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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* CANDELA MONTERO, LEONARD J. MAZZOCCO,  
ELAINE DEHOYOS, CHRISTIAN DEL MAESTRO, and ROBERT VOS<sup>1</sup>

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Appeal 2017-002554  
Application 13/671,413  
Technology Center 3600

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Before JAMES R. HUGHES, CATHERINE SHIANG, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

HUGHES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's decision rejecting claims 11–20. Claims 1–10 have been canceled. Appeal Br. 2.<sup>2</sup> We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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<sup>1</sup> According to Appellants, Disney Enterprises, Inc. is the real party in interest. Appeal Br. 2.

<sup>2</sup> We refer to Appellants' Specification ("Spec.") filed Nov. 7, 2012; Appeal Brief filed Mar. 22, 2016 ("Appeal Br."); and Reply Brief filed Nov. 29, 2016 ("Reply Br."). We also refer to the Examiner's Final Office Action mailed Nov. 9, 2015 ("Final Act."), and Answer mailed Oct. 3, 2016 ("Ans.").

*Appellants' Invention*

The invention generally relates to “the environmental performance and impact of present and future product designs.” Spec. 1:5–6. More specifically, the invention relates to methods of designing packaging utilizing a Smart Packaging Initiative (SPI) application. The packaging design process (method) generates a scenario describing a packaging design for a product and populates the scenario using data entry forms of a user interface shown on the display. The method then calculates an SPI score for the scenario, which describes an environmental impact of the packaging design, including a waste-to-landfill ratio of the packaging design, which in turn measures an amount of materials in a packaging that reach end-of-life in landfills. The method displays the SPI score in a score report shown on the display. A package is selected based on the SPI score of the packaging design, and a package is produced using the selected design. *See* Abstract, Spec. 2:1–2, 11:13–15, 12:4–19, 19:1–7, and 21:7–22:18.

*Representative Claim*

Independent claim 11, reproduced below, further illustrates the invention:

11. A method comprising:
  - generating, using a processor executing a smart packaging initiative (SPI) application stored in a memory, a scenario for a project associated with a product, the scenario describing a packaging design for the product;
  - populating, using the processor executing the SPI application stored in the memory, the scenario using data entry forms of a user interface shown on the display;

calculating, using the processor executing the SPI application stored in the memory, an SPI score for the scenario, the SPI score describing an environmental impact of the packaging design, wherein the SPI score includes at least a waste-to-landfill ratio of the packaging design, wherein the waste-to-landfill ratio measures an amount of materials in a packaging that reaches end-of-life in landfills;

displaying, using the processor executing the SPI application stored in the memory, the SPI score in a score report shown on the display; and

producing a package for the product, wherein the package is selected based on the SPI score of the packaging design.

*Rejection on Appeal*<sup>3</sup>

The Examiner rejects claims 11–20 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

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<sup>3</sup> The Examiner objects to claim amendments made by the Appellants under 35 U.S.C. § 132(a) as introducing new matter (*see* Final Act. 2–3)—specifically the Examiner objects to the added claim 11 limitation “producing a package for the product wherein the package is selected based on the SPI score of the packaging design” (Final Act. 2) and the added claim 12 limitation “wherein the producing of the package includes toxicity emissions” (Final Act. 3). Appellants respond to the objection, treating the objection as a written-description rejection under pre-AIA 35 U.S.C. § 112, first paragraph. *See* Appeal Br. 14–18. In their Reply Brief, Appellants reiterate the arguments made in the Appeal Brief and contend the Examiner’s objection “erroneously relied on 35 U.S.C. 132(a),” “which should have been [a rejection] based on . . . 35 U.S.C. § 112, ¶ 1.” Reply Br. 2; *see* Reply Br. 2–4. As pointed out by the Examiner, no rejection under 35 U.S.C. § 112 is pending. Ans. 8. The Examiner’s objection to the Appellants’ claim amendments under 35 U.S.C. § 132(a) is a petitionable matter, rather than an appealable matter. *See* MANUAL OF PATENT EXAMINING PROCEDURE (MPEP) §§ 1002.02(c)(1) and 1201 (9th ed., rev. 8, Jan. 2018)). Petitionable matters are not appealable to the Patent

## ISSUE

Based upon our review of the record, Appellants' contentions, and the Examiner's findings and conclusions, the issue before us follows:

Did the Examiner err in determining Appellants' claims were directed to patent-ineligible subject matter under 35 U.S.C. § 101?

## ANALYSIS

Appellants argue claims 11–20 together as a group with respect to the § 101 rejection. *See* Appeal Br. 5–14. We select independent claim 11 as representative of Appellants' arguments with respect to claims 11–20. 37 C.F.R. § 41.37(c)(1)(iv).

We have reviewed the Examiner's rejection in light of Appellants' arguments that the Examiner erred. We disagree with Appellants' arguments, and we adopt as our own (1) the pertinent findings and reasons set forth by the Examiner in the Action from which this appeal is taken (Final Act. 4–5) and (2) the corresponding findings and reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. Ans. 3–8. We concur with the applicable conclusions reached by the Examiner, and emphasize the following.

