

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

IN RE: SARADA MOHAPATRA,

Appellant

2020-1935

Appeal from the United States Patent
and Trademark Office, Patent Trial and
Appeal Board in No. 14/270,644.

Decided: February 5, 2021

SARADA MOHAPATRA, Naperville, IL, pro se.

SARAH E. CRAVEN, Office of the Solicitor, United
States Patent and Trademark Office, Alexandria, VA,
for appellee Andrew Hirshfeld. Also represented by
KAKOLI CAPRIHAN, THOMAS W. KRAUSE, AMY
J. NELSON, FARHEENA YASMEEN RASHEED.

Before DYK, BRYSON, and O'MALLEY, *Circuit
Judges.*

BRYSON, *Circuit Judge.*

Appellant Sarada Mohapatra seeks to overturn a
decision of the Patent Trial and Appeal Board holding
that his patent application is directed to unpatentable
subject matter. We affirm.

I

Mr. Mohapatra's patent application is directed to a method for countering credit card fraud by enabling a card holder to change the card's security code at any time by using a card account management facility accessible over the Internet. The claimed method provides that the new security code will be different from the code printed on the card and different from the last recorded code. Claim 18 of the application, which is representative,¹ recites the following:

18. A method for countering credit card fraud arising from compromised credit card information by utilizing cardholder changeable card security code (CSC; also known as card verification value CVV2 or card verification data CVD or card identification code CID or card verification code CVC2) comprising:

a) A card issuer enabling change of card security code printed on the card, by

¹ The Patent Trial and Appeal Board treated claim 18 as representative. Mr. Mohapatra has not challenged that characterization or made any separate arguments directed to any of the four dependent claims.

allowing cardholder to choose a new security code value as often as cardholder wishes,

facilitating recordation of chosen card security code by the cardholder by providing an internet connected card account management facility,

using most recently recorded card security code to verify subsequent transaction authorization requests without requiring any change in existing credit cards, terminals, equipment, computer software and communication protocols used in transaction authorization, and

denying transactions when card security code provided during authorization does not match cardsecurity code on record;

a) Cardholder changing card security code any time s/he deems it necessary to mitigate risk from possible card security code compromise, by

selecting a new security code value to be used as personal secret separate from the card without requiring assistance from any software program running on any device,

ensuring that selected new security code value is different from the printed code on first change and is different from last recorded code on subsequent changes,

recording the new card security code value using issuer provided internet connected card account management facility, and

remembering and providing the new card security code when prompted during subsequent creditcard authorizations.

The examiner rejected the claims as being directed to non-statutory subject matter under 35 U.S.C. § 101, as in-definite under 35 U.S.C. § 112(b), and for obviousness under 35 U.S.C. § 103.

On appeal, the Patent Trial and Appeal Board reversed the obviousness rejection. The Board noted that the prior art references on which the examiner relied appeared to be related to "electronic credit cards

or dynamic security codes,” not to changing the security code printed on a credit card. *Ex Parte Mohapatra*, No. 2018-008151, 2020 WL 859350, at *5 (P.T.A.B. Feb. 18, 2020).

The Board sustained the other rejections, however. The Board upheld the examiner’s indefiniteness rejection because Mr. Mohapatra had not contested that rejection on appeal. With respect to the section 101 rejection, the Board agreed with the examiner that the claimed “method for countering credit card fraud” by allowing customers to change the security codes on their credit cards was “directed to the abstract idea of a method of organizing human activity in the form of fundamental economic practices.” *Id.* at *3. The Board noted that beyond the abstract idea of customer-originated changes in the security codes, the claims recited that “an internet connected card account management facility,” such as a financial institution’s computer system, would be used to record and store the changed codes. *Id.* at *4. That limitation, the Board found, did not convert the abstract idea into a patentable invention, such as by reciting an improvement in computer functionality or other technological innovation. At most, the Board

explained, that limitation “generally links the use of the abstract idea to a particular technological environment involving a financial institution.” Id.

