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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| In re Application of:  {inventor}  Application No.: {applicationnumber}  Filed: {filingdate}  For: {thetitle}  Customer No.: 131836 | Confirmation No.: {confirmno}  Examiner: {examiner}  Technology Center/Art Unit: {artunit}  AMENDMENT |

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Commissioner:

In response to the Non-Final Office Action mailed {maildate}, please enter the following amendments and remarks:

{#spec}**Amendments to the Specification** being on page [x] of this paper.

{/}{#drawings}**Amendments to the Drawings** begin on page [x] of this paper.

**{/}Amendments to the Claims** are reflected in the listing of claims which begins on page [x] of this paper.

**Remarks/Arguments** begin on page [x] of this paper.

{#spec}**Amendments to the Specification:**

Please replace paragraph [xxxx] of the specification as filed with the following:

{/}{#drawings}**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. [x]. This sheet, which includes Fig(s). [x-y], replaces the original sheeting including Fig(s). [x-y].

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

{/}**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

{~~html}

**Remarks**

This paper is responsive to the non-final office action mailed {maildate}. {pending} pending before submission of this paper, with {ind} being independent. Claims [xxx] have been amended. Claims ­­[xxx] have been canceled. Claims [xxx] are added. Support for all current claims can be found in the specification, and no new matter has been added. Reconsideration of the claims in view of this response is respectfully requested.{#allowable}

1. **Allowable Subject Matter**

Applicant thanks the examiner for indicating that {allowcontent}**{/}{#interview}**

1. **Examiner Interview**

A telephone interview was conducted with examiner {examiner} on [*interview date*]. The undersigned represented applicant in the interview. During the interview, \_\_\_\_\_\_\_\_. Applicant appreciates the examiner’s input and present this response accordingly. **{/}{#double}**

1. **Double Patenting**

{#loop\_dp}{dpclaims} rejected on the ground of non-statutory double patenting as being unpatentable over {dpclaimss} of U.S. Patent No. {dp\_patent}. {/loop\_dp} Applicant respectfully disagrees, but hereby files a terminal disclaimer to advance prosecution. Accordingly, Applicant respectfully requests withdrawal of the rejection. OR Applicant makes note of the rejection and asks that the rejection be held in abeyance until such time as the claims are in otherwise allowable form. **{/}{#eligible}**

1. **{eligibleclaims3} Patentable Subject Matter Under 35 U.S.C. § 101**

{eligibleclaims1} rejected under 35 U.S.C. § 101 for alleged being directed to an abstract idea without significantly more. Applicant respectfully disagrees and submit that {eligibleclaims2} not directed to an abstract idea and are patent-eligible under 35 U.S.C. § 101.

The Office Action at page\_\_ alleges that “\_\_\_\_\_”. The Office Action provides no support for these statements and does not establish a meaningful line of reasoning for why the claims are an abstract idea. Merely saying that it is an “idea of itself” does not carry any weight and does not contribute to making a prima facie case. Such conclusory statements can be made for any claim, including those that have been found to be patent-eligible by the courts.

The 2019 Revised Patent Subject Matter Eligibility Guidance (hereinafter “2019 Guidance”) provides an updated two-prong inquiry for whether a claim is “directed to” a judicial exception. In the first prong, Examiners are to evaluate whether the claim recites a judicial exception. The 2019 Guidance establishes three groups of abstract idea judicial exceptions. These are a) Mathematical concepts; b) Certain methods of organizing human activity; and c) Mental processes. “Claims that do not recite matter that falls within these enumerated groupings of abstract ideas should not be treated as reciting abstract ideas”. See 2019 Guidance page 11. “Any rejection in which a claim does not fall within the enumerated abstract ideas [and] is nonetheless treated as reciting an abstract idea must be approved by the Technology Center Director”. See 2019 Guidance page 26. In the second prong, examiners evaluate whether the claim recites additional elements that integrate the identified judicial exception into a practical application. If a claim recites a judicial exception but is integrated into a practical application, then the claim is patent eligible.

Applying the 2019 Guidance to the present application, the present claims do not recite any of the three groups of abstract idea judicial exceptions. Thus, the present claims are eligible under the first prong of the eligibility inquiry. Furthermore, even if a judicial exception is recited in the claims, the claims would integrate it into a practical application. The claims at least provide an innovative solution in field of distributed computing technology, which clearly makes it a practical application. Thus, the present claims are patent eligible under the 2019 Guidance.

More specifically, [*Specific argument*]

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that the present claims are not directed to an abstract idea or any judicial exception, and are instead directed to patent-eligible subject matter under 35 U.S.C. § 101. Applicant respectfully requests withdrawal of the rejections of these claims under 35 U.S.C. § 101. {/}{#objection}

1. **Objections Are Overcome**

{#loop\_obj}{objection} objected to for allegedly {reason}. {/loop\_obj}Applicant submits that the present amendments and/or arguments overcome these issues. Accordingly, Applicant respectfully requests withdrawal of the objections. {/}{#written}{#loop\_wr}

1. **{wrclaims2} Comply With 35 U.S.C. § {wrtype}**

{wrclaims} rejected under 35 U.S.C. § {wrtype} as failing to comply with the written description requirement. Applicant submits that the present amendments to claims overcome these issues. Accordingly, Applicant respectfully requests withdrawal of the rejections of {wrclaims} under 35 U.S.C. § {wrtype}. {/loop\_wr}{/} {#anticipate}{#loop\_an}

1. **{anclaims} Allowable Under 35 U.S.C. § 102 Over** **{anrefshort}**

{anclaims2} rejected under 35 U.S.C. § 102 as being anticipated by {anreference}. Applicant respectfully disagrees. {#anintro}

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully submits that Weber does not disclose all elements of the pending claims.{/} {#anfirstind}

* 1. **Independent Claim** **{anfirstindno}**

[Agreement Boiler: As mentioned above, claim {anfirstindno} as presently amended was discussed during the Examiner interview that took place on [*interview date*], during which the Examiner indicated that Claim {anfirstindno} as currently amended overcomes the present 35 U.S.C. § 103 rejection over {anrefshort}. Indeed, applicant submits that {anrefshort} fails to teach or make obvious “[*claim language*]”, as recited in claim {anfirstindno} as amended.]

