



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/907,167	05/31/2013	Michael J. Vendrell	8368-008	7388
129565	7590	05/02/2018	EXAMINER	
Ferguson Braswell Fraser Kubasta PC 2500 Dallas Parkway, Suite 600 Plano, TX 75093			NG, JONATHAN K	
			ART UNIT	PAPER NUMBER
			3686	
			NOTIFICATION DATE	DELIVERY MODE
			05/02/2018	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eofficeaction@apcoll.com  
patent@fbfk.law

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* MICHAEL J. VENDRELL

---

Appeal 2016-004013  
Application 13/907,167<sup>1</sup>  
Technology Center 3600

---

Before JOSEPH A. FISCHETTI, PHILIP J. HOFFMANN, and  
AMEE A. SHAH, *Administrative Patent Judges*.

FISCHETTI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 4–10 and 17–31. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF DECISION

We AFFIRM.

---

<sup>1</sup> Appellant identifies Ikonopedia, Inc. as the real party in interest. App. Br. 1.

## THE INVENTION

Appellant claims “an image-based analysis [to] facilitate the formation of an analysis and/or entry of an analysis by a user.” Spec. ¶ 5.

Claim 4 reproduced below, is representative of the subject matter on appeal.

4. A method comprising:  
generating a diagnostic graphical user interface using a module of a computer, wherein the diagnostic graphical user interface is related to one or more patient test results presented to a user via a third party interface, and wherein the graphical user interface presents one or more image icons and one or more anatomical locations concurrently, and wherein each image icon includes at least a portion of a medical photographic image of an example characteristic;

receiving one or more anatomical locations via the generated graphical user interface, wherein a received anatomic location identifies at least a portion of a patient presented in at least one of the patient test results;

receiving a selection of one or more of the image icons to associate with at least one of the previously received anatomical locations, wherein one or more of the image icons are related to diagnosing patients;

automatically generating a report comprising at least a portion of a diagnosis for a patient based on at least one of the selected image icons; and

restricting selection of one or more of the image icons when at least one anatomic location has not been received.

## THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Kim	US 2003/0212576 A1	Nov. 13, 2003
Bowers	US 2006/0236265 A1	Oct. 19, 2006
Heilbrunn	US 2006/0277073 A1	Dec. 7, 2006

Appeal 2016-004013  
Application 13/907,167

Collins	US 2006/0274928 A1	Dec. 7, 2006
Kreeger	US 2011/0110576 A1	May 12, 2011
Giger	US 2012/0189176 A1	July 26, 2012

The following rejections are before us for review.

Claims 4–10 and 17–31 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 4, 7–10, 17–22, and 29–31 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Heilbrunn in view of Collins and Bowers.

Claims 5 and 6 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Heilbrunn, Collins, and Bowers as applied to claim 4 above, and in further view of Official Notice.

Claims 23, 24, 26, and 28 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Heilbrunn in view of Collins and Kreeger.

Claim 25 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Heilbrunn, Collins, and Kreeger as applied to claim 23 above, and in further view of Giger.

Claim 27 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Heilbrunn, Collins, and Kreeger as applied to claim 23 above, and in further view of Kim.

### FINDINGS OF FACT

1. We adopt the Examiner's findings as set forth on pages 2–30 of the Final Action.

2. Figure 4 of Heilbrunn is shown below showing icon images (annotated in square frames) and a location icon(s) (annotated encircled).