The Examiner rejects the claims as being directed to patent-ineligible subject matter in that “the claimed invention is directed to a judicial

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Trial and Appeal Board. *See In re Berger*, 279 F.3d 975, 984–985 (Fed. Cir. 2002) (citing *In re Hengehold*, 440 F.2d 1395, 1403 (CCPA 1971)). Accordingly, we do not address this issue as it is not properly brought before us. We note, however, in the event of further prosecution, Appellants correctly argue that a lack of support for subject matter added to claims by amendment is properly addressed by a rejection under 35 U.S.C. § 112, first paragraph.

exception (i.e., [.] an abstract idea without significantly more[.]” Final Act. 4; *see* Final Act. 4–5. The Examiner explains that Appellants’ claim 11 describes an “idea[] of itself” that relates to “processes of organizing information that can be performed mentally,” such as “using categories to organize, store and transmit[] information (*Cyberfone*), data recognition and storage (*Content Extraction*), and organizing information through mathematical correlations (*Digitech*),” which are similar to abstract ideas previously held ineligible. Ans. 4; *see* Ans. 3–4 (citing *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n.*, 776 F.3d 1343, 1347 (Fed. Cir. 2014); *Digitech Image Techs., LLC v. Elecs. for Imaging, Inc.*, 758 F.3d 1344, 1350 (Fed. Cir. 2014); *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App’x 988, 992 (Fed. Cir. 2014)). The Examiner further explains that Appellants’ claim 11 generates scenarios, performs data recognition and storage, and organizes “information through mathematical correlations (e.g. calculating SPI scores).” Ans. 4. The Examiner additionally explains that claim 11 does not include additional elements sufficient to amount to significantly more than the judicial exception because Appellants’ recited processor “is a generic computer component that performs . . . generic computer functions (i.e. generating data, populating forms, displaying reports, outputting data, etc.) that are well-understood, routine, and conventional activities previously known to the industry.” Ans. 4.

Appellants contend that: (1) “the Office Action ignored . . . limitations of independent claim 11,” namely, “producing a package for the product, wherein the package is selected based on the SPI score of the packaging design” (Appeal Br. 5); (2) “the *purpose* of independent claim

[11] is directed to . . . producing a package for a product, where the package is selected based on a smart packaging initiative (SPI) score of a packaging design” (Appeal Br. 7), in other words, the claim utilizes the output of an algorithm (SPI score calculation) to select a package design and produce a package similar to patent-eligible claims in the USPTO’s Guidance that “add meaningful limitations to the use of [a] mathematical relationship” to “improve [a particular] technology (*see* Appeal Br. 7–9); (3) the claimed invention meets the second step of the *Alice* analysis in that it “does not preempt a significant amount of inventive activity” (Appeal Br. 9); (4) the limitations of the claim amount to significantly more than an abstract idea, in that “claim 11 . . . provides a solution that is necessarily rooted in manufacturing/production technology” (Appeal Br. 12); and (5) the claim as a whole “applies a specific algorithm for calculating the SPI score, which is used for selection and production of a package.” Appeal Br. 13–14; *see also* Reply Br. 4–5.

Under 35 U.S.C. § 101, a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” The Supreme Court has “long held that this provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014) (quoting *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013)).

The Supreme Court, in *Alice*, reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66, 77–80 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those

that claim patent-eligible applications of those concepts.” *Alice*, 134 S. Ct. at 2355. Assuming that a claim nominally falls within one of the statutory categories of machine, manufacture, process, or composition of matter, the first step in the analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts” (*id.*), e.g., to an abstract idea. For example, abstract ideas include, but are not limited to, fundamental economic practices, methods of organizing human activities, an idea of itself, and mathematical formulas or relationships. *Id.* at 2355–57. If the claims are not directed to an abstract idea, the inquiry ends. Otherwise, the inquiry proceeds to the second step where the elements of the claims are considered “individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 134 S. Ct. at 2355 (quoting *Mayo*, 566 U.S. at 78–79). This second step is described as “a search for an ‘inventive concept’—*i.e.*, an element or combination of elements that is ‘[]significantly more than . . . the [ineligible concept] itself.’” *Id.* at 2355 (quoting *Mayo*, 566 U.S. at 72–73).

The Court acknowledged in *Mayo* that “all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.” *Mayo*, 566 U.S. at 71. We, therefore, look to whether the claims focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016).



