directed.

The elements of the instant process steps when taken in combination do not offer substantially more than the sum of the functions of the elements when each is taken alone. The claims as a whole, do not amount to significantly more than the abstract idea itself because the claims do not effect an improvement to another technology or technical field (e.g., the field of computer coding technology is not being improved); the claims do not amount to an improvement to the functioning of an electronic device itself which implements the abstract idea (e.g., the general purpose computer and/or the computer system which implements the process are not made more efficient or technologically improved); the claims do not perform a transformation or reduction of a particular article to a different state or thing (i.e., the claims do not use the abstract idea in the claimed process to bring about a physical change. *See, e.g., Diamond v. Diehr*, 450 U.S. 175 (1981), where a physical change, and thus patentability, was imparted by the claimed process; contrast, *Parker v. Flook*, 437 U.S. 584 (1978), where a physical change, and thus patentability, was not imparted by the claimed process); and the claims do not move beyond a general link of the use of the abstract idea to a particular technological environment (e.g., simply claiming the use of a computer and/or computer system to implement the abstract idea).

Response to Arguments

5. Applicant's arguments filed on November 11, 2020 have been fully considered.

Applicant's arguments concerning the 35 U.S.C. §101 rejection of the claims, including supposed deficiencies in the rejection, are not persuasive. The basis for the previous rejection under 35 U.S.C. §101 is still operative, as is the precedential case law used in support of the rejection. Notwithstanding, the amended claims have been addressed with regards to the 35 U.S.C. §101 rejection discussed above, and considered under the 2019 Revised Patent Subject Matter Eligibility Guidance (2019 PEG). Applicant is directed to the above full *Alice/Mayo* analysis in view of the amended claims, including consideration of the USPTO Guidance as applied to those claims. The abstract idea has been restated herein in the 35 U.S.C. §101 rejection analysis above in view of Applicants' numerous amendments to the limitations of the claims. Therefore, Applicant's arguments regarding the prior 35 U.S.C. §101 rejection analysis are moot.

Prior Art Not Relied Upon

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See MPEP §707.05) The examiner considers the following reference(s) pertinent for disclosing various features relevant to the invention, but not all the features of the invention, for at least the following reasons:

Srinath et al. (U.S. Pub. No. 2016/0117682) teaches methods and systems for facilitating a payment from a user device with user credentials being used as authentication.

Lapsley et al. (U.S. Pub. No. 2001/0000535) teaches a method and device for tokenless authorization of an electronic payment between a payor and a payee using an electronic third party identifier and at least one payor bid biometric sample.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMIT PATEL whose telephone number is (313)446-4902. The examiner can normally be reached on Monday thru Thursday, 7:30 AM - 5:30 PM EST.

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, Namrata Boveja can be reached on (571) 272-8105. The Examiner's fax number is (571) 273-6087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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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.

/Amit Patel/

Examiner

Art Unit 3696

/JOSEPH W. KING/

Primary Examiner, Art Unit 3696

REMARKS

Claims 1-3, 5-12, 14-21, and 23-26 were pending in this application.

Claims 1-3, 5-12, 14-21, and 23-26 were rejected.

Claims 1, 10, 19, and 24 have been amended as shown above.

Claims 1-3, 5-12, 14-21, and 23-26 remain pending in this application.

Reconsideration of the claims is respectfully requested.

With respect to all claim amendments, the Applicant does not concede in this application that the subject matter of the claims prior to the amendments is not patentable over the references cited in the Office Action. The present claim amendments are made only for facilitating expeditious prosecution of the application. The Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

I. EXAMINER INTERVIEW

A telephonic interview was conducted on January 27, 2021 between the Applicant's representative and Examiners Patel and King. The Applicant's representative would like to thank Examiners Patel and King for their time and consideration during this interview.

During the interview, the Applicant's representative and Examiners Patel and King discussed the claim language with respect to the rejections under 35 U.S.C. § 101 and possible amendments to overcome the pending rejections. No demonstrations were conducted, and no exhibits were shown.

II. REJECTION UNDER 35 U.S.C. § 101

Claims 1-3, 5-12, 14-21, and 23-26 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Applicant submits that the claims, as amended, are not directed to an abstract idea or at least recite significantly more than an Abstract idea. Support for the above-identified amendment can be found in the Specification as filed, such as in paragraphs [0060]-[0063] and [0072]-[0076]. No new matter has been added.

