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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/556,860	12/20/2021	SHYAM KISHORE	SYP340667US01US	8764
108359	7590	12/30/2024	EXAMINER	
CHIP LAW GROUP			BARTLEY, KENNETH	
505 N. LAKE SHORE DRIVE			ART UNIT	
SUITE 250			PAPER NUMBER	
CHICAGO, IL 60611			3684	
			NOTIFICATION DATE	DELIVERY MODE
			12/30/2024	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. 17/556,860	Applicant(s) KISHORE et al.	
	Examiner KENNETH BARTLEY	Art Unit 3684	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 20 September 2024.
☐ 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) 1-2,4-7,10-16 and 18-21 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) 1-2,4-7,10-16 and 18-21 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 _____
- 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.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed 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 has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 20, 2024 has been entered.

Response to Amendment

2. Claims 1, 5, 10, 14, 16, 18, and 20 have been amended. Claims 3, 8, 9, and 17 have been canceled. Claim 21 is new. Claims 1, 2, 4-7, 10-16, and 18-21 are pending and are provided to be examined upon their merits.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 4-7, 10-16, and 18-21 have been considered but are moot because the new ground of rejection does not rely on any reference applied in the prior rejection of record for any teaching or matter specifically challenged in the argument. A response is provided below in **bold** where appropriate.

Applicant argues 35 USC §101 Rejection, starting pg. 11 of Remarks:

REJECTIONS UNDER 35 U.S.C. § 101

It was alleged at page 11 of the Office Action that “[c]laims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to an abstract idea without significantly more.”

Regarding Prong One of Step 2A of the 2019 Revised Patent Subject Matter Eligibility Guidance (Step 2A-Prong 1): the features of amended independent claim 1 recites “[a] first electronic device, comprising: ... circuitry configured to ... transmit the received user profile information to a server via a network ... receive, from the server, a set of health templates based on the received user profile information associated with the first user, wherein the received set of health templates, from a plurality of health templates stored in the server, is based on an application of a second artificial intelligence (AI) model on the transmitted user profile information ... determine, by one or more sensors associated with the first electronic device, a set of health parameters of the first user and a set of activities of the first user, based on the selected first health template ... determine a set of health recommendations associated with the first user, wherein the set of health recommendations is determined based on: ... an application of a first AI model on the selected first health template ... setup a set of periodic auto-reminders, associated with the determined set of activities for the first user ... generate a first notification associated with a first activity of the set of activities for the first user based on the set of periodic auto- reminders ... control the display device to display the generated first notification.”

The above is reciting abstract elements. Recall, “additional elements” cannot include a judicial exception.

See also the July 2024 Subject Matter Eligibility examples provided by the Office regarding artificial intelligence, where using AI at a high level of generality was not enough.

Further, the Applicant submits that the features of amended independent claim 1 cannot be classified as the alleged abstract idea under “mental process” or “certain methods of organizing human activity”, because the claimed subject matter instead of merely “concept performed in the mind of the person or with pen and paper” or “manage personal behavior and teaching”, the features of amended independent claim 1 recites “circuitry configured to: ... setup a set of periodic auto-reminders, associated with the determined set of activities for the first user”, “generate a first notification associated with a first activity of the set of activities for the first user based on the set of periodic auto- reminders”, and “control the display device to display the generated first notification” which the Applicant submits “cannot be practically performed in the human mind or with pen or paper” or “by organizing a human activity”. Therefore, the features of

amended independent claim 1 do not describe an abstract concept, or a concept similar to those found by the Courts to be Abstract, such as a method for organizing human activity or mental process or mental process.

Respectfully, using a generic computer has been shown to be abstract under mental processes. Further, claim elements are examined to determine if they recite abstract ideas. If any claim element is found to be abstract, the claims are considered abstract.

From MPEP 2106.04(a)...

“Examiners should determine whether a claim recites an abstract idea by (1) **identifying the specific limitation(s) in the claim under examination that the examiner believes recites an abstract idea**, and (2) determining whether the identified limitations(s) fall within at least one of the groupings of abstract ideas listed above. The groupings of abstract ideas, and their relationship to the body of judicial precedent, are further discussed in MPEP § 2106.04(a)(2) (s2106.html#ch2100_d29a1b_13ae3_321).”

See also the July 2024 SME where claims using AI were found to include mental process limitations (e.g., Example 47, Claim 2).

From Claim 2 Example 47...

A method of using an artificial neural network (ANN) comprising:

- (a) receiving, at a computer, continuous training data;
- (b) discretizing, by the computer, the continuous training data to generate input data;
- (c) training, by the computer, the ANN based on the input data and a selected training algorithm to generate a trained ANN, wherein the selected training algorithm includes a backpropagation algorithm and a gradient descent algorithm;
- (d) detecting one or more anomalies in a data set using the trained ANN;
- (e) analyzing the one or more detected anomalies using the trained ANN to generate anomaly data; and
- (f) outputting the anomaly data from the trained ANN.

“Here, steps (b), (d), and (e) fall within the mental process grouping of abstract ideas, and steps (b) and (c) fall within the mathematical concepts grouping of abstract ideas. Limitations (b)-(e) are considered together as a single abstract idea for further analysis. (Step 2A, Prong One: YES).” (pg. 8 of July 2024 SME)

Regarding Prong Two of Step 2A of the 2019 Revised Patent Subject Matter Eligibility Guidance, even if one were to arrive at a conclusion satisfying the Prong One of such analysis, assuming arguendo, to which the Applicant does

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