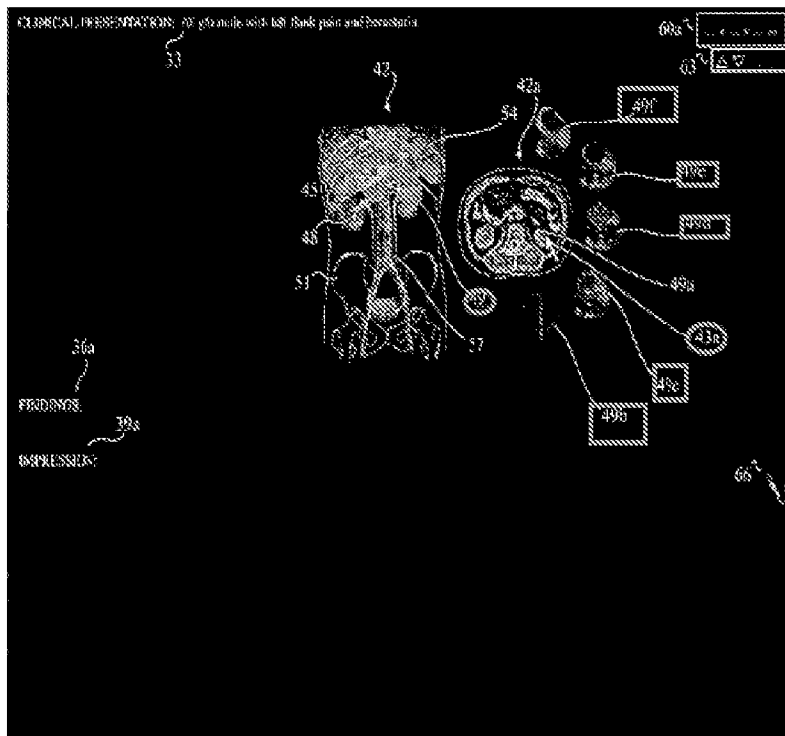


FIG. 4

Figure 4 of Heilbrunn is shown above showing icon images (annotated in square frames) and a location icon(s) (annotated encircled).

3. Figure 4 of Kreeger is shown below showing an icon based review system.

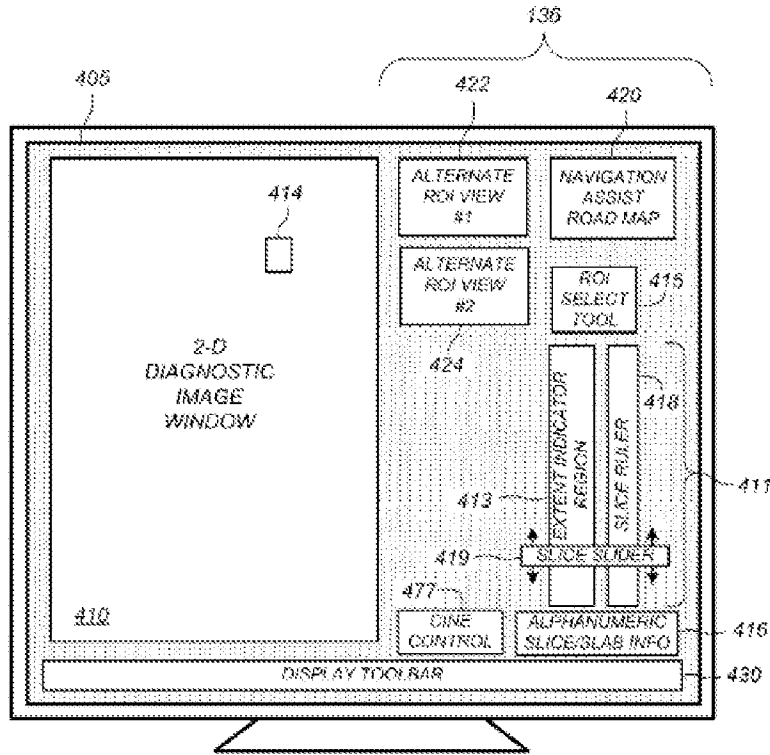


FIG. 4

Figure 4 of Kreeger is shown above showing an icon based review system.

4. The Specification describes, “[s]election of one or more image icons may be allowed (operation 330). When an anatomical location selection is received, selection of image icon(s) may be allowed. For example, selection of image icon(s) may be restricted prior to selecting an anatomical location being selected.” Specification ¶ 78.

## ANALYSIS

### 35 U.S.C. § 103 REJECTION

The Appellant argued independent claims 4 and 17 as a group. (Appeal Br. 7, 14–15). We select claim 4 as the representative claim for this group, and the remaining independent claim standing or falling with claim 4. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2015).