Applicant notes that Claim 1 recites a transaction method using an electronic device, the method comprising:

detecting, by the electronic device, multiple entry fields in a financial application corresponding to an online transaction;

in response to the multiple entry fields being detected, obtaining, by a sensor of the electronic device, biometric information of a user of the electronic device, wherein the sensor senses at least one external physical biometric input by the user;

verifying the user of the electronic device by comparing the obtained biometric information with pre-stored biometric data of the user; and

in response to the user being verified based on the obtained biometric information, electronically auto-filling the multiple entry fields by:

identifying, by the electronic device, multiple sets of personal information of the user, wherein each set of the multiple sets of personal information of the user comprises multiple personal information entries that are used for the online transaction, respectively,

displaying, by the electronic device, a list of the multiple sets of personal information of the user,

receiving, from a user, a selection of a set of personal information from the list, and

automatically inserting, by the electronic device, the personal information entries in the set of personal information corresponding to the received selection into the multiple entry fields for the online transaction.

[Emphasis Added].

As an initial matter, Applicant notes that no art rejection has been presented and the only remaining rejection of the independent claims is the § 101 rejection. In fact, the art rejection under 35 U.S.C. § 103 was overcome in the response filed on July 2, 2020. For such a situation, Director Iancu of the USPTO stated the following: **“How can a claim be novel enough to pass 102 and nonobviousness enough to pass 103, yet lack an “inventive concept” and therefore fail 101?”**

Director Iancu further stated the following:

For many claims right now, we have an option to reject or invalidate, for violations of patentability conditions, under either:

- A patentability condition such as 102, 103 or 112, or
- Section 101 subject matter.

Judge Rich was again perceptive, when he noted 40 years ago that “To provide the option of making such a rejection under either 101 or [a condition for patentability] is confusing and therefore bad law.” Just as Judge Rich warned, we have gotten ourselves into a rut when it comes to Section 101 analysis. With the proposed new guidance, the USPTO is trying to navigate our examiners out of that rut given the current statute and judicial precedent. *See* “Remarks by Director Iancu at the Intellectual Property Owners Association 46th Annual Meeting” (September 24, 2018) (<https://www.uspto.gov/about-us/news-updates/remarks-director-iancu-intellectual-property-owners-46th-annual-meeting>).

The Applicant submits that, when the claims are reviewed in light of the 2019 Revised Patent Subject Matter Eligibility Guidance, recently issued by the Director of the USPTO (hereinafter “the Guidance”), it is clear that the claims recite statutory subject matter. As the Office Action acknowledges, the claims are directed toward one of the four statutory categories, and thus satisfy Step 1 of the *Alice* test.

Additionally, and as stated in the previously filed response, the Office Action treats pending claims 1-3, 5-12, 14-21, and 23-26 as a group, with no individual analysis. The Office Action does not address the differences between independent claims having different scope, or any

of the dependent claims. Such blanket treatment of claims without individual analysis is improper. As discussed below, the failure to consider claims individually contributes to the error of this rejection.

MPEP §2106(7)(a) recites, in part:

[T]he eligibility of each claim should be evaluated as a whole using the analysis detailed in MPEP § 2106. If it is determined that the claim does not recite eligible subject matter, a rejection under 35 U.S.C. 101 is appropriate. When making the rejection, **the Office action must provide an explanation as to why each claim is unpatentable, which must be sufficiently clear and specific to provide applicant sufficient notice of the reasons for ineligibility and enable the applicant to effectively respond.**

[Emphasis Added].

Mere generic statements in the Office Action that the dependent claims do not add any feature that is an “inventive concept” that cures the deficiencies of their respective parent claims does not meet the burden described in §2106(7)(a) and thus, Applicant is denied sufficient notice of the reasons of ineligibility in order to effectively respond. Should the rejection be maintained, Applicant respectfully requests a rebuttal to the argument above, as well as a rebuttal to every other argument contained herein, as required by MPEP §2106.07(b).

Step 2A of the subject matter eligibility analysis, detailed in MPEP § 2106.04, “*is a two-prong inquiry, in which examiners determine in Prong One whether claim recites a judicial exception, and if so, then determine in Prong Two if the recited judicial exception is integrated into a practical application of that exception. Together, these prongs represent the first part of the Alice/Mayo test, which determines whether a claim is directed to a judicial exception.*” MPEP §2106.04(II).

