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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/436,797	09/07/2021	Brian E. Brooks	82437US006	2833
32692	7590	12/08/2023	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			WILLIAMS, TERESA S	
PO BOX 33427			ART UNIT	PAPER NUMBER
ST. PAUL, MN 55133-3427			3686	
			NOTIFICATION DATE	DELIVERY MODE
			12/08/2023	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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Office Action Summary	Application No. 17/436,797	Applicant(s) Brooks et al.	
	Examiner TERESA S WILLIAMS	Art Unit 3686	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/07/2021.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some** c) ☐ None of the:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 03/02/2022 07/22/2022
- 3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 4) ☐ Other: ____.

DETAILED ACTION

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.

Status of Claims

1. This action is in reply to the application and amendment filed on 09/07/2021.
2. Claims 5-11, 14-17, 20 have been amended.
3. Claims 21-27 have been cancelled.
4. Claims 1-20 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.

Claims 1-20 are rejected under 35 U.S.C. §101 because the claimed invention is directed to an abstract idea without significantly more.

2019 Revised Patent Eligibility Guidance (PEG): Step 1:

Claims 1-20 are directed to a method (i.e., a process). Accordingly, claims 1-20 are all within at least one of the four statutory categories.

2019 PEG: Step 2A - Prong One:

Regarding Prong One of Step 2A of the 2019 PEG (which collectively includes the guidance in the January 7, 2019 Federal Register notice and the October 2019 update issued by the USPTO), the claim limitations are to be analyzed to determine whether they “recite” a judicial exception or in other words whether a judicial exception is “set forth” or “described” in the claims. An “abstract idea” judicial

exception is subject matter that falls within at least one of the following groupings: a) mathematical concepts, b) certain methods of organizing human activity, and/or c) mental processes.

Representative independent claim 1 includes limitations that recite an abstract idea.

Specifically, independent claim 1 recites:

A method for optimizing operations at one or more healthcare facilities, the method comprising: repeatedly performing the following:

selecting a configuration of input settings for controlling operations of the healthcare facilities based on a causal model that measures current causal relationships between input settings and a measure of success of operations at the healthcare facilities;

receiving a measure of success of the operation of the healthcare facilities while controlled using the configuration of input settings; and

adjusting, based on the measure of success of the operation of the healthcare facilities while controlled using the configuration of input settings, the causal model.

The Examiner submits that the foregoing underlined limitations constitute: (a) “**certain methods of organizing human activity**” because adjusting input settings based on a measure of success of operations at healthcare facilities relates to managing human behavior/interactions between people, which is medical workflow activities. Furthermore, the foregoing underlined limitations constitute (b) “**a mental process**” because selecting input settings and observing relationships to measure the success of operations at the healthcare facilities are observations/evaluations/analysis that can be performed in the human mind or with a pen and pencil.

Accordingly, the claim describes at least one abstract idea.

Furthermore, dependent claims 2-20 further define the at least one abstract idea (and thus fail to make the abstract idea any less abstract) as set forth below.

In relation to claims 3-19, these claims merely recite specific kinds of input settings, related to outpatient management, measures of success of operations, measures of operational efficiency, measures related to reprocessed instruments, measures related to inventory supply, measures related to medical coding, measures related to document accuracy, the measure of patient treatment effectiveness, measures related to hospital-acquired infections, set of external variables and various personnel variables. Claims 2 and 20 (similarly to claim 1) recite determining steps such as adjusting internal control parameters.

2019 PEG: Step 2A - Prong Two:

Regarding Prong Two of Step 2A of the 2019 PEG, it must be determined whether the claim as a whole integrates the abstract idea into a practical application. As noted in the 2019 PEG, it must be determined whether any additional elements in the claim beyond the abstract idea integrate the exception into a practical application in a manner that imposes a meaningful limit on the judicial exception. The courts have indicated that additional elements merely using a computer to implement an abstract idea, adding insignificant extra solution activity, or generally linking use of a judicial exception to a particular technological environment or field of use do not integrate a judicial exception into a “practical application.”

In the present case, for representative independent claim 1, the additional limitations beyond the above-noted at least one abstract idea are as follows (where the bolded portions are the “additional limitations” while the underlined portions continue to represent the at least one “abstract idea”):

A method for optimizing operations at one or more healthcare facilities, the method comprising: repeatedly performing the following:

selecting a configuration of input settings for controlling operations of the healthcare facilities
based on a causal model that measures current causal relationships between input settings and a
measure of success of operations at the healthcare facilities;

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