Appellant argues,

The Examiner states that this feature of claim 4 is taught since Bowers teaches display of an icon is altered to make the icon unavailable for selection until a user has made a selection elsewhere. The Examiner also asserts that the motivation to combine the features would be based on the motivation to prevent a user from selecting a function of the system until the correct criteria has been met. However, the motivation of generally prevention [sic] a user from making a selection until a criteria has been met is not the same as restricting selection of one or more image icons when at least one anatomic location has not been received, as taught by claim 4. In addition, this motivation is not present anywhere in any of the references nor is it related to any problems to be solved by the references. Furthermore, the Heilbrunn and the Collins references do not teach or suggest any criteria or motivation to use a criteria that would motivate one skilled in the art to incorporate the teachings of Bower with anatomical locations or image icons to provide all the features of claim 4 nor do the Heilbrunn or Collins reference suggest a motivation for using restricted selections in their described graphical user interfaces.

(Appeal Br. 9–10).

Appellant also argues the Examiner failed to show the limitation, “restricting selection of one or more image icons when at least one anatomic location has not been received.” (Appeal Br. 8).

The Examiner found concerning this limitation that

Bowers, however, teaches to graphical user interface elements where icons and other data are displayed concurrently to the user (para. 3). Bowers further teaches to where display of the icon is altered to make the icon unavailable for selection until a user has made a selection elsewhere (Fig. 3)(para. 3). Bowers further teaches greying the display of the icon to indicate that the icon is unavailable for selection (para. 3). Bowers also teaches to where the icon is indicated as being available by rendering the icon in color (para. 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the aforementioned features in Bowers with Heilbrunn and Collins based on the motivation of preventing a user from selecting a function of the system until the correct criteria has been met (Bowers: para. 3).

(Final Act. 5–6).

To the extent Appellant seeks an explicit suggestion or motivation in the reference itself, this is no longer the law in view of the Supreme Court’s recent holding in *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). Since the Examiner has provided some articulated reasoning with some rational underpinning for why a person with ordinary skill in the art would modify Heilbrunn with the greying feature of Bowers to effect an unavailable characteristic of an icon, i.e., “preventing a user from selecting a



Appeal 2016-004013  
Application 13/907,167

function of the system until the correct criteria has been met (Bowers: para. 3)” (Final Act. 5– 6), we find no error with the Examiner’s reasoning here as it is consistent with the description found in the Specification. (FF. 4).

Appellant’s Specification does not specifically define the term “icon,” nor does it utilize the term contrary to its customary meaning. The ordinary and customary definition of the term icon is “a usually pictorial representation : image.”<sup>2</sup> Thus, we use herein the terms “icon” and “image” interchangeably.

As to Appellant’s argument that, “[t]he Heilbrunn reference fails to teach or even suggest restricting selection of one or more image icons when at least one anatomic location has not been received” (App. Br. 9), we find this argument unpersuasive because Appellant is attacking the Heilbrunn reference individually when the rejection is based on a combination of references. *See In re Keller*, 642 F.2d 413, 426 (CCPA 1981); *In re Young*, 403 F.2d 754, 757–58 (CCPA 1968). As found above, the Examiner relies on Bowers, and not Heilbrunn, to show the limitation of “restricting selection of one or more of the image icons when at least one anatomic location has not been received.” (Final Act. 5–6).

Appellant further argues, “the Examiner has failed to factually support, as required by *MPEP* §2142, the conclusory statements in the rejections based on Heilbrunn and thus fails to establish a *prima facie* case of obviousness.” (Appeal Br. 10).

---

<sup>2</sup> <https://www.merriam-webster.com/dictionary/icon> (last visited 4/10/2018).

We disagree with Appellant. All that is required of the office to meet its prima facie burden is to set forth the statutory basis of the rejection and the reference or references relied upon in a sufficiently articulate and informative manner as to meet the notice requirement of § 132. As the statute itself instructs, the examiner must “notify the applicant,” “stating the reasons for such rejection,” “together with such information and references as may be useful in judging the propriety of continuing prosecution of his application.” 35 U.S.C. § 132; *see also In re Jung*, 637 F.3d 1356 (Fed. Cir. 2011). This, the Examiner has done here. *See* Final Act. 3–19.