Step 2A, Prong 1

As described above, Step 2A, Prong 1 of the subject matter eligibility analysis requires determining whether claim recites a judicial exception. *Id.* As discussed in MPEP §2106(4)(a)(II), the Supreme Court has explained that “[a]t some level, all inventions embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas,” and has cautioned “to tread carefully in construing this exclusionary principle lest it swallow all of patent law.” *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014) (citing *Mayo*, 566 US at 71, 101 USPQ2d at 1965). Further, MPEP §2106(4)(a) adds that “*Examiners should accordingly be careful to distinguish claims that recite an exception (which require further eligibility analysis) and claims that merely involve an exception (which are eligible and do not require further eligibility analysis).*” MPEP §2106(4)(a)(II), emphasis added.

Under Step 2A, Prong 1, the Office Action alleges that the claims recite the abstract idea of *verifying the identity of a user of an electronic device and transferring personal information of the user from said electronic device to various fields during an online transaction*, and merely asserts that the claims are directed towards a certain method of organizing human activity, which includes fundamental economic practices or principles as well as commercial or legal interactions. *See Office Action*, pp. 3-4. This is not correct.

Claim 1 is not directed to certain methods of organizing human activity, which includes fundamental economic practices, or principles under current case law precedent nor the MPEP, and the Office Action does not illustrate how any of the claimed elements recite “fundamental economic practices” or “fundamental economic concepts.” First, the term “certain” qualifies the “*certain methods of organizing human activity*” grouping. MPEP §2106(4)(a)(II), emphasis added. In other words, not all methods of organizing human activity are abstract ideas. *Id.* Second, as

explained in MPEP §2106.07, the rejection should **explain why** it is an abstract idea. MPEP §2106.07, emphasis added. However, no such explanation is provided.

Third, courts have used the phrases “fundamental economic practices” or “fundamental economic concepts” to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations. The term “fundamental” is used in the sense of being foundational or basic, and not in the sense of necessarily being “old” or “well-known.” See MPEP §2106(4)(a)(II), citing *In re Smith*, 815 F.3d 816, 818-19, 118 USPQ2d 1245, 1247 (Fed. Cir. 2016) (describing a new set of rules for conducting a wagering game as a “fundamental economic practice”). The Office Action has not shown how any of the claim elements relate to other examples of fundamental economic concepts, such as: i. hedging, *Bilski v. Kappos*, 561 U.S. 593, 609, 95 USPQ2d 1001, 1009 (2010); ii. processing an application for financing a purchase, *Credit Acceptance Corp. v. Westlake Services*, 859 F.3d 1044, 1054, 123 USPQ2d 1100, 1108 (Fed. Cir. 2017); or iii. rules for conducting a wagering game, *In re Smith*, 815 F.3d 816, 818-19, 118 USPQ2d 1245, 1247 (Fed. Cir. 2016). Instead, the Office Action alleges that “*verifying the identify of a user of an electronic device and transferring personal information of the user from the electronic device to various fields during an online transaction*” amounts to methods to organize human activity, which includes fundamental economic practices or principles as well as commercial or legal interactions. The Applicant disagrees. The Office Action has not shown how an electronic device, in response to a biometric input by the user, retrieving information from a database and electronically auto-filling multiple fields of an on-line electronic form is a fundamental economic activity.

The Office Action has not provided any rationale as to how “detecting, by the electronic device, multiple entry fields in a financial application corresponding to an online transaction” is

Abstract. That is, the Office Action has not provided any evidence that illustrates that “detecting, by the electronic device, multiple entry fields in a financial application corresponding to an online transaction” is a fundamental economic practice. The courts have used the phrases “fundamental economic practices” or “fundamental economic concepts” to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations. The term “fundamental” is used in the sense of being foundational or basic, and not in the sense of necessarily being “old” or “well-known”. See, e.g., *In re Smith*, 815 F.3d 816, 818-19, 118 USPQ2d 1245, 1247 (Fed. Cir. 2016) (describing a new set of rules for conducting a wagering game as a “fundamental economic practice”). The Applicant submits that the aforementioned feature of Claim 1 does not relate to the economy and commerce. Instead, the aforementioned feature recites a specific improvement to an electronic device to verify a user identity and detect fillable fields in an online (i.e., such as via a network communication) transaction.