The Board also agreed with the examiner’s finding that none of the additional elements of the applicant’s claims, such as Internet connectivity, the web application, or the mobile application, adds significantly more to the abstract idea or transforms that abstract idea into patent-eligible subject matter. Instead, the Board found, steps such as providing an Internet-connected card account management facility or otherwise storing the data do “no more than implement the abstract idea on a computer.” Id.

II

On appeal, the Director of the Patent and Trademark Office does not defend the Board’s ruling on the section 112(b) rejection, but asks us to uphold the Board’s decision based on the section 101 rejection. As to the section 101 issue, we agree with the Board and the examiner that Mr. Mohapatra’s claims are directed to an abstract idea and that the claims do not contain any additional elements sufficient to render them patent eligible.

Mr. Mohapatra first argues that the Patent and Trade-mark Office “has issued many patents directed to the same subject matter” in the past 20 years and that it therefore should not have rejected his application. In response, the Director correctly points out that the issuance of other patents in the same field of technology is not a ground for challenging the rejection of a subsequent application. Each application is examined on its own merits for compliance with pertinent statutory requirements. See *In re McDaniel*, 293 F.3d 1379, 1387 (Fed. Cir. 2002) (“It is well settled that the prosecution of one patent application does not affect the prosecution of an unrelated application.”); *In re Gyurik*, 596 F.2d 1012, 1018–19 n.15 (CCPA 1979) (“Each case is determined on its own merits. In reviewing specific rejections of specific claims, this court does not consider allowed claims in other applications or patents.”); *In re Wertheim*, 541 F.2d 257, 264 (CCPA 1976) (“[I]t is immaterial in *ex parte* prosecution whether the same or similar claims have been allowed to others.”).

Mr. Mohapatra’s second argument is that his claims are not abstract within the meaning of section

101 but are “integrated into a practical application.” Specifically, he contends that the “[p]otential for real world benefits” is indicative that the claims are not abstract.

Section 101 provides that “[w]hoever 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.” 35 U.S.C. § 101. But section 101 “contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014). A claim is deemed patent ineligible under section 101 if it fails both parts of the two-step test set forth in *Alice*: that is, the claim is not eligible for patenting if (1) the claim is directed to a patent-ineligible concept, i.e., a law of nature, natural phenomenon, or abstract idea, and (2) the elements of the claim do not add enough to transform the claim into a patent-eligible application. *SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1166–67 (Fed. Cir. 2018).

Mr. Mohapatra contends that his claims are not directed to abstract ideas, because the claims are narrowly directed to a specific purpose and because they are capable of providing well-defined benefits. Neither of those contentions is sufficient to confer patent eligibility on an otherwise abstract idea, however.

A claim does not cease to be abstract for section 101 purposes simply because the claim confines the abstract idea to a particular technological environment in order to effectuate a real-world benefit. *See Alice*, 573 U.S. at 222; *BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1287 (Fed. Cir. 2018); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1353 (Fed. Cir. 2014). The abstract idea underlying Mr. Mohapatra's claims is for an individual to alter the identification code associated with a financial instrument, such as a credit card, to protect against fraud. The fact that the claims are directed to a specific subset of that abstract idea—in this case, enabling a credit card user to change the security code on the card by using a web application—does not render the idea any less abstract.

Moreover, the fact that an abstract idea may have beneficial uses does not mean that claims embodying the abstract idea are rendered patent eligible. The benefits that flow from performing an abstract idea do not render the abstract idea patentable subject matter if the benefits “flow from performing an abstract idea in conjunction with a well-known database structure.” *BSG Tech*, 899 F.3d at 1287–88. The idea of changeable personal-identification numbers may be beneficial. But it is also abstract and therefore not patentable without more.

In assessing claims such as claim 18 for patent eligibility under section 101, this court has frequently looked to whether the claims are sufficiently concrete or specific to be directed to a patent-eligible process rather than a patent-ineligible result. For example, in *SAP America*, the court asked whether the claim had “the specificity required to transform [it] from one claiming only a result to one claiming a way of achieving it.” 898 F.3d at 1167. To answer that question, we have stated that courts should “look to whether the claims in the patent focus on a specific means or method, or are instead directed to a result or effect that itself is the abstract idea and merely

invokes generic processes and machinery.” *Two-Way Media Ltd. v. Comcast Cable Commc’ns, LLC*, 874 F.3d 1329, 1337 (Fed. Cir. 2017); *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314 (Fed. Cir. 2016) (“We therefore look to whether the claims in these patents focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery.”). Put differently, the relevant inquiry is “whether the claims are directed to ‘a specific means or method’ for improving technology or whether they are simply directed to an abstract end-result.” *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1326 (Fed. Cir. 2017) (quoting *McRO*, 837 F.3d at 1314).