Appellant further argues,

Figure 4 of Heilbrunn illustrates that the location indicator 43a causes the embodiment to retrieve kidney cross-section exemplary drawings 49b – 49f. (Heilbrunn, paragraph 0068). However, image icons are not presented concurrently with an anatomical location in Figures 3 and 4 nor does paragraph 82 present a teaching or motivation to present image icons and anatomical locations concurrently. As specifically recited in claim 4, “each image icon includes at least a portion of a medical photographic image of an example characteristic.”

(Appeal Br. 11–12).

The Examiner found,

Heilbrunn further teaches to where the system receives an anatomical location where the user clicks on a specific anatomical location on a graphical user interface (49a) and displaying image icons (49b-49f) relating to the specific anatomical location selected. The image icons are not displayed to the user until the user has selected a

specific anatomical location on the graphical user interface (Fig. 4).

(Answer 21).

We agree with the Examiner. Our review of image icons 49b–f in Figure 4 reveals that these icons offer the user selected cross sections 49b, 49c, 49d, and 49e offering a match to the condition the radiologist perceives in the medical image. (Heilbrunn, ¶ 81). This properly maps to the claimed “wherein each image icon includes at least a portion of a medical image of an example characteristic.” That the image in Heilbrunn is drawn as opposed to being a photograph, is not determinative of patentability because Appellant does not present any evidence as to why a photograph versus a drawing of an exemplary condition would be unobvious given that the information would be the same except to form. Also, as shown in Figure 4, the location indicator icon 43a is shown on the same screen with the image icons 49b–f and, thus, each are presented concurrently as required by the claims. (*See* FF. 2).

Each of independent claims 4, 17, 23, recites, in pertinent part, the steps of, “receiving a selection of one or more of the image icons to associate with at least one of the previously received anatomical locations, wherein one or more of the image icons are related to diagnosing patients.” The Examiner found concerning this limitation, that it is disclosed by Heilbrunn in Figures 4 and 6 at element 36a, stating:

Heilbrunn further teaches to where the system receives an anatomical location where the user

clicks on a specific anatomical location on a graphical user interface (49a) and displaying image icons (49b-49f) relating to the specific anatomical location selected. The image icons are displayed to the user concurrently with the specific anatomical locations (Fig. 4). . . . The user selects the image icons to associate with the previously selected anatomical location. The system in Heilbrunn subsequently generates a report for the user where the selected image icon is associated with the selected anatomical location (see Fig. 6, 36a).

(Answer 23–24).

Appellant however, argues,

the Heilbrunn reference teaches “the invention allows radiologists to formulate radiology reports ... by selecting drawings that represent abnormalities accompanied by designatable descriptive text.” (Heilbrunn, paragraph 0037). The Heilbrunn reference also teaches “once a generic idealized normal representation . . . is retrieved ... the radiologist ... directs the invention to suitably generate an altered drawing to show an abnormality located on the otherwise normal or idealized generic drawing.” (Heilbrunn, paragraph 0038). Thus, the Heilbrunn reference teaches selecting an abnormality and altering a generic drawing to include the abnormality. (See also Heilbrunn, Abstract stating “the abnormality is placed at a location on the figure”). This is not the same as receiving a selection of image icon(s), which are related to diagnosing the patient, to associate with at least one previously received anatomical location, as recited in claim 4. Instead, the Heilbrunn reference teaches the opposite,

Appeal 2016-004013  
Application 13/907,167

selecting abnormalities and placing the  
abnormality on a location on a figure.

(Appeal Br. 13–14).

We disagree with Appellant because as found above, Heilbrunn at Figure 4 discloses image icon(s), which are offered as a selection of possible image icons 49b–f associated with at least one anatomical location, e.g., at location 49 in Figure 4. (FF. 2). Further, Heilbrunn’s Figure 4 icons offer the user selected cross sections 49b, 49c, 49d, and 49e to match the condition the radiologist perceives in a medical image. (Heilbrunn, ¶ 81). We find no error in the fact that the content of these icons relate to an abnormality because the claims only require that the image icons are for “diagnosing patients,” which is the use of the abnormality images.