The Office Action also has not provided any rationale as to how “in response to the multiple entry fields being detected, obtaining, by a sensor of the electronic device, biometric information of a user of the electronic device, wherein the sensor senses at least one external physical biometric input by the user” is Abstract. That is, the Office Action has not provided any evidence that illustrates that “obtaining, by a sensor of the electronic device, biometric information of a user of the electronic device” is a fundamental economic practice. Again, the courts have used the phrases “fundamental economic practices” or “fundamental economic concepts” to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations. Obtaining, via a sensor, biometric information is a unique technological practical application that is *necessarily rooted* in technology and

illustrates a specific improvement to a technological device. The Applicant submits that the aforementioned feature of Claim 1 does not relate to the economy and commerce. Instead, the aforementioned feature recites a specific improvement to an electronic device to, in response to the device detecting multiple fillable fields in an online transaction, use a sensor to obtain biometric information via a biometric input by the user.

The Office Action also has not provided any rationale as to how “verifying the user of the electronic device by comparing the obtained biometric information with pre-stored biometric data of the user” is Abstract. That is, the Office Action has not provided any evidence that illustrates that “verifying the user of the electronic device by comparing the obtained biometric information with pre-stored biometric data of the user” is a fundamental economic practice. Again, the courts have used the phrases “fundamental economic practices” or “fundamental economic concepts” to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations. Verifying a user by comparing biometric information to pre-stored biometric data is a unique technological practical application that is *necessarily rooted* in technology and illustrates a specific improvement to a technological device. The Applicant submits that the aforementioned feature of Claim 1 does not relate to the economy and commerce. Instead, the aforementioned feature recites a specific improvement to an electronic device to verify a user by comparing sensed biometric information with previously stored biometric data.

The Office Action also has not provided any rationale as to how “in response to the user being verified based on the obtained biometric information, electronically auto-filling the multiple entry fields” is Abstract. That is, the Office Action has not provided any evidence that illustrates that “in response to the user being verified based on the obtained biometric information,

electronically auto-filling the multiple entry fields” is a fundamental economic practice. Again, the courts have used the phrases “fundamental economic practices” or “fundamental economic concepts” to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations. Electronically auto-filling fields in an on-line form is a unique technological and practical application that is *necessarily rooted* in technology and illustrates a specific improvement to a technological device. The Applicant submits that the aforementioned feature of Claim 1 does not relate to the economy and commerce. Instead, the aforementioned feature recites a specific improvement to an electronic device to electronically auto-fill multiple fields in an electronic on-line form.

The Office Action also has not provided any rationale as to how “identifying, by the electronic device, multiple sets of personal information of the user, wherein each set of the multiple sets of personal information of the user comprises multiple personal information entries that are used for the online transaction, respectively” is Abstract. That is, the Office Action has not provided any evidence that illustrates that “identifying, by the electronic device, multiple sets of personal information of the user, wherein each set of the multiple sets of personal information of the user comprises multiple personal information entries that are used for the online transaction, respectively” is a fundamental economic practice. Again, the courts have used the phrases “fundamental economic practices” or “fundamental economic concepts” to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations. The ability for an electronic device to identify specific sets of personal information, such as in a database, based on a comparison of a biometric input, is a unique technological practical application that is *necessarily rooted* in technology and

illustrates a specific improvement to a technological device. The Applicant submits that the aforementioned feature of Claim 1 does not relate to the economy and commerce.

The Office Action also has not provided any rationale as to how “displaying, by the electronic device, a list of the multiple sets of personal information of the user” is Abstract. That is, the Office Action has not provided any evidence that illustrates that “displaying, by the electronic device, a list of the multiple sets of personal information of the user” is a fundamental economic practice. Again, the courts have used the phrases “fundamental economic practices” or “fundamental economic concepts” to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations. Displaying, such as on a display, information about a user is a unique technological practical application that is *necessarily rooted* in technology and illustrates a specific improvement to a technological device. The Applicant submits that the aforementioned feature of Claim 1 does not relate to the economy and commerce. Instead, the aforementioned feature recites a specific improvement to an electronic device to display information about a user.