In such cases, claims that recite abstract ideas in purely functional form have regularly been held ineligible for patenting. In *Affinity Labs of Texas, LLC v. DirecTV, LLC*, 838 F.3d 1253 (Fed. Cir. 2016), for example, the claim in dispute was directed to a software application that would enable a wireless cellular telephone device outside the range of a regional broadcaster to receive content from the

broadcaster by way of a streaming signal. *Id.* at 1258. There was nothing in the claim, however, that described how to perform the claimed function. *Id.* at 1260–61. For that reason, we held the claim patent ineligible.

Similarly, in *Interval Licensing LLC v. AOL, Inc.*, 896 F.3d 1335 (Fed. Cir. 2018), the claim at issue was directed to an “attention manager” in a computer readable medium, and we held that claim to be patent ineligible. *Id.* at 1344, 1348. That was so, we explained, because the claim recited a “broad, result-oriented” structure, and because “[i]nstead of claiming a solution for producing [a] result, the claim in effect encompasses all solutions.” *Id.* at 1345.

Other cases from this court have employed the same approach while holding claims ineligible under section 101. See, e.g., *Two-Way Media*, 874 F.3d at 1337 (“The claim [before the court] requires the functional results of ‘converting,’ ‘routing,’ ‘controlling,’ ‘monitoring,’ and ‘accumulating records,’ but does not sufficiently describe how to achieve these results in a non-abstract way.”); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1342

(Fed. Cir. 2017) (“IV argues that the claims set forth a unique solution to a problem with contemporary XML documents.... But the claims do not recite particular features to yield these advantages.... Indeed, the claim language here provides only a result-oriented solution, with insufficient detail for how a computer accomplishes it. Our law demands more.”); *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1241 (Fed. Cir. 2016) (“The patents claim systems including menus with particular features. They do not claim a particular way of programming or designing the software to create menus that have these features, but instead merely claim the resulting systems.”).

Mr. Mohapatra’s final argument with regard to the section 101 issue is that his claims embody an inventive concept that renders them patentable under step two of the Alice test. He identifies the inventive concepts of his invention as making security code numbers changeable, providing for “card account management on web/mobile devices” to update the changes, and using those features to prevent fraud. As the Board concluded, however, those asserted inventive concepts are in fact just the benefits or goals that Mr. Mohapatra contends will flow from the

claimed abstract idea. The claims do not disclose an inventive way by which those goals are to be achieved; instead, they merely announce the goals themselves. That does not constitute an “inventive concept” for purposes of step two of Alice.

Claim 18 recites enabling a cardholder to change the card’s security code and to choose a new security code, but it does not recite any specific method for doing so. The claim recites using the new security code to validate transactions without altering the card or any of the supporting equipment, but it does not specify how that is to be done. And it recites recording and using the new security code by the “internet connected card account management facility,” but it does not provide any specificity as to what that facility is or how that function will be performed.

The functions of recording, storing, and verifying both the card security code and changes to that code thus amount to no more than the implementation of an abstract idea on a computer operating in a conventional manner. That is not enough to convert an abstract idea into patent-eligible subject matter. See Alice, 573 U.S. at 223–25 (computer functions that

are well-understood, routine, and conventional do “no more than require a generic computer to perform generic computer functions” and do not constitute an “inventive concept”).

Claim 18 of Mr. Mohapatra’s application, like the claims in the cases discussed above, simply recites an abstract idea without any accompanying implementation mechanism that might qualify as an inventive concept within the meaning of step two of Alice. Nor is there anything else recited in claim 18 that is sufficiently novel to render the invention eligible at step two. We therefore uphold the Board’s decision that the claims of Mr. Mohapatra’s application are directed to patent-ineligible subject matter.