Regarding independent claim 23, Appellant argues,

The Examiner equates an x-ray of a breast with a breast image icon. Although the breast image icon includes at least a portion of a photographic image associated with breast density, a breast image icon has functionality as recited in the claim. A breast x-ray is merely a photograph without additional functionality. Thus, the Examiner has applied a claim terminology construction of a breast image icon as recited in claim 23 that does not even include the features recited in the claim (e.g., a report is generated that includes at least a portion of a diagnosis based at least partially on the selection of a breast image icon).

(Appeal Br. 16).

The Examiner found,

Appeal 2016-004013  
Application 13/907,167

Kreeger teaches to computer-aided detection findings using a graphical user interface (abstract). Kreeger also teaches to displaying a first graphical user interface where an image is displayed comprising a photographic image associated with breast density (Fig. 13)... Kreeger also teaches to where **specific image icons** are displayed on the graphical user interface indicating lesions and breast density (Fig. 8A- 420, 822, 824)(para. 68). The image icons (Fig. 8A - 822, 824, 420) each contain medical photographic images representative of breast density.

(Answer 24–25).

We disagree with Appellant. First, we note that Appellant does not challenge the combination of Heilbrunn in view of Collins and in further view of Kreeger, but rather only asserts that Kreeger “fails to teach at least one of the image icons that includes a breast density image icon, and wherein each breast density image icon comprises at least a portion of a photographic image associated with breast density.” (Appeal Br. 16). With that said, we find that Figure 13 of Kreeger discloses “an interactive user interface display including a CAD validity warning and an alternative modality recommendation triggered by an identification of a region of excessive localized fibroglandular tissue density according to a preferred embodiment.” (Kreeger at ¶ 32). Appellant’s Specification does not specifically define the term “icon”, nor does it utilize the term contrary to its customary meaning. The ordinary and customary definition of the term

“icon” is “a usually pictorial representation : image.”<sup>3</sup> As such, we find that the presentation of an image, such as shown in Figure 13 of Kreeger which includes a tissue density warning, meets the claimed, “wherein at least one of the image icons comprises a breast density image icon, and wherein each breast density image icon comprises at least a portion of a photographic image associated with breast density.” According to Kreeger, this image is produced through the intermediary of a film–screen mammogram acquisition device 104 and a generalized “‘other’ medical imaging device 110.” (*Id.* at ¶ 38). Thus, we find that one of ordinary skill in the art would understand that photographic versus CAD images are equivalent absent a further explanation by Appellant as to why they are different in effect.

Appellant argues that the “breast x-ray [in Kreeger] is merely a photograph without additional functionality.” (Appeal Br. 16).

We disagree with Appellant because, for example, the image displayed at outline 410 in Figure 4 of Kreeger (FF. 3) is an icon/image with plural functionalities tied to that image, such as the slice slider 419 and the region of interest tool 415. (Kreeger ¶¶ 50–51). We find unpersuasive Appellant’s argument that this functionality does not include “a report [] generated that includes at least a portion of a diagnosis based at least partially on the selection of a breast image icon” (Appeal Br. 16), because the Examiner relies on Collins (paragraphs 72 and 75), and not Kreeger, to disclose generating a report based on annotated images. (Final Act. 5).

---

<sup>3</sup> <https://www.merriam-webster.com/dictionary/icon> (last visited 4/10/2018).

Appeal 2016-004013  
Application 13/907,167

We also affirm the rejections of dependent claims 5–10, 18–22, and 24–31 since Appellant has not challenged such with any reasonable specificity (see *In re Nielson*, 816 F.2d 1567, 1572 (Fed. Cir. 1987)).

### 35 U.S.C. § 101 REJECTION

We will sustain the rejection of claims 4–10 and 17–31 under 35 U.S.C. § 101.

#### The Supreme Court

set forth a framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts. First, . . . determine whether the claims at issue are directed to one of those patent-ineligible concepts. If so, we then ask, “[w]hat else is there in the claims before us?” To answer that question, . . . consider the elements of each claim both individually and “as an ordered combination” to determine whether the additional elements “transform the nature of the claim” into a patent-eligible application. [The Court] described step two of this analysis as a search for an “inventive concept”—*i.e.*, an element or combination of elements that is “sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.”