The Office Action also has not provided any rationale as to how “automatically inserting, by the electronic device, the personal information entries in the set of personal information corresponding to the received selection into the multiple entry fields for the online transaction” is Abstract. That is, the Office Action has not provided any evidence that illustrates that “automatically inserting, by the electronic device, the personal information entries in the set of personal information corresponding to the received selection into the multiple entry fields for the online transaction” is a fundamental economic practice. Again, the courts have used the phrases “fundamental economic practices” or “fundamental economic concepts” to describe concepts relating to the economy and commerce, such as agreements between people in the form of

contracts, legal obligations, and business relations. The ability for an electronic device to automatically populate fillable entries on an online transaction is a unique technological and practical application that is *necessarily rooted* in technology and illustrates a specific improvement to a technological device to protect undesirable use or misuse of the credit card information by using an authorization of the user. See Specification at, e.g., paras. [0002] and [0063]. The Applicant submits that the aforementioned feature of Claim 1 does not relate to the economy and commerce. Instead, the aforementioned feature recites a specific improvement to an electronic device to automatically fill (i.e., populate) user information fields by using sensor data regarding biometric inputs to authenticate a user and protect against undesirable access, use, or misuse of the credit card information.

These claim elements are clearly not fundamental economic principles or practices. For similar reasons, independent Claims 10 and 19 are clearly not fundamental economic principles or practices.

Step 2A, Prong 2

As described above, Step 2A, Prong 2 of the analysis of subject matter asks whether the claim recites additional elements that integrate the judicial exception into a practical application. MPEP §2106.04(II). If the additional elements in the claim integrate the recited exception into a practical application of the exception, then the claim is not directed to the judicial exception. *Id.*

Citing MPEP §2106.05(f), the Office Action merely asserts that the claim does not include limitations that integrate the abstract idea into a practical application, since the recited features of the abstract idea are being applied on a computer or computing device or via software

programming that is simply being used as a tool (“apply it”) to implement the abstract idea. *Office Action*, p. 5. This is not correct.

To evaluate integration of an abstract idea into a practical application, the Office Action should evaluate the additional elements both individually and in combination to determine whether they integrate the exception into a practical application. MPEP §2106.04(d)(II). The Office Action does not address all the pending claims individually or in combination, nor does it provide any specificity as to why the additional elements allegedly do not integrate the exception into a practical application.

Even if the claims include an abstract idea, the claim limitations recite a practical application of the “judicial exception.” MPEP § 2106.05(a) states that “an additional element [that] reflects an improvement in the functioning of an electronic device, or an improvement to other technology or technical field” is indicative that the additional element is integrated into a practical application. MPEP § 2106.05(a). In this case, the electronic device is specifically configured to perform all the claimed functions in order to improve security. For example, the claims recite, in part, “*obtaining, by a sensor of the electronic device, biometric information of a user of the electronic device*”, that the “*sensor senses at least one external physical biometric input by the user*” and that verification of the user is done “*by comparing the obtained biometric information with pre-stored biometric data of the user.*” That is, the claims provide functionality to improve the security of future online transaction by auto-filling private information when using an electronic device, and authenticating a user based on a comparison between biometric information received by an external input and comparing that data with previously stored biometric data of the user. Such an element is not *merely using the electronic device as a tool*; but rather alters to the

electronic device to securely manage the entire process based on the information that the electronic device only is able to obtain.

Accordingly, the additional elements are integrated into a practical application.

Step 2B: The claims recite significantly more than the abstract idea

Step 2B of the subject matter eligibility analysis, detailed in MPEP § 2106.05, requires evaluating the additional elements to determine whether they amount to an inventive concept by considering them both individually and in combination to ensure that they amount to significantly more than the abstract idea. MPEP §2106.05(I).

The Office Action asserts that the additional elements of “electronic device”, “sensor”, “information”, and “fields” do not amount to an inventive concept because they are merely a tool to carry out the abstract idea. *Office Action*, p. 5. The Applicant respectfully disagrees.

MPEP §2106.05(f) outlines considerations for determining whether a claim simply recites a judicial exception with the words "apply it" (or an equivalent).

(1) Whether the claim recites only the idea of a solution or outcome i.e., the claim fails to recite details of how a solution to a problem is accomplished.

(2) Whether the claim invokes computers or other machinery merely as a tool to perform an existing process.

(3) The particularity or generality of the application of the judicial exception.

With respect to (1), Claim 1 indeed recites details as to how improved security in online transactions is accomplished. For example, the security of online transactions is improved *by obtaining, by a sensor of the electronic device, biometric information of a user of the electronic device, wherein the sensor senses at least one external physical biometric input, verifying the user of the electronic device by comparing the obtained biometric information with pre-stored*

biometric data of the user, and in response to the user being verified based on the obtained biometric information, electronically auto-filling the multiple entry fields, at least because only the user, not a hacker, other person, or a software program would pass the biometric authentication.