AFFIRMED

APPENDIX B
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

IN RE: SARADA MOHAPATRA,
Appellant

2020-1935

Appeal from the United States Patent and
Trademark Office, Patent Trial and Appeal Board in
No. 14/270,644.

ON PETITION FOR PANEL REHEARING
AND REHEARING EN BANC

Before PROST, *Chief Judge*, NEWMAN,
LOURIE, BRYSON*, DYK, MOORE, O'MALLEY,
REYNA, WALLACH, TARANTO, CHEN, HUGHES,
and STOLL, *Circuit Judges*.

PER CURIAM.

ORDER

Sarada Mohapatra filed a combined petition for panel rehearing and rehearing en banc. The petition was referred to the panel that heard the appeal, and

* Circuit Judge Bryson participated only in the decision on the petition for panel rehearing.

thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for en banc rehearing is denied.

The mandate of the court will issue on April 29, 2021.

FOR THE COURT

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

April 22, 2021

Date

APPENDIX C

UNITED STATES PATENT AND TRADEMARK
OFFICE

BEFORE THE PATENT TRIAL AND APPEAL
BOARD

Ex parte SARADA MOHAPATRA

Appeal 2018-008151
Application 14/270,644
Technology Center 3600

Before EDWARD A. BROWN, MICHAEL L.
HOELTER, and BRENT M. DOUGAL,
Administrative Patent Judges.

DOUGAL, *Administrative Patent Judge.*

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellant¹ appeals under 35 U.S.C. § 134 from a
final rejection of claims 18–22. We have jurisdiction
under 35 U.S.C. § 6(b).

We affirm.

¹ We use the word Appellant to refer to “applicant” as defined
in 37 C.F.R. § 1.42(a). Appellant identifies the real party in
interest as Sarada Mohapatra. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to a cardholder changeable card security code. Independent claim 18, below, is illustrative of the claimed subject matter:

18. A method for countering credit card fraud arising from compromised credit card information by utilizing cardholder changeable card security code (CSC; also known as card verification value CVV2 or card verification data CVD or card identification code CID or card verification code CVC2) comprising:

a) A card issuer enabling change of card security code printed on the card, by

allowing cardholder to choose a new security code value as often as cardholder wishes,

facilitating recordation of chosen card security code by the cardholder by providing an internet connected card account management facility,

using most recently recorded card security

code to verify subsequent transaction authorization requests without requiring any change in existing credit cards, terminals, equipment, computer software and communication protocols used in transaction authorization, and

denying transactions when card security code provided during authorization does not match card security code on record;

b) Cardholder changing card security code any time s/he deems it necessary to mitigate risk from possible card security code compromise, by

selecting a new security code value to be used as personal secret separate from the card without requiring assistance from any software program running on any device,

ensuring that selected new security code value is different from the printed code on first change and is different from last recorded code on subsequent changes,

recording the new card security code value

using issuer provided internet connected
card account management facility, and
remembering and providing the new card
security code when prompted during
subsequent credit card authorizations.

REJECTIONS

Claim 18 is rejected under 35 U.S.C. § 112(b) as
being indefinite.

Claims 18–22 are rejected under 35 U.S.C. § 101 as
being directed to ineligible subject matter.

Claims 18–22 are rejected under 35 U.S.C. § 103 as
being unpatentable over Adams (US 2011/0178903
A1, pub. July 21, 2011).

OPINION

35 U.S.C. § 112 – Indefinite

Claim 18 is rejected under 35 U.S.C. § 112(b) as
being indefinite. Final Act. 4–5. Appellant does not
address this rejection. *See generally*, Appeal Br.
Thus, we summarily affirm the 35 U.S.C. § 112(b)
rejection of claim 18.

35 U.S.C. § 101 – Patent Eligibility

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101.

However, the Supreme Court determined that there are certain judicial exceptions to § 101, namely: (1) laws of nature, (2) natural phenomena, and (3) abstract ideas. *See Mayo Collaborative Svc. v. Prometheus Labs, Inc.*, 566 U.S. 66, 70–71 (2012).