*Alice Corp., Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2355 (2014) (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 72–73 (2012)).



Appeal 2016-004013  
Application 13/907,167

To perform this test, we must first determine whether the claims at issue are directed to a patent-ineligible concept.

Although the Court in *Alice* made a direct finding as to what the claims were directed to, we find that this case's claims themselves and the Specification provide enough information to inform one as to what they are directed to.

The steps in representative claim 4 result in:

a received anatomic location identifies at least a portion of a patient presented in at least one of the patient test results;

receiving a selection of one or more of the image icons to associate with at least one of the previously received anatomical locations, wherein one or more of the image icons are related to diagnosing patients;

automatically generating a report comprising at least a portion of a diagnosis for a patient based on at least one of the selected image icons; and

restricting selection of one or more of the image icons when at least one anatomic location has not been received.

The Specification states,

In some implementations, a selection of image icon(s) may be received for a new patient, and a probability of an outcome may be determined based on one or more of the received selections of image icons for the new patient and the previously determined outcomes. The graphical

Appeal 2016-004013  
Application 13/907,167

user interface may include association icon(s). At least one of the association icons may indicate a relationship between two or more selected image icons.

(Specification ¶ 9).

The Specification describes,

The report module may receive a selection of image icon(s) to associate with at least one of the received locations related to a diagnosis based at least partially on the presented patient test results, and may automatically generate a report that includes at least a portion of a diagnosis for a patient based at least partially on the selected image icon(s) and/or the template(s).

(*Id.* ¶ 12).

The Specification further states,

By allowing the user to select image icons, as opposed to dictating and/or typing diagnoses, the user may more quickly and/or accurately provide a diagnosis (e.g., since the user may not have to repeatedly switch between right and left brain activities; since the user may quickly select icons rather than dictating an entire diagnosis; and/or when viewing all the options available for selection on the GUI, the user may be reminded to provide more information such as comparison to previous exam when seeing the icons on the GUI).

(*Id.* ¶ 70). Thus, all this evidence shows that claim 4 is directed to an icon driven diagnosis process for a patient, based on at least one selected image icon(s). It follows from prior Supreme Court cases, and *Gottschalk v.*

Appeal 2016-004013  
Application 13/907,167

*Benson*, 409 U.S. 63 (1972) in particular, that the claims at issue here are directed to an abstract idea. We also find the steps of;

receiving one or more anatomical locations via the generated graphical user interface, wherein a received anatomic location identifies at least a portion of a patient presented in at least one of the patient test results;

receiving a selection of one or more of the image icons to associate with at least one of the previously received anatomical locations, wherein one or more of the image icons are related to diagnosing patients;

automatically generating a report comprising at least a portion of a diagnosis for a patient based on at least one of the selected image icons,

constitute physical acts by a human and/or “analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, as essentially mental processes within the abstract-idea category.” *Electric Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016). *See also buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350 (Fed. Cir. 2014) (claims directed to certain arrangements involving contractual relations are directed to abstract ideas). Thus, claims 4–10 and 17–31 are drawn to an “abstract idea” beyond the scope of § 101.

As in *Alice Corp. Pty. Ltd.*, we need not labor to delimit the precise contours of the “abstract ideas” category in this case. It is enough to recognize that there is no meaningful distinction in the level of abstraction between the concept of an intermediated settlement in *Alice* and the concept

Appeal 2016-004013  
Application 13/907,167

of an icon driven diagnosis process for a patient based on at least one selected image icon(s), at issue here. Both are squarely within the realm of “abstract ideas” as the Court has used that term. That the claims do not preempt all forms of the abstraction or may be limited to patient based assessments, does not make them any less abstract. *See OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1360–61 (Fed. Cir. 2015).

