

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DON CHARLES FINFROCK
and LYNN LESTER KERCHNER

Appeal 2007-1299
Application 09/567,097
Technology Center 2100

Decided: June 25, 2007

Before ANITA PELLMAN GROSS, ROBERT E. NAPPI,
and St. JOHN COURTENAY III, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 6(b) of the Final Rejection of claims 18 through 27 and 30 through 34.¹ For the reasons stated *infra*, we will not sustain the Examiner's rejection of these claims.

INVENTION

The invention is directed to a method of creating a multilevel database on a smart card that allows a merchant or business to access specific information that the customer is willing to share. See page 2 of Appellants' Specification. Claim 18 is representative of the invention and is reproduced below:

18. A method of storing consumer information in a personal storage device, comprising the steps of:
coupling the personal storage device to a computer;
storing at least one category of consumer information in a consumer database in the personal storage device with each category having at least one entry by a computer;
displaying the category, the entry, and choices for access rights by the computer;
recording consumer selection of group access rights for the entry to limit access to the entry to a plurality of information gatherers less than all of the information gatherers by the computer; and
storing the group access rights in the consumer database by the computer.

REFERENCE

The reference relied upon by the Examiner is:

Pitroda US 5,884,271 Mar. 16, 1999

REJECTION AT ISSUE

Claims 18 through 27 and 30 through 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pitroda. Throughout the opinion we

¹ Appellants state on page 2 of the Brief that claims 28 and 29 are not part of the Appeal.

make reference to the Brief (received July 12, 2006) and the Answer (mailed September 7, 2006) for the respective details thereof.

ISSUES

Appellants contend that the Examiner's rejection of independent claims 18 and 34 under 35 U.S.C. § 102(b) is in error. Appellants assert the universal electronic transaction card of Pitroda does not teach different access privileges for different services as recited in the independent claims.

The Examiner asserts that the rejection is proper. On pages 7 through 11 of the Answer the Examiner provides rationale as to how Pitroda teaches different access privileges.

Thus, the issue before us is whether Pitroda's Universal Electronic Transaction card displays choices for access rights, records consumer selection, and saves the group access rights as claimed in independent claims 18 and 34.

FINDINGS OF FACT

Pitroda teaches a system which makes use of a Universal Electronic Transaction card (UET) which can serve as a number of different cards. Abstract. The UET has a display which can display information about the accounts on the card. Column 3, line 65. The display includes a touch sensitive screen which allows the user to navigate menus of information on the card. These menus allow the user to select a service institution, from a group of service institutions, to transact with. Column 4, lines 15-31. Figures 12 through 14 illustrate several menus. During initialization of the

Appeal 2007-1299
Application 09/567,097

card the user enters a signature and unique authorization code similar to a Personal Identification Number (PIN). This data is stored on the card. The authorization code is used to permit use of the card and to gain access to the information stored on the card. Column 13, line 66 through Column 14, line 18 and Column 15, lines 38-66. When the user uses the card, the user selects the transaction they wish to conduct (i.e. select credit card or medical insurance card or telephone card), if required the user may enter the security access code, and then the user presents the card to the service provider who receives the appropriate information from the card (i.e., charge account information, medical information). Column 16, line 65 through Column 17, line 10, and Column 17, lines 47 through 55. While Pitroda is silent as to whether a service provider who receives the card can access information other than the information related to the transaction selected by the user, one skilled in the art would recognize that Pitroda only discusses the UET providing the information pertinent to the transaction, and thus the UET does limit the distribution of the information.

PRINCIPLES OF LAW

Anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claimed invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1946 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

ANALYSIS

Independent claim 18 recites limitations directed to a personal storage device which stores consumer information as entries in a consumer database. Further, claim 18 recites “displaying the category, the entry, and choices for access rights by the computer; recording consumer selection of group access rights for the entry to limit access to the entry to a plurality of information gatherers less than all of the information gatherers by the computer; and storing the group access rights in the consumer database by the computer.” Thus, the scope of claim 18 includes that the user is presented with choices for access rights, and the user’s choices are recorded and stored in a database on the storage device, wherein the access rights limit which information gatherers can access to the entries on the storage device. Independent claim 34 recites similar information.

As discussed *supra*, Pitroda teaches a UET card, which stores consumer information, and a PIN, which is used to limit access to the information on the card. While the PIN and signature features of the UET, when used, limit access to the data in that they serve to show user authorization to access the UET, they do not represent a consumer selection of information gatherers authorized to access information of the card (i.e. in Pitroda the user selects the information gatherer who has access to the information by deciding whether or not to present the card). Similarly, while not addressed by the Examiner, the suggestion in Pitroda that the information gatherers (merchants, medical providers) only receive information related to the transaction selected by the user (i.e. selection in one of the menus depicted in figures 12 through 14) does not meet the limitations of independent claims 18 and 34. While the menu of transactions

Appeal 2007-1299
Application 09/567,097

and the user's selection could be construed to be similar to the claimed steps of displaying and recording, we find no teaching of this selection being stored on the UET. Thus, we do not find that Pitroda teaches all of the limitations of the independent claims and accordingly reverse the Examiner's anticipation rejection of claims 18 through 27 and 30 through 34.

CONCLUSION

We consider the Examiner's rejection of claims 18 through 27 and 30 through 34 under 35 U.S.C. § 102(b) to be in error.

ORDER

For the forgoing reasons, we will not sustain the Examiner's rejection under 35 U.S.C. § 102. The decision of the Examiner is reversed.

REVERSED

KIS

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