The Supreme Court has set forth “a framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 217 (2014) (citing *Mayo*, 566 U.S. at 72–73). According to the Supreme Court, we first determine whether the claims at issue are directed to one of those concepts. *Id.* If so, we secondly “consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*, 566 U.S. at 79, 78).

The PTO published revised guidance on the

application of § 101. USPTO, 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (January 7, 2019) (“Revised Guidance”). When conducting step one of the Alice framework under this guidance, we first look to whether the claim recites:

Prong 1 any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity such as a fundamental economic practice, or mental processes); and

Prong 2 additional elements that integrate the judicial exception into a practical application.

See Revised Guidance, 84 Fed. Reg. at 54–55. Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to whether the claim:

(3) adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field; or

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the

judicial exception.

See Revised Guidance, 84 Fed. Reg. at 51.

§ 101 Analysis

Applying the Revised Guidance to the facts on this record, we find that Appellant's claims are directed to patent-ineligible subject matter without significantly more.

Judicial Exception: Step One of the Mayo/Alice Framework; Step 2A, Prong 1 of the 2019 Revised Guidance

The Revised Guidance instructs us first to determine whether any judicial exception to patent eligibility is recited in the claim. The Revised Guidance identifies three judicially-expected groupings identified by the courts as abstract ideas: (1) mathematical concepts, (2) certain methods of organizing human activity such as fundamental economic practices, and (3) mental processes.

Under *Prong 1*, we determine that the claimed "method for countering credit card fraud" is directed to the abstract idea of a method of organizing human activity in the form of fundamental economic

practices. See Final Act. 3, 6 (Finding the claims are directed to a method of organizing human activity involving fundamental business concepts). This can be seen, not only in the preamble of claim 18, but also in the recited steps including: “allowing cardholder to choose a new [credit card] security code,” “facilitating recordation of chosen card security code,” “verify subsequent transaction authorization requests,” “denying transactions when card security code . . . does not match card security code on record,” “[c]ardholder changing card security code any time . . . necessary,” “selecting a new security code value,” “ensuring that selected new security code value is different from [prior codes],” “recording the new card security code value,” and “remembering and providing the new card security code when prompted during subsequent credit card authorizations.”

Practical Application: Step One of the Mayo/Alice Framework; Step 2A, Prong 2 of the 2019 Revised Guidance

Having concluded that claim 18 recites a judicial exception, i.e., an abstract idea, we next consider under *Prong 2*, whether the claim recites additional

elements, considered individually and in combination, that integrate the judicial exception into a practical application. *See Revised Guidance*, 84 Fed. Reg. at 54–55.

Here, the additional elements recited in claim 18, beyond the abstract idea, include: “providing an internet connected card account management facility.” Though the Specification does not describe “an internet connected card account management facility,” it could be understood to be a financial institution’s computer system. We are not persuaded this limitation, considered individually or as an ordered combination, integrates the abstract idea into a practical application. For example, we find no indication that providing an internet connected card account management facility, reflects an improvement to the functionality of a computer or an improvement to technology. At best, the limitation generally links the use of the abstract idea to a particular technological environment involving a financial institution.

Appellant argues that other patents have issued in the area of card verification codes and

authorization systems, implying that this area of technology is inherently a practical application. See Appeal Br. 4. However, our analysis is limited to the claims that are currently before us. Appellant does not provide analysis of the claim language in this section of argument. *Id.* Thus, we are not informed of error in the Examiner's rejection.

In view of the above, we determine that under Prong 2, the additional elements do not integrate the recited abstract idea into a practical application.

Inventive Concept: Step Two of the Mayo/Alice Framework (Step 2B of the 2019 Revised Guidance)

Under this step, the Examiner determined that “the additional elements or combination of elements in the claims (internet, web application, mobile application) do not add significantly more so as to transform the abstract idea into patent-eligible subject matter.” Final Act. 3. Further, the Examiner found that “the elements other than the abstract idea . . . amount to no more than instructions to implement the abstract idea on a computer [and] . . . performs generic computer functions that are well understood, routine and conventional activities previously known

to the industry.” *Id.* at 3–4.

