



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|---------------------|------------------|
| 14/607,686 | 01/28/2015 | MARK UNAK | CU-100219 | 1049 |
| 124057 | 7590 | 05/19/2017 | EXAMINER | |
| FLENER IP LAW, LLC | | | WEINER, ARIELLE E | |
| 77 West Washington Street | | | ART UNIT | |
| Suite 800 | | | PAPER NUMBER | |
| Chicago, IL 60602 | | | 3625 | |
| | | | NOTIFICATION DATE | |
| | | | DELIVERY MODE | |
| | | | 05/19/2017 | |
| | | | 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):

info@fleneriplaw.com
fleneriplaw_docketing@cardinal-ip.com
zflener@fleneriplaw.com

DOCKET ALARM

Art Unit: 3625

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

This action is in reply to the original application filed on 01/28/2015.

Claim(s) 1-21 is/are rejected.

Claim(s) 1-21 is/are currently pending and have been examined.

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.

The claimed invention is directed to non-statutory subject matter. Claims 8-14 are directed to a computer readable medium. Claims are given their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See *In re Zletz*, 893.2d 319 (Fed. Cir. 1989). The broadest reasonable interpretation of a claim drawn to a computer readable medium typically covers forms of non-transitory media and transitory propaganda signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. Signals per se are non-statutory subject matter, therefore claims 8-14 are non-statutory. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (See Kappos Memo dated January 26, 2010).

Claims 1-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a judicial exception (i.e., law of nature, a natural phenomenon, or an abstract idea) without significantly more.

Claims 1-21 are directed to an abstract idea (judicial exception).

Representative claim 1 broadly claims a computer-implemented method for creating a catalog from information from another catalog. Specifically claim 1 requires receiving information from an electronic catalog, processing product information from the electronic catalog, associating product

Art Unit: 3625

information from one catalog to predefined sections of another catalog, and mapping a product from one catalog to a section of another catalog. The limitations of claim 1 represent concepts similar to those found by courts to be abstract.

The concepts recited in claim 1 also represent "an idea 'of itself'" as they represent an idea standing alone such as an uninstantiated concept, plan or scheme, as well as a mental process (thinking) that "can be performed in the human mind, or by a human using a pen and paper" [see USPTO July 2015 Update to Subject Matter Eligibility, section III (C)]. Specifically, the concepts recited in claim 1 seek to receive information from one catalog and proceed to process, associate, and map said information to form another catalog for display. These concepts are similar to those analyzed in ***Electric Power Group*** in which the courts found concepts related to collecting information, analyzing it, and displaying certain results of the collection and analysis to be abstract [see ***Electric Power Group, LLC, v. Alstom***, 830 F.3d 1350, 119 U.S.P.Q.2d 1739 (Fed. Cir. 2016)].

Additionally, the processes of claim 1, represent process that could be readily performed in the human mind or by a human using a pen and paper.

Under Step 2B of the Mayo framework, the Examiner acknowledges that the claims contain additional limitations (e.g. computing device). Although reciting additional elements, the additional elements merely act as an attempt to further define the field of use of the abstract idea, thus attempting to generally link the use of the abstract idea to a particular technological environment e.g. computing networks and/or the internet. Additionally, the additional limitations recited in the claims are recited in a broad manner specified at a high level of generality. Similar to those functions cited in ***Electric Power Group***, claim 1 recites functions without specifying even arguably new physical components or specifying processes defined other than by the functions themselves. The claimed functions can be carried out in existing computers long in use, no new machinery being necessary. Claim 1 merely assumes the availability of physical components for collecting information, analyzing it, and displaying certain results of the collection and analysis [see ***Electric Power Group, LLC, v. Alstom***, 830 F.3d 1350, 119 U.S.P.Q.2d 1739 (Fed. Cir. 2016)].

Art Unit: 3625

As an additional consideration, the additional limitations recited in claim 1 do not amount to significantly more than the abstract idea itself since the additional elements are merely recited in a generic manner and operate using well-understood, routine and conventional functions [see USPTO July 2015 Update to Subject Matter Eligibility, section IV, pg. 7], such as

- performing repetitive calculations (e.g. associating product identifiers to a catalog section)
- receiving, processing, and storing data (e.g. receiving information from an electronic catalog, processing product information, associating product information, and mapping a product)
- receiving or transmitting data over a network (e.g. receiving information from an electronic catalog)
- automating mental tasks (e.g. receiving information from an electronic catalog, processing product information, associating product information, and mapping a product)

Even considered as an ordered combination, the additional limitations of claim 1 do not add anything further than when looking at the elements taken individually. As a whole, the claim simply recites an abstract idea and instructions to “apply it” on generic computer specified at a high level of generality.

Thus, under Step 2B of the Mayo framework, representative claim 1 does not recite additional elements which result in significantly more than the abstract idea itself. Claim 1 is therefore ineligible.

Dependent claims 2-7 add little, if anything, to the eligibility of claim 1.

For example, claims 2-7 merely recite more complexities descriptive of the abstract idea that may be used in conjunction with those recited in claim 1. Such complexities do not provide additional elements in addition to the abstract ideas themselves.

Thus, claims 2-7 are ineligible for at least similar reasons discussed above.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.