

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
GROUP ART UNIT: 3683 EXAMINER: SWARTZ, JAMIE H**

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In Re: Ramakrishna Satyavolu

Case: P3953CIP

Serial No.: 11/293,330

Filed: December 1, 2005

10 Subject: Network-Based Verification and Fraud-Prevention System

Commissioner for Patents

PO Box 1450

15 Alexandria, VA 22313-1450

Dear Sirs:

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APPEAL BRIEF

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1.0 Real Party in Interest

All inventions in the disclosure in the present case are assigned to or assignable to:
Yodlee.com, Inc.

2.0 Summary of the Claimed Subject Matter

Following is a concise explanation of the subject matter defined in independent claims under Appeal.

5 2.1 Independent claim 7

7. A computerized network-connected server including programmed instructions providing a method for specific condition-triggered transfer of funds held at third-party financial institutions, comprising steps of:

(a) establishing, by the server **{Fig. 1, portal server 31}**, network access to two or more
10 financial assets held in financial accounts owned by one person at the third party financial institutions, the server hosted by an enterprise other than anyone of the financial institutions hosting anyone of the accounts **{ third-party servers 141-145; pg. 42, ll. 9-18}**;

(b) creating and storing in a data repository at the server, a profile authorized by the person, the profile relating account conditions of the assets in the accounts configured by the
15 person with desired transactions for the person, the account conditions associated with one or both of account balance or interest paid on account balance of the assets **{pg. 91 line 24 to pg. 92 line 6}**; and

(c) monitoring, by the instructions at the server, the accounts for the account conditions by providing periodic automatic navigation to nodes on the network providing the access to the
20 accounts, automatically logging in as the one person and scraping information regarding the assets **{Fig. 5, 103, 105, 107, 111; pg. 35, line 11 to pg. 37, line 5}**; and

(d) automatically accomplishing the desired transactions when a determined condition of at least one of the two or more accounts, based on the scraped information, match the account conditions in the profile **{pg. 91, ll. 6-23}**.

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*In summary, for the first time, a system and method are provided allowing automated tight control over a plurality of user financial accounts wherein software executing on a web connected server automatically navigates to the third-party financial accounts via the network and scrapes information including at least a monetary balance of the financial accounts. A user
30 sets conditions for transferring funds between accounts, for example to take advantage of FDIC insurance balance limitations or to maximize interest if more interest will be earned in one than*

another as a result of dynamic interest rates. The system then automatically transfers funds between accounts in order to adhere to the conditions.

2.2 Independent claim 11

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11. (Previously presented) A system for condition-triggered transfer of funds, comprising:

a network-connected computerized server executing software from a non-transitory medium **{Fig. 1 portal server 31}**;

10 a profile associating user configured conditions, in two or more financial accounts having funds owned by the user, with desired transactions for the user, the account conditions associated with one or both of account balance or interest paid on account balance **{pg. 91, ll. 6-24}**;

a first instance of the software monitoring and determining the conditions in the one or more accounts by periodically navigating to nodes on the network providing access to the accounts, automatically logging in as the user and scraping information regarding the assets **{Fig. 15 5, 103, 105, 107, 111; pg. 35, line 11 to pg. 37, line 5}**; and

a second instance of the software automatically accomplishing the desired transactions when the determined conditions of at least one of the two or more accounts match at least one or more of the user configured conditions, and wherein the network-connected server is a third-party server that is remote and separate from any financial institution hosting the financial 20 accounts for the user **{pg. 91, ll. 6-23}**.

In summary, for the first time, a system and method are provided allowing automated tight control over a plurality of user financial accounts wherein software executing on a web connected server automatically navigates to the third-party financial accounts via the network 25 and scrapes information including at least a monetary balance of the financial accounts. A user sets conditions for transferring funds between accounts, for example to take advantage of FDIC insurance balance limitations or to maximize interest if more interest will be earned in one than another as a result of dynamic interest rates. The system then automatically transfers funds between accounts in order to adhere to the conditions.