With respect to (2), Claim 1 does not invoke computers or other machinery merely as a tool to perform an existing process. As stated in MPEP §2106.05(f)(2), a claim that purports to improve computer capabilities or to improve an existing technology may integrate a judicial exception into a practical application or provide significantly more. *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314-15, 120 USPQ2d 1091, 1101-02 (Fed. Cir. 2016); *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335-36, 118 USPQ2d 1684, 1688-89 (Fed. Cir. 2016). Claim 1 improves security in online transactions by authenticating a user based on biometric information before allowing an online transaction. In other words, Claim 1 “improve[s] computer capabilities or to improve an existing technology.”

With respect to (3), even if Claim 1 recites an abstract idea, Claim 1 confines the judicial exception to a particular, practical application of the judicial exception. Claim 1 recites a method of authenticating online transactions using biometric information before authorizing the online transaction. Improved security in online transactions requiring authentication confines the alleged abstract idea of Claim 1 to a particular, practical application.

For at least the reasons above, the additional elements of Claim 1 are not are merely a tool to carry out the abstract idea.

Citing MPEP §2106.05(I)(A), the Office Action alleges that the additional elements are “specified at a high level of generality to simply implement the abstract idea and are not themselves being technologically improved,” without any reasoning or analysis regarding the features being

well understood, routine and conventional in the field. *Office Action*, p. 5. This is incorrect and improper.

Under Step 2B, “the rejection should **explain why** the additional elements, taken individually and in combination, do not result in the claim, as a whole, amounting to significantly more than the identified judicial exception. For instance, when the examiner has concluded that certain claim elements recite well understood, routine, conventional activities in the relevant field, the examiner must expressly support the rejection in writing with one of the four options specified in Subsection III.” MPEP 2106.07(a), emphasis original. Additionally, the MPEP advises:

When evaluating whether additional elements meaningfully limit the judicial exception, **it is particularly critical that examiners consider the additional elements both individually and as a combination**. When an additional element is considered individually by an examiner, the additional element may be enough to qualify as “significantly more” if it meaningfully limits the judicial exception, and may also add a meaningful limitation by integrating the judicial exception into a practical application. However, even in the situation where the individually-viewed elements do not add significantly more or integrate the exception, those additional elements when viewed in combination may render the claim eligible. See *Diamond v. Diehr*, 450 U.S. 175, 188, 209 USPQ2d 1, 9 (1981) (“a new combination of steps in a process may be patentable even though all the constituents of the combination were well known and in common use before the combination was made”); *BASCOM Global Internet Servs. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349, 119 USPQ2d 1236, 1242 (Fed. Cir. 2016). MPEP §2106.05(e), emphasis added.

As stated above, MPEP §2106.05(d) requires a factual determination to support a conclusion that an additional element (or combination of additional elements) is well understood, routine, conventional activity. *Berkheimer v. HP, Inc.*, 881 F.3d 1360, 1368, 125 USPQ2d 1649, 1654 (Fed. Cir. 2018). MPEP §2106.05(d)(1)(2). The required factual determination must be expressly supported in writing, as discussed in MPEP §2106.07(a). *Id.* Further, as described in MPEP §2106.05(d), appropriate forms of support include one or more of the following:

(a) A citation to an express statement in the specification or to a statement made by an applicant during prosecution that demonstrates the well-understood, routine, conventional nature of the additional element(s);

(b) A citation to one or more of the court decisions discussed in Subsection II below as noting the well-understood, routine, conventional nature of the additional element(s);

(c) A citation to a publication that demonstrates the well-understood, routine, conventional nature of the additional element(s); and

(d) A statement that the examiner is taking official notice of the well-understood, routine, conventional nature of the additional element(s). For more information on supporting a conclusion that an additional element (or combination of additional elements) is well-understood, routine, conventional activity, see MPEP § 2106.07(a), subsection III.

However, no such citations were provided in the Office Action for any of the claims. Conclusory assertions, without **explaining why** the additional elements, **taken individually and in combination**, do not amount to significantly more than the abstract idea, do not meet the Office's burden explained above. Accordingly, should the rejections be maintained, Applicant respectfully requests that the factual determination to support a conclusion that the claimed elements are "well understood, routine, conventional activity" for each claim to be provided in writing, as required by MPEP §2106.07(a).