We agree. As discussed above, almost all of the claimed steps recite the abstract idea of a method of organizing human activity in the form of fundamental economic practices. “[P]roviding an internet connected card account management facility” or otherwise storing the data, etc., does no more than implement the abstract idea on a computer.

Appellant argues that there are a number of benefits to the invention, especially in preventing credit card fraud and that the benefits are “significantly more” than that offered currently. Appeal Br. 3–4.

However, Appellant’s argument simply describes the benefits of the abstract idea, rather than identifying that there is something claimed beyond the abstract idea. We agree that Appellant has expressed noble intentions and there might be some public benefit from Appellant’s invention. However, we are constrained to determine whether the invention, as defined by the claim language is eligible or ineligible based on the Supreme Court’s exceptions to eligible subject matter.

For all of the above reasons, we are not persuaded of error in the Examiner's rejection of claim 18 under 35 U.S.C. § 101. Therefore, we sustain the Examiner's rejection of claim 18, and claims 19–22, which fall with claim 18.

35 U.S.C. § 103 – Obviousness

The Examiner finds that Adams' "method of enabling a card holder to select a new changeable card security code (i.e. PIN number)" teaches most of the features of the claims. Final Act. 5. The Examiner finds that Adams does not teach "the changing of a CVV2/ CSC/ CVD/ CID/ CVC2." *Id.* However, the Examiner determines that "it would have been obvious . . . to change a security code such as a CVV2 number as this is merely a predictable variation of changing a PIN number as taught by Adams producing expected and predictable results." *Id.* at 6.

Appellant argues that "CVV2 on a card has been fixed from its inception. Making is changeable is an important aspect of my patent application." Appeal Br. 5. The Examiner finds that "persons of ordinary skill in the art have recognized a need to change the values of the CVV2 on a card for security purposes,"

after citing several patents that are not formally applied in the obviousness rejection. Ans. 10.

However, the Examiner has not identified where any of these patents teaches a “change of card security code” where the card security code is “printed on the card” as required by claim 18. In fact, each of these patents, though related, appears to be primarily directed to electronic credit cards or dynamic security codes. See U.S. Pat. 8,567,670 B2, iss. Oct. 29, 2013 (related to a one time use CVC for an electronic credit card); U.S. Pat. 8,086,493 B1, iss. Dec. 9, 2011 (related to electronic token with dynamic CID); U.S. Pat. 8,930,273 B2, iss. Jan. 6, 2015 (related to dynamic card value for mobile payments). For this reason, we do not sustain the Examiner’s rejection of the claims as obvious.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
18	112(b)	Indefiniteness	18	
18-22	101	Eligibility	18-22	
18-22	103	Adams		18-22

Appellant informs us that he did not intend to appeal the rejection of claim 18 under 35 U.S.C. § 112(b).
Req. Reh'g 2. Appellant also seeks rehearing as to the portion of our Decision affirming the rejection of claims 18–22 under 35 U.S.C. § 101 as being directed to ineligible subject matter. *Id.* at 2–4.

DISCUSSION

A request for rehearing is limited to matters overlooked or misapprehended by the Panel in rendering the original decision. See 37 C.F.R. § 41.52; see also *Ex parte Quist*, 95 USPQ2d 1140, 1141 (BPAI 2010) (precedential) (quoting Manual of Patent Examining Procedure (MPEP) § 1214.03). It may not rehash arguments originally made in the Brief, neither is it an opportunity to merely express disagreement with a decision. It may not raise new arguments or present new evidence except as permitted by paragraphs (a)(2) through (a)(4). See 37 C.F.R. § 41.52. The proper course for an Appellant dissatisfied with a Board decision is to seek judicial review, not to file a request for rehearing to reargue issues that have already been decided. See 35 U.S.C. §§ 141, 145.

35 U.S.C. § 112 – Indefinite

Appellant informs us: “I had not appealed 112 rejection, with a plan to work with the examiner to make corrective amendments after [the] appeal decision. I plan to do so if 101 rejection is reversed in rehearing.” *Id.* at 2.

Independent of the outcome of the appeal and this request for rehearing, Appellant may still “work with the examiner to make corrective amendments after [the] appeal decision.” *Id.* The prior decision addressed all rejections only as a matter of completeness. Whether we affirmed the rejection, or did not address the rejection, it would not have changed the status of the rejection.