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2.3 Dependent claims 8-10 and 12-14 stand or fall with their independent claims.

5 3.0 Argument

Claims 7-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7-14 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. Claims 7, 9-11, 13-14 are rejected under pre-AIA 35 U.S.C. 103(a) as being
10 unpatentable over Bent et al. (US 7509286 B1) in view of Chi (US 20060080197 A1) in further view of Freishtat et al. (US 20010037294 A1).

Regarding the 112(a) rejection

Appellant traverses the Examiner's 112 rejection pointing out where the Examiner errs in
15 the rejection. The Examiner states:

*Appellant has amended claim 7 to include the limitation of "monitoring, by the instructions at the server, the accounts for the account conditions by providing periodic automatic navigation to nodes on the network providing the access to the accounts, automatically logging in as the one person and scraping information regarding the assets; and
20 automatically accomplishing the desired transactions when a determined condition of at least one of the two or more accounts, based on the scraped information, match the account conditions in the profile." The appellant has amended claim 11 to include the limitation of "a first instance of the software monitoring and determining the conditions in the one or more accounts by periodically navigating to nodes on the network providing access to the
25 accounts, automatically logging in as the user and scraping information regarding the assets." There is no support in the original disclosure for the scraping and scraped information in direct relationship with the steps of the invention as claimed. Appropriate action is required.*

30 Appellant points out specific sections of appellant's specification that clearly teach automatic navigation to third party servers on the network, logging in on behalf of the user, scraping

information either on demand or periodically as a condition set by the user {**Fig. 5, 103, 105, 107, 111; pg. 35, line 11 to pg. 37, line 5; pg. 31, line 25 to pg. 32, line 2**}. Those with skill in the art understand that "monitor" in relation to teachings in appellant's invention relates to watching, observing, listening to, or checking something for an intended purpose over a period of time.

Appellant argues that the present specification sufficiently identifies how the invention achieves the claimed function. Appellant points out that The written description requirement of 35 U.S.C.112(a) or pre-AIA 35 U.S.C. 112, first paragraph applies to all claims including original claims that are part of the disclosure as filed (MPEP 2161.01 I). Said monitoring was presented in original claim 11 and supported in the specification as pointed out, above.

The courts have confirmed that if one skilled in the art would know how to program the disclosed computer to perform the necessary steps described in the specification to achieve the claimed function and the inventor was in possession of that knowledge, the written description requirement would be satisfied. *In re Hayes Microcomputer Prods., Inc. Patent Litigation*, 982 F.2d 1527, 1533-34, 25USPQ2d 1241, 1245-46 (Fed. Cir. 1992)

Appellant believes one with skill in the art would easily understand that the inventor had possession of the claimed "monitoring" and that one with skill in the art, reading said specification would understand how to make and use the same.

Therefore, appellant respectfully requests the Board reverse said 112 rejection.

Regarding the 35 U.S.C. 101 rejection

Appellant believes that although the present claims include an abstract idea, as most all inventions with functional language and/or that are computer based do, appellant believes the present claims include significantly more attributes which clearly support statutory subject matter and are not merely fundamental economic practices that can be performed on a single generic computer.

Appellant is of the opinion that the Alice Decision by the Supreme Court of the US is being grossly over-applied to claims that the Court could not have intended to be ineligible subject matter. The claims in the cases decided by the Court recited input means, number crunching means and output means. As such the claims are limited to the most basic of computer

functions of receiving data, processing the data and outputting data.

The Court clearly meant to disqualify claims that were drawn to retrieving data, processing the data and outputting a result. The claims in the present case go far beyond that simple process. The Examiner errs when not recognizing additional limitations as "significantly more" qualifying appellant's claims as statutory subject matter. Said limitations include the presence and interoperability between third party servers, wherein one server controls actions at separate third party servers, creation of the profile and conditions, the automatic navigation and virtual log-in by a machine functioning as a person, and the set up and execution of triggering events generating instruction to said third-party servers, as claimed, are cases in point that amount to significantly more than a mere abstract idea or generic computer function.