The introduction of a computer into the claims does not alter the analysis at *Mayo* step two.

the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention. Stating an abstract idea “while adding the words ‘apply it’” is not enough for patent eligibility. Nor is limiting the use of an abstract idea “to a particular technological environment.” Stating an abstract idea while adding the words “apply it with a computer” simply combines those two steps, with the same deficient result. Thus, if a patent’s recitation of a computer amounts to a mere instruction to “implement[t]” an abstract idea “on ... a computer,” that addition cannot impart patent eligibility. This conclusion accords with the preemption concern that undergirds our § 101 jurisprudence. Given the ubiquity of computers, wholly generic computer implementation is not generally the sort of “additional feature[e]” that provides any “practical assurance that the process is more than a drafting effort designed to monopolize the [abstract idea] itself.”

*Alice Corp. Pty. Ltd.*, 134 S. Ct. at 2358 (alterations in original) (citations omitted).

“[T]he relevant question is whether the claims here do more than simply instruct the practitioner to implement the abstract idea . . . on a generic computer.” *Alice Corp. Pty. Ltd.*, 134 S. Ct. at 2359. They do not.

Taking the claim elements separately, the function performed by the computer at each step of the process is purely conventional. Using a computer to take in data, compute a result, and return the result to a user amounts to electronic data query and retrieval—some of the most basic functions of a computer. All of these computer functions are well-understood, routine, conventional activities previously known to the industry. In short, each step does no more than require a generic computer to perform generic computer functions.

Considered as an ordered combination, the computer components of Appellant’s method add nothing that is not already present when the steps are considered separately. Viewed as a whole, Appellant’s claims simply recite the concept of an icon driven diagnosis process for a patient, based on at least one selected image icon(s). The claims do not, for example, purport to improve the functioning of the computer itself. Nor do they effect an improvement in any other technology or technical field. Instead, the claims at issue amount to nothing significantly more than instructions to an icon driven diagnosis process for a patient, based on at least one selected image icon(s). Under our precedents, that is not enough to transform an abstract idea into a patent-eligible invention. *See Alice Corp. Pty. Ltd.*, 134 S. Ct. at 2360.

As to the structural claims, they

are no different from the method claims in substance. The method claims recite the abstract idea implemented on a generic computer; the system claims recite a handful of generic computer components configured to implement the same idea. This Court has long “warn[ed] ... against” interpreting § 101 “in ways that make patent eligibility ‘depend simply on the draftsman’s art.’

*Alice Corp. Pty. Ltd.*, 134 S. Ct. at 2360 (alterations in original).

We have reviewed all the arguments (Appeal Br. 17–23) Appellant has submitted concerning the patent eligibility of the claims before us which stand rejected under 35 U.S.C. § 101. We find that our analysis above substantially covers the substance of all the arguments which have been made. But for purposes of completeness, we will address various arguments in order to make individual rebuttals of the same.

Appellant argues,

The claims are not directed to merely generating reports based on selections, but rather to image icons and their use in creating reports that include at least a portion of a diagnosis of a patient based on selections of image icons. These image icons include at least a portion of a photographic image of an example characteristic.

(Appeal Br. 19–20).

We disagree with Appellant that the claims are patent eligible because they recite implementation using image icons associated with computing systems, because the claims do not recite any specific means constituting an

Appeal 2016-004013  
Application 13/907,167

improvement in the technical field or image technology in computing systems. *See McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314 (Fed. Cir. 2016). Significantly, the claims do not provide details as to any non-conventional software for enhancing the financing process. *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1342 (Fed. Cir. 2017) (explaining that “[o]ur law demands more” than claim language that “provides only a result-oriented solution, with insufficient detail for how a computer accomplishes it”); *Elec. Power Grp.*, 830 F.3d at 1354 [*Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016)]; (explaining that claims are directed to an abstract idea where they do not recite “any particular assertedly inventive technology for performing [conventional] functions”).

#### CONCLUSIONS OF LAW

We conclude the Examiner did not err in rejecting claims 4–10 and 17–31 under 35 U.S.C. § 101.

We conclude the Examiner did not err in rejecting claims 4–10 and 17–31 under 35 U.S.C. § 103(a).

#### DECISION

The decision of the Examiner to reject claims 4–10 and 17–31 is affirmed.

Appeal 2016-004013  
Application 13/907,167

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.