Finally, the claims add more than generally linking the use of an abstract idea to a computer because the claims help solve a security problem with a claimed solution that is necessarily rooted in online transactions that require authentication, similar to the additional elements in *DDR Holdings, LLC v. Hotels.com L.P.*, 773 Fed 1245 (Fed. Cir. 2014).

For at least the reasons above, Claims 1-3, 5-12, 14-21, and 23-26 recite patentable subject matter. Accordingly, the Applicant respectfully requests that the § 101 rejection be withdrawn and Claims 1-3, 5-12, 14-21, and 23-26 be allowed.

CONCLUSION

The Applicant respectfully asserts that all pending claims in this application are in condition for allowance and respectfully requests full allowance of the claims.

If any issues arise or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *mrodriguez@munckwilson.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fee) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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IN THE CLAIMS

Please amend the claims as follows. Any other difference between the claims below and the previous state of the claims is unintentional and in the nature of a typographical error.

1. (Currently Amended) A transaction method using an electronic device, the method comprising:

detecting, by the electronic device, multiple entry fields in a financial application corresponding to an online transaction;

in response to the multiple entry fields being detected, obtaining, by a sensor of the electronic device, biometric information of a user of the electronic device, wherein the sensor senses at least one external physical ~~biometric input associated with~~ by the user;

verifying the user of the electronic device by comparing the obtained biometric information with pre-stored biometric data of the user; and

in response to the user being verified based on the obtained biometric information, electronically auto-filling the multiple entry fields by:

identifying, by the electronic device, multiple sets of personal information of the user, wherein each set of the multiple sets of personal information of the user comprises multiple personal information entries that are used for the online transaction, respectively, [[and]]

displaying, by the electronic device, a list of the multiple sets of personal information of the user, [[;]]

receiving, from a user, a selection of a set of personal information from the list, [[;]]
and

automatically inserting, by the electronic device, the personal information entries

in the set of personal information corresponding to the received selection into the multiple entry fields for the online transaction.

2. (Original) The method of Claim 1, further comprising:
determining whether the multiple sets of personal information are pre-stored in a memory accessible by the electronic device; and
retrieving the one or more sets of personal information from the memory.

3. (Previously Presented) The method of Claim 1, further comprising denying automatic inserting of the personal information entries into the multiple entry fields associated with the online transaction in response to the user of the electronic device not being verified based on the obtained biometric information.

4. (Canceled)

5. (Previously Presented) The method of Claim 1, wherein displaying the list of the multiple sets of the personal information of the user further comprises:
masking credit card information that is retrieved from a payment subsystem; and
unmasking a full permanent account number through an application program interface.

6. (Previously Presented) The method of Claim 1, further comprising:
requesting entry of a new set of personal information of the user in accordance with the obtained biometric information of the user; and

storing the new set of personal information in a memory accessible by the electronic device, wherein verifying the user of the electronic device is performed based on the obtained biometric information of the user before use of the new set of personal information in the online transaction.

7. (Previously Presented) The method of Claim 1, wherein each set of the multiple sets of personal information corresponds to a credit card account including multiple credit card information entries.

8. (Original) The method of Claim 1, wherein the sensor comprises one of a fingerprint sensor or an optical sensor.

9. (Previously Presented) The method of Claim 1, wherein detecting the multiple entry fields comprises reading, on a browser, at least one of name field, identification field, or a value field of input tags to detect multiple fields.

10. (Currently Amended) An electronic device comprising:

a memory electrically connected to at least one processor;

a sensor electrically connected to the at least one processor; and

the at least one processor configured to:

detect, by the electronic device, multiple entry fields in a financial application corresponding to an online transaction;

in response to the multiple entry fields being detected, obtain, using the sensor, biometric information of a user of the electronic device, wherein the sensor senses at least one external physical biometric input ~~associated with~~ by the user;

verify the user of the electronic device by comparing the obtained biometric information with pre-stored biometric data of the user; and

in response to the user being verified based on the obtained biometric information, electronically auto-filling the multiple entry fields by:

identifying multiple sets of personal information of the user, wherein each set of the multiple sets of personal information of the user comprises multiple personal information entries that are used for the online transaction, respectively, ~~[[and]]~~

displaying a list of the multiple sets of personal information of the user;

~~receive,~~ receiving, from a user, a selection of a set of personal information from the list, ~~[[;]]~~ and

automatically inserting the personal information entries into the multiple entry fields for the online transaction based on the selection of the set of personal information from the list.

