

## **REMARKS**

### **I. Introduction**

Applicants have carefully considered the Non-Final Office Action mailed November 14, 2013. In light of the present Amendments and the following discussion, Applicants respectfully request favorable reconsideration of the present application.

### **II. Status of the Claims**

Upon entry of the above amendment, claims 1-6 and 11-22 are pending, with Claims 1, 11, and 17 being independent. Minor amendments to claim 1 are submitted herein to increase clarity without changing the meaning or scope of the claim. Non-elected claims 7-10 are cancelled and new claims 11-22 are submitted for examination on the merits. The subject matter of claims 11-22 is closely related to the subject matter of claim 1. These claims are supported by the disclosure in the specification and do not constitute new matter.

### **III. Summary of the Office Action**

Claims 1 and 4-6 were rejected under 35 U.S.C. §102(e) as anticipated by Publication No. 2012/0259782 (“Hammad”). Claims 2 and 3 were rejected under 35 U.S.C. §103 based on the combination of Hammad and Publication No. 2011/0184853 (“Mark”).

### **IV. Response to Rejection**

Claim 1 was rejected as anticipated by the disclosure of Hammad. Applicants respectfully disagree that the Hammad reference anticipates claim 1 as filed, and claim 1 as amended herein is even more clearly distinguished from the Hammad disclosure.

Claim 1, as amended herein, recites a method for enrolling a payer in an electronic system to facilitate making a payment to a payee. Electronic enrollment data, identifying a payer

planning to make a payment to the payee, is stored in a first computing system operated by (or for the benefit of) the payee. An instruction is generated to a second computing system defining a communications link to be used by the second computing system to obtain financial account information directly from the payer, and the instruction is transmitted to the second computing system. The second computing system returns a token to the first computing system, representing financial account information obtained by the second computing system from the payer via the communications link specified by the first computing system.

The process recited in claim 1 is initiated by a payee, for example a merchant, when a payer (e.g. customer) registers to make purchases from or otherwise make payments to the payee (e.g. merchant). The first computer system, operated for the benefit of the merchant, receives the customer's identity information but not the customer's financial account information. The merchant system then initiates a redirection of the payer to another communication channel for providing the account information to another computer system, so that the merchant's system does not receive the financial account information. In response to this redirection instruction, when the second system has obtained the account information, the payee (e.g. merchant) receives a token that becomes the key to processing future payments by the registered payer (e.g. customer).

In this process, the payer does not receive the token, and the first computing system does not receive the financial account information. The first computing system stores the token in association with the enrollment data for the payer. Thereafter the payee may process payments from the payer without ever taking possession of the payer's financial account information, by transmitting the token to a payment processing system that has access to the financial account information represented by the token.

In contrast, the payment process disclosed in Hammad is initiated by a consumer, who stores financial account information with a third party to create what is essentially an electronic wallet that can be used to make payments to various merchants. The consumer receives tokens that are later used to authenticate the consumer when making purchases at various merchants. Those transactions are apparently initiated by the consumer, rather than by the merchant. Further, the initial storage of information is a process occurring between the consumer and card issuers and other payment processing entities, and does not involve the merchant or payee. Upon further review, therefore, it should be apparent that Hammad's approach to tokenization and payment processing differs substantially from the process recited in claim 1.

Dependent claims 4-6 were also rejected as anticipated by Hammad. These claims are believed to be independently patentable in view of the further limitations recited therein, and in any case are patentable in view of the patentability of claim 1 on which they depend.

Applicants also respectfully traverse the pending rejection of dependent claims 2-3 under 35 U.S.C. 103. While the cited references may generally disclose providing information to automated telephone systems, Applicants do not believe that either of the cited references discloses or suggests initiating an automated call or transferring a call to an automated system to obtain account information in the specific context of the process defined in claim 1. In any event, claims 2-3 are patentable in view of the patentability of claim 1 on which they depend.

## **V. Conclusion**

In view of the foregoing discussion and present amendments, Applicants request reconsideration of the pending rejections. If objections arise that can be overcome through a

telephone communication, the Examiner is invited to contact applicants' associate counsel Evan Smith by email or by telephone at 703-615-3555.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (124452.00111). In the event that a petition for an extension of time does not accompany the present Amendment or does not suffice to render the present Amendment timely, the Applicants hereby petition under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render the present Amendment timely. Any fee due is authorized above.

Respectfully submitted,

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