Appellant respectfully requests said 101 rejection be reversed.

Regarding a claim to priority and art presented in the rejection under 35 USC 103(a)

Appellant believes the Examiner errs when not recognizing that the parent application, 09/661,589 filed 09/14/2000, as the effective filing date of the present application. Appellant argues that even though the last page 91 of the present specification was added, the 90 pages of the original specification satisfies the requirements under 35 USC 112(a) for the presently claimed subject matter as argued above in regards to the 112(a) rejection.

Appellant argues that the original specification as filed with 09/661,589 fairly teaches:

- auto navigation and information gathering on behalf of a user, pg. 36, line 23 to pg. 37, line 1; pg. 75, ll. 6-12.
- monitoring third party financial accounts; see argument above under 112(a)
- setting conditions to trigger an event; pg. 43, line 25 to page 44, line 5; pg. 74 line 24 to pg. 75, line 12.
- capability of automatically completing transaction when condition is met, pg. 79, ll. 3-6; pg. 81, ll. 3-18, instructing a control server 323 in ATM via software 325; pg. 85, ll. 9-12

Appellant argues that one with skill in the art reading 09/661,589, would realize the inventor had possession of the claimed invention and could make and use the invention. The specification teaches auto navigation, user profile with rules/conditions and control of third party servers at a

user's financial accounts on the network as well as control of an ATM network performing transactions between appellant's financial accounts.

Appellant respectfully request the Board please evaluate the present argument and acknowledge appellant's effective filing date of 09/14/2000 for parent 09/661,589. Therefore the art presented is not in fact prior art as Chi was filed 03/14/05; Bent was filed 03/11/03, Elterich was filed 12/17/03 and Freishtat would have the same effective filing date as appellant's invention as it also claims priority to the common parent 09/661,589.

Regarding the rejection under 35 USC 103(a)

Appellant argues that the main error the Examiner makes in the obviousness rejection is in the application of teachings of Bent. The Examiner states that Bent teaches:

... establishing, by a third-party enterprise, access to two or more financial accounts with assets belonging to one person through execution of software from a machine-readable medium on a computerized server at the third-party enterprise, the third-party enterprise being other than an enterprise hosting one of the accounts (col. 7, line 45- col. 8, line 14);

creating and storing in a data repository at the third-party enterprise, a profile authorized by the person, the profile relating account conditions configured by the person with desired transactions for the person, the account conditions associated with one or both of account balance or interest paid on account balance (col. 8, lines 25-45, col. 9, line 34- col. 10, line 42, col. 10, lines 54-65)

Appellant argues that the Examiner errs when failing to show in the art appellant's claimed limitations as recited in appellant's claim language. Appellant specifically claims:

(a) establishing, by the server, network access to two or more financial assets held in financial accounts owned by one person at the third party financial institutions, the server hosted by an enterprise other than anyone of the financial institutions hosting anyone of the accounts;

(b) creating and storing in a data repository at the server, a profile authorized by the

person, the profile relating account conditions of the assets in the accounts configured by the person with desired transactions for the person, the account conditions associated with one or both of account balance or interest paid on account balance of the assets

5 As one can easily interpret, appellant claims a server storing a user profile and accessing third party servers hosting financial assets of a user and the profile is stored at the server, not at the servers hosting the financial accounts. This arrangement allows control from the single server remote from the third-party servers. No pre-agreements need be made or shared software. Financial accounts offering a network interface to their users can easily be utilized by the present
10 invention server, as if the user.

Bent teaches that the user profile is stored at each one of the servers hosting financial accounts. Bent teaches an agent opening and operating financial account pairs MMDA-DDA at the financial institutions (col. 15, ll. 9-21). The financial account servers in Bent are not third party but a "Supporting financial entity" i.e. supporting the functional software (see at least col.
15 7, line 50 to col. 8, line 13; col. 8, line 64 to col. 9, line 11 .

Appellant argues that the Examiner errs when not properly interpreting third-party entity as taught and claimed in appellant's invention or at least as understood by one with skill in the art. Bent's Supporting financial entities are not third party, as claimed. Bent also fails to teach a user profile stored at a server separate from the Supporting financial entities.