{anrefshort} fails to teach or make obvious claim {anfirstindno}. Specifically, {anrefshort} does not teach or make obvious “[*claim language*]”, as recited in claim {anfirstindno}, as amended. [*argument*]

Accordingly, Applicant respectfully submits that claim {anfirstindno} is allowable under 35 U.S.C. § 102 over {anrefshort} and requests the rejection be withdrawn. {/}{#anrestind}

* 1. **Independent {anrestindno}**

Applicant respectfully submits that {anrestindno2} allowable at least for reasons including some of those discussed above in connection with claim {anfirstindno}. For at least reasons discussed above, Applicant respectfully submits that {anrefshort} does not teach subject matter as recited in {anrestindno3}. Therefore, Applicant respectfully submits that {anrestindno2} allowable under 35 U.S.C. § 102 over {anrefshort}, and requests the rejection be withdrawn. {/}{#andep}

* 1. **Dependent {andepno1}**

{andepno2} from one of the independent claims discussed above. Accordingly, Applicant respectfully submits that {andepno3} allowable at least for depending from an allowable independent claim. In addition, Applicant respectfully submits that {andepno4} may additionally recite patentable subject matter not taught or otherwise rendered anticipated by {anrefshort}.{/}

For at least reasons discussed above, Applicant respectfully submits that {anclaims3} allowable under 35 U.S.C. § 102 over {anrefshort}. Withdrawal of the pending rejection(s) is therefore respectfully requested. {/loop\_an}{/}{#obvious}{#loop\_ob}

1. **{obclaims} Allowable Under 35 U.S.C. § 103 Over {obrefshort}**

{obclaims2} stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over {obreference}. Applicant respectfully disagrees. {#obintro}

With regard to rejections under 35 U.S.C. § 103, the Examiner must provide evidence which as a whole shows that the legal determination sought to be proved (*i.e*., the reference teachings establish a *prima facie* case of obviousness) is more probable than not. M.P.E.P. § 2142. Accordingly, “the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. § 2142; *see* *KSR International Co. v. Teleflex, Inc.*, 550 U.S.398, 82 USPQ 2d 1385, 1395-97 (2007). {/}{#obfirstind}

* 1. **Independent Claim {obfirstindno}**

[Agreement Boiler: As mentioned above, claim {obfirstindno} as presently amended was discussed during the Examiner interview that took place on [*interview date*], during which the Examiner indicated that claim {obfirstindno} as currently amended overcomes the present 35 U.S.C. § 103 rejection over {obrefshort}. Indeed, applicant submits that {obrefshort2} fails to teach or make obvious “[*claim langugae*]”, as recited in claim {obfirstindno} as amended.] ”.

{obrefshort4} fails to teach or make obvious claim {obfirstindno}. Specifically, {obrefshort4} does not teach or make obvious “[*claim language*]”, as recited in claim {obfirstindno}, as amended. [*argument*]

For at least reasons discussed above, Applicant respectfully submits that {obrefshort} does not make obvious such subject matter as recited in claim {obfirstindno}. Accordingly, Applicant respectfully submits that claim {obfirstindno} is allowable under 35 U.S.C. § 103 over {obrefshort} and requests the rejection be withdrawn. {/}{#obrestind}

* 1. **Independent {obrestindno}**

Applicant respectfully submits that {obrestindno2} allowable at least for reasons including some of those discussed above in connection with claim {obfirstindno}. For at least reasons discussed above, Applicant respectfully submits that {obrefshort2} does not make obvious such subject matter as recited in {anrestindno2}. Therefore, Applicant respectfully submits that {anrestindno2} allowable under 35 U.S.C. § 103 over {obrefshort}. Withdrawal of the pending rejection under 35 U.S.C. § 103 is, therefore, respectfully requested. {/}{#obdep}

* 1. **Dependent {obdepno1}**

{obdepno2} from one of the independent claims discussed above. Accordingly, Applicant respectfully submits that {obdepno3} allowable at least for depending from an allowable independent claim. In addition, Applicant respectfully submits that {obdepno4} may additionally recite patentable subject matter not taught or otherwise rendered obvious by {obrefshort3}.{/}

For at least reasons discussed above, Applicant respectfully submits that {obclaims3} allowable under 35 U.S.C. § 103 over {obrefshort}. Withdrawal of the pending rejections of these claims is, therefore, respectfully requested. {/loop\_ob}{/}

**CONCLUSION**

Unless otherwise specified or addressed in the remarks section, any amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter. In addition, by focusing on specific claims and claim elements in the discussion above, Applicant does not imply that other claim elements are disclosed or suggested by the references. In addition, any characterizations of claims and/or cited art are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by another prosecution. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present disclosure.

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. [ACCOUNT #].

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at [PHONE NUMBER]

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Respectfully submitted,  
  
/DRAFT/  
{signature}  
Registration No. {regnumber}

Very Good Law Firm

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