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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte EUGENE I. KELTON and WILLIE R. PATTEN, JR.

Appeal 2024-003717
Application 16/903,012
Technology Center 3600

Before MICHAEL C. ASTORINO, NINA L. MEDLOCK, and
BRADLEY B. BAYAT, *Administrative Patent Judges*.

BAYAT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner’s decision to reject claims 1–20, which constitute all pending claims in the application. *See* Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ “Appellant” refers to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as International Business Machines Corporation. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to a comprehensive real estate tracking system having security features. Claim 1, reproduced below, illustrates the claimed subject matter:

1. A computer implemented method in a data processing system comprising a processor and a memory comprising instructions, which are executed by the processor, causing the processor to implement a method for tracking real estate property information, the method comprising:

receiving, at a first computing device, first real estate property information;

identifying a real estate immutable record, comprising history information stored in a first blockchain that comprises a series of blocks that each contain a cryptographic hash of a previous block and transaction information, based on the first real estate property information;

updating the history information in the blockchain of the real estate immutable record with the first real estate property information;

creating a first transaction tag associated with updating the real estate immutable record;

distributing the first transaction tag to a plurality of second computing devices;

providing the real estate immutable record to a cognitive advisor system; and

determining, by the cognitive advisor system, a match between the real estate immutable record and a buyer based on a buyer immutable record stored in a buyer blockchain associated with the buyer and a buyer need profile, wherein the history information of the first blockchain comprises information describing at least one of repair history, services history, insurance history, governmental impact history, and environmental history

REFERENCES

The Examiner relies on the following references to reject the claims:

Name	Reference	Date
Wang	US 2018/0253780 A1	Sept. 6, 2018
Sher	US 2018/0322597 A1	Nov. 8, 2018
Howie	US 2020/0175623 A1	June 4, 2020
Davison	US 2021/0012443 A1	Jan. 14, 2021

REJECTIONS

The Examiner maintains the following rejections:

Claim(s) Rejected	35 U.S.C. §	Reference(s)/ Basis
1, 4–8, 11–20	103	Howie, Davison, Wang
2, 3, 9, 10	103	Howie, Davison, Wang, Sher

OPINION

Independent claims 1, 8, and 15 and dependent claims 4–7, 11–14, and 16–20

In contesting the rejection of independent claims 1, 8, and 15 as unpatentable over Howie, Davison, and Wang, Appellant only argues that Howie, on which the Examiner relies, fails to disclose “receiving . . . first real estate property information” because “‘recording’ real estate information on [a] distributed ledger, as allegedly taught by Howie, is different from ‘receiving’ real estate information.” Appeal Br. 8. In particular, Appellant argues that Howie teaches using the user computational device 102 to receive user commands and display information to the user instead of receiving real estate information. *Id.* (citing Howie ¶¶ 66, 69).

The Examiner disagrees because Howie does not only teach that the user computational device receives user commands but paragraph 68 of

“Howie clarifies [that] the user interface in the user computational device allows a customer to input commands and data.” *Id.*

We are not persuaded by Appellant’s argument.

Howie is directed to a distributed ledger based system and method for the settlement and transfer of title to real estate “for management of parcel title through a distributed ledger.” Howie ¶ 1. By using blockchain technology to securely store and manage real estate property ownership and parcel boundaries, Howie’s invention addresses shortcomings in existing real estate systems that fail to provide a reliable and computational way to determine parcel boundaries especially when multiple units within the same parcel are owned by different entities. *Id.* ¶¶ 3–10. “User computational device **102** operates user interface **108** for receiving one or more user commands and for displaying information to the user.” *Id.* ¶ 66. Indeed, paragraph 68 of Howie expressly discloses that “[t]he user interface employs certain input and output devices to input data received from a user or output data to a user,” which in the context of the invention requires real estate information such as property/parcel coordinates. *Id.* ¶ 69. We disagree that “Howie does not teach that the ‘commands and data’ input by a customer is real estate information.” Reply Br. 3. For example, Figure 14 of Howie shows the step of receiving real estate property information because a real estate parcel “title to be searched is received at **1402**” and “[t]he title information may for example relate to a traditional mailing or physical address” (Howie ¶ 163). *See also* Howie Figure 15 (1504) (“property details are preferably provided online”).

Accordingly, we sustain the rejection of claims 1, 8, and 15 and remaining dependent claims 4–7, 11–14, and 16–20, which are not argued separately.

Dependent claims 2, 3, 9, and 10

With respect to dependent claims 3 and 10, Appellant argues that Sher, on which the Examiner relies, does not teach a buyer immutable record that comprises a purchase history because Sher relates to renters and renters are different than buyers. Appeal Br. 9 (“Buyers purchase ownership of the real estate property through purchase payment while renters rent to use the real estate property through rental payment.”).

The Examiner “disagrees Sher only relates to renters because Sher explicitly involves buyers. Specifically, ¶[0025] of Sher states the disclosure involves ‘...renter conversion to buyer, tenant conversion to buyer...’ Thus Sher does not only relate to renters because Sher explicitly contemplates the renters becoming buyers.” Ans. 4–5.

We are not persuaded by Appellant’s argument.

Sher “relates to a decentralized cryptographic real estate transaction assistance system and method for “facilitating matching, engaging, contracting, and communicating between parties to a real estate and/or property rental transaction by a decentralized system.” Sher ¶ 2. As the Examiner points out, Sher is not limited to renters because paragraph 25 discusses “renter conversion to buyer” and “tenant conversion to buyer.” See Sher ¶ 291 (“Same may be applied to use in real estate buy/sell transactions as renters transition to becoming homebuyers, car buyers, etc.”). Paragraph 65 of Sher discloses that real estate transactions “include[] buying, selling, trading, transferring, and other transactional activities” and

that “[i]n applications relating [to] the sale of real property, the landlord term may be substituted with seller and the renter term may be substituted with buyer.” Moreover, Sher discloses:

In an example of a decentralized cryptographic platform for real estate transaction assistance enabled by this disclosure, the blockchain may include data relating to renters, tenants, landlords, owners, buyers, sellers, agents, brokers, and other parties related to a real estate transaction. The blockchain may additionally include information related to rental units, apartments, condominiums, houses, commercial real estate, and other properties that may be bought, sold, rented, leased, or otherwise possessed by a party.

Sher ¶ 282.

For these reasons, we are not apprised of Examiner error and sustain the rejection of dependent claims 3 and 10. We also sustain the rejection of dependent claims 2 and 9, which are not argued separately.

CONCLUSION

The Examiner’s rejections are **AFFIRMED**.

DECISION SUMMARY

The following table summarizes our decision:

Claim(s) Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1, 4–8, 11–20	103	Howie, Davison, Wang	1, 4–8, 11–20	
2, 3, 9, 10	103	Howie, Davison, Wang, Sher	2, 3, 9, 10	
Overall Outcome			1–20	

TIME PERIOD FOR RESPONSE

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).

AFFIRMED