35 U.S.C. § 101 – Patent Eligibility – Claim 18

We previously determined that “Appellant’s claims are directed to patent-ineligible subject matter without significantly more.” Decision, 5.² In particular, we determined that “the claimed ‘method for countering credit card fraud’ is directed to the abstract idea of a method of organizing human activity in the form of fundamental economic practices.” *Id.*

Under Step 2A, Prong 2 of the 2019 Revised Guidance,³ we also determined that “the additional [claimed] elements do not integrate the recited abstract idea into a practical application.” *Id.* at 7. However, Appellant requests that we consider whether the limitations of claims 19 and 20 would change that determination. Req. Reh’g 2–3. We previously determined that:

Here, the additional elements recited in claim 18, beyond the abstract idea, include: “providing an internet connected card account management facility.” Though the Specification does not describe “an internet connected card account management facility,” it could be understood to be a financial institution’s computer system. We are not persuaded this limitation, considered individually or as an ordered combination, integrates the abstract idea into a practical application. For example, we find no indication that providing an internet

² For a summary of the law on patent eligibility, as well as for our analysis of the claims, we refer the reader to our prior Decision. Decision, 3–8.

³ See USPTO, 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 54–55 (January 7, 2019) (“Revised Guidance”).

connected card account management facility, reflects an improvement to the functionality of a computer or an improvement to technology. At best, the limitation generally links the use of the abstract idea to a particular technological environment involving a financial institution.

Decision 6.

Claims 19 and 20 both further limit the “the internet connected card account management facility.” Claim 19 requires that “the internet connected card account management facility is a feature of an online card account management system comprising of: a web application; and the cardholder accessing the web application via secure a [sic] session using a browser.” Claim 20 is similar, being directed to an “app” rather than a “web application.” Both of these claims show that our prior findings and determinations are correct. For example, these claims show that we were correct in stating “‘an internet connected card account management facility,’ [] could be understood to be a financial institution’s computer system.” An “app” or “web application” could both be part of or at least would both interact with a financial institution’s

computer system. We also previously found “no indication that providing an internet-connected card account management facility, reflects an improvement to the functionality of a computer or an improvement to technology.” Decision 6. The limitations of claims 19 and 20 do not change these findings.

Under Step 2B of the Revised Guidance⁴, Appellant argues that the “inventive concept” described in the Reply Brief should be considered. Req. Reh’g 3. We previously addressed the benefits of the invention outlined by Appellant in the Appeal Brief, however we did not directly address the alleged “improvements” and “novel benefit” listed in the Reply Brief. Decision 7–8. The “improvements” and “novel benefit” asserted by Appellant is that the claims propose 1) “that card security code CVV2 be changeable after issue, making it a cardholder secret separate from the card;” 2) “an additional feature that allows CVV2 for a card to be updated by the

⁴ Revised Guidance, 84 Fed. Reg. at 50.

cardholder;” and 3) “a solution for credit card fraud risk mitigation from compromised data.” Reply Br. 3 (emphasis omitted).

Consistent with our previous finding, “Appellant’s argument simply describes the benefits of the abstract idea, rather than identifying that there is something claimed beyond the abstract idea.” Decision 7–8. We again “agree that Appellant has expressed noble intentions and there might be some public benefit from Appellant’s invention. However, we are constrained to determine whether the invention, as defined by the claim language is eligible or ineligible based on the Supreme Court’s exceptions to eligible subject matter.” *Id.* at 8.

For the above reasons, we are not informed of reversible error in the Examiner’s rejection or our prior Decision.

CONCLUSION

For these reasons, we are not informed of reversible error in the Examiner’s rejection or our prior Decision. Thus, we deny Appellant’s Request.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
18	112(b)	Indefiniteness	18	
18-22	101	Eligibility	18-22	
18-22	103	Adams		18-22
Overall Outcome ⁵			18-22	

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv) (2017).

DENIED

⁵ 37 C.F.R. § 41.50(a)(1) states: "The affirmance of the rejection of a claim on any of the grounds specified constitutes a general affirmance of the decision of the examiner on that claim."