20 Appellant argues the third-party limitations are reinforced by the addition of the software instances providing periodic automatic navigation to nodes on the network providing the access to the accounts, automatically logging in as the one person and scraping information regarding the assets. There is no benefit realized when combining auto navigation teachings in Freishtat with Bent because Bent's software/Agent is present at the supporting financial entities so this
25 claimed capability by appellant's server is not necessary as Bent as full access via the Agent to the Supporting financial entities and auto navigation and login on behalf of a user is not necessary nor beneficial.

The Examine also errs in the application of Chi as the art fails to actually teach what the Examiner states it does. The reference Chi does not teach what is claimed or what the examiner
30 alleges the reference teaches. Chi provides a *virtual* account that has certain limitations, and a user may apply the virtual account to *request* transactions from the *real account*, a payment from

the real account, for example (Abstract [0005]). There is no direct access to the real account by a third party operation in the art of Chi, as taught and claimed in appellant's invention.

Appellant respectfully requests the Board reconsider the rejection and render claims 7
5 and 11 allowable over the art for at least the errors pointed out by appellant, above. Dependent
claims 8-10 and 12-14 stand or fall with their independent claims.

4.0 Claims Appendix

The claims involved in the appeal are:

1-6. (Canceled)

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7. A computerized network-connected server including programmed instructions providing a method for specific condition-triggered transfer of funds held at third-party financial institutions, comprising steps of:

10 (a) establishing, by the server, network access to two or more financial assets held in financial accounts owned by one person at the third party financial institutions, the server hosted by an enterprise other than anyone of the financial institutions hosting anyone of the accounts;

15 (b) creating and storing in a data repository at the server, a profile authorized by the person, the profile relating account conditions of the assets in the accounts configured by the person with desired transactions for the person, the account conditions associated with one or both of account balance or interest paid on account balance of the assets; and

(c) monitoring, by the instructions at the server, the accounts for the account conditions by providing periodic automatic navigation to nodes on the network providing the access to the accounts, automatically logging in as the one person and scraping information regarding the assets; and

20 (d) automatically accomplishing the desired transactions when a determined condition of at least one of the two or more accounts, based on the scraped information, match the account conditions in the profile.

25 8. The method of claim 7 including a step after step (b) and before step (c) for alerting the person of a matched condition.

9. The method of claim 7 wherein the accounts are accounts insured up to a maximum monetary amount, and transactions are triggered, at least in part, by account balances as conditions, to provide insurance protection up to the maximum amount.

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10. The method of claim 9 wherein the accounts are interest-bearing accounts, and transactions

are triggered, at least in part, to maximize interest income.

11. A system for condition-triggered transfer of funds, comprising:

5 a network-connected computerized server executing software from a non-transitory medium;

a profile associating user configured conditions, in two or more financial accounts having funds owned by the user, with desired transactions for the user, the account conditions associated with one or both of account balance or interest paid on account balance;

10 a first instance of the software monitoring and determining the conditions in the one or more accounts by periodically navigating to nodes on the network providing access to the accounts, automatically logging in as the user and scraping information regarding the assets; and

15 a second instance of the software automatically accomplishing the desired transactions when the determined conditions of at least one of the two or more accounts match at least one or more of the user configured conditions, and wherein the network-connected server is a third-party server that is remote and separate from any financial institution hosting the financial accounts for the user.

12. The system of claim 11 further comprising a third instance of the software alerting the person to matched conditions in the one or more accounts.

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13. The system of claim 11 wherein the accounts are accounts insured up to a maximum amount, and transactions, including at least transferring assets between the accounts, are triggered, at least in part, by account balances as conditions, to provide insurance protection up to the maximum amount.

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14. The system of claim 11 wherein the accounts are interest-bearing accounts, and transactions, including at least transferring assets between the accounts, are triggered, at least in part, to maximize interest income for the user.

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Respectfully Submitted,
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