11. (Original) The electronic device of Claim 10, wherein the at least one processor is further configured to:

determine whether multiple sets of personal information are pre-stored in the memory accessible by the electronic device; and

retrieve the multiple sets of personal information from the memory.

12. (Previously Presented) The electronic device of Claim 10, wherein the at least one processor is further configured to deny automatic insertion of the personal information entries into the multiple entry fields associated with the online transaction in response to the user of the electronic device not being verified based on the obtained biometric information.

13. (Canceled)

14. (Previously Presented) The electronic device of Claim 10, wherein the at least one processor is further configured to:

mask credit card information that is retrieved from a payment subsystem; and

unmask a full permanent account number through an application program interface.

15. (Previously Presented) The electronic device of Claim 10, wherein the at least one processor is further configured to:

request entry of a new set of personal information of the user in accordance with the obtained biometric information of the user; and

store the new set of personal information in the memory accessible by the electronic device, wherein verification of the user of the electronic device is performed based on the obtained

biometric information of the user before use of the new set of personal information in the online transaction.

16. (Previously Presented) The electronic device of Claim 10, wherein each set of the multiple sets of personal information corresponds to a credit card account including multiple credit card information entries.

17. (Original) The electronic device of Claim 10, wherein the sensor comprises one of a fingerprint sensor or an optical sensor.

18. (Previously Presented) The electronic device of Claim 10, wherein the at least one processor is further configured to read, on a browser, at least one of name, identification, or a value field of input tags to detect multiple fields.

19. (Currently Amended) A non-transitory computer readable medium, comprising instructions, that when executed by at least one processor, perform a method comprising:

detecting multiple entry fields in a financial application corresponding to an online transaction;

in response to the multiple entry fields being detected, obtaining, using a sensor, biometric information of a user of an electronic device, wherein the sensor senses at least one external physical biometric input associated with ~~by~~ the user;

verifying the user of the electronic device by comparing the obtained biometric information with pre-stored biometric data of the user; the obtained biometric information;

in response to the user being verified based on the obtained biometric information, electronically auto-filling the multiple entry fields by:

identifying, by the electronic device, multiple sets of personal information of the user, wherein each set of the multiple sets of personal information of the user comprises multiple personal information entries that are used for the online transaction, respectively, [[and]]

displaying, by the electronic device, a list of the multiple sets of personal information of the user,[[;]]

receiving, from a user, a selection of a set of personal information from the list,[[;]]
and

automatically inserting, by the electronic device, the personal information entries into the multiple entry fields for the online transaction based on the selection of the set of personal information from the list.

20. (Previously Presented) The non-transitory computer readable medium of Claim 19, further comprising instructions, that when executed by the at least one processor, perform the method comprising:

determining whether multiple sets of personal information are pre-stored in a memory accessible by the electronic device; and

retrieving the multiple sets of personal information from the memory.

21. (Previously Presented) The non-transitory computer readable medium of Claim 19, further comprising instructions that when executed by the at least one processor, perform the method comprising, denying automatic inserting of the personal information entries into the multiple entry fields associated with the online transaction in response to the user of the electronic device not being verified based on the obtained biometric information.

22. (Canceled)

23. (Previously Presented) The non-transitory computer readable medium of Claim 19, further comprising instructions that when executed by the at least one processor, perform the method comprising:

masking credit card information that is retrieved from a payment subsystem; and

unmasking a full permanent account number through an application program interface.

24. (Currently Amended) The non-transitory computer readable medium of Claim 19, further comprising instructions that when executed by the at least one processor, perform the method comprising:

requesting entry of a new set of personal information of the user in accordance with the obtained biometric information of the user; and

storing the new set of personal information in a memory accessible by the electronic device, wherein verifying the user of the electronic device is performed based on the obtained biometric information of the user before use of the new set of personal information in the online transaction.

25. (Previously Presented) The non-transitory computer readable medium of Claim 19, wherein each set of the multiple sets of personal information corresponds to a credit card account including multiple credit card information entries.

26. (Previously Presented) The non-transitory computer readable medium of Claim 19, further comprising instructions that when executed by the at least one processor, perform the method comprising reading, on a browser, at least one of name field, identification field, or a value field of input tags to detect multiple fields.