*The Production Step—Producing a Package*

The Examiner finds independent claim 11 is directed to the abstract idea of transmitting, storing, and organizing information (similar to *Cyberfone*) and organizing information through mathematical correlations (similar to *Digitech*) (*supra*). Conversely, the Appellants attack the Examiner’s findings contending the Examiner ignored a limitation of claim 11—“producing a package.” *See* Appeal Br. 5; *see also* Reply Br. 4–5. Appellants misconstrue the Examiner’s rejection, as well as the relevant law and precedent. Here, Appellants conflate the *Alice* two-part analysis. Further, the Examiner did not ignore the limitation. Indeed, the Examiner directly addresses this issue and limitation with respect to the second part of the *Alice* test. *See* Ans. 4–5. Much of Appellants’ argument focuses on the “production” step making the claim patent-eligible rather than abstract. We disagree. The claim delineates a method that generates a scenario (which is a data structure) utilizing the SPI application, collects data to populate the scenario utilizing data entry forms displayed in a user interface, and calculates an SPI score for the scenario utilizing the SPI application. The method then displays the SPI score. A package design is selected based on the SPI score and a package is produced using the selected package design. As explained by the Examiner, and in our detailed analysis (*infra*), collecting, analyzing, and manipulating data is an “abstract idea.” *See* Ans. 4. The claim is directed to calculating an SPI score (a result of organizing, analyzing, and manipulating data). The SPI score is then utilized, ancillary, to select a package design, which is in turn used to produce a package (product packaging).

Indeed, only two sentences in the Specification relate to producing a package. *See* Appeal Br. 3, 14–15 (citing Spec. 11:15, 12:6). Producing a package, the main focus of Appellants’ arguments, is merely extra-solution activity. *See In re Bilski*, 545 F.3d 943, 962 (Fed. Cir. 2008) (en banc), *aff’d on other grounds*, *Bilski v. Kappos*, 561 U.S. 593 (2010). Merely presenting the results (displaying the SPI score) of abstract processes (of collecting and analyzing information—i.e., calculating the SPI score) and utilizing the results to select a design and produce a package from the design (by unknown and unclaimed processes) is abstract as an ancillary part of such collection and analysis. *See Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016).

#### *Alice Step 1 Analysis*

Turning to the first step of the eligibility analysis, “the first step in the *Alice* inquiry . . . asks whether the focus of the claims is on the specific asserted improvement in computer capabilities . . . or, instead, on a process that qualifies as an ‘abstract idea’ for which computers are invoked merely as a tool.” *Enfish*, 822 F.3d at 1335–36. “The abstract idea exception prevents patenting a result where ‘it matters not by what process or machinery the result is accomplished.’” *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1312 (Fed. Cir. 2016) (quoting *O’Reilly v. Morse*, 56 U.S. (15 How.) 62, 113 (1853)). “We therefore look to whether the claims . . . focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery.” *McRO*, 837 F.3d at 1314.

Utilizing the above-identified characterization—that the claim is directed to collecting, analyzing, and manipulating information—we analyze whether claim 11 is directed to an abstract idea. Instead of using a fixed definition of an abstract idea and analyzing how claims fit (or do not fit) within the definition, “the decisional mechanism courts now apply is to examine earlier cases in which a similar or parallel descriptive nature can be seen — what prior cases were about, and which way they were decided.” *Amdocs (Isr.) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016) (citing *Elec. Power Grp.*, 830 F.3d at 1353–54). As part of this inquiry, we must “look at the ‘focus of the claimed advance over the prior art’ to determine if the claim’s ‘character as a whole’ is directed to excluded subject matter.” *Affinity Labs of Tex., LLC v. DirecTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016).

Here, Appellants’ claims generally, and independent claim 11 in particular, relate to organizing information by generating a data structure (scenario), collecting information (populating the data structure), and analyzing/manipulating information to calculate an SPI score. When the SPI score is calculated, which is the purpose of the SPI application (*see* Spec. 1:4–8, 2:2–3), the score is displayed (i.e., the information is communicated). A package design is then selected (based on the SPI score) and a package is produced (using the selected design). That is, Appellants’ claims relate to collecting, analyzing, manipulating, and communicating data utilizing un-recited processes or algorithms to provide a result (an SPI score). Therefore, the claims broadly recite collecting, analyzing, manipulating, and transferring information (data) relating to packaging design. *See* Abstract, Spec. 1:4–8, 2:2–3. This is consistent with how Appellants describe the

claimed invention. *See* Appeal Br. 3 (citing Spec. 21:7–22:18). Contrary to Appellants’ assertions (*see* Appeal Br. 5–14; *see also* Reply Br. 4–5), the present claims are directed to an abstract idea, in that the instant claims are analogous to a number of cases in which courts have identified similar claims as encompassing abstract ideas.

Our reviewing court has held that abstract ideas include gathering, analyzing, and manipulating information. *Elec. Power Grp.*, 830 F.3d at 1354 (Finding claims directed to a “combination of . . . abstract-idea processes . . . of gathering and analyzing information” to be abstract.). Similarly, our reviewing court has held that abstract ideas include gathering, analyzing, and storing information. *See Two-Way Media Ltd. v. Comcast Cable Commc’ns, LLC*, 874 F.3d 1329, 1337–38 (Fed. Cir. 2017) (Finding claims directed to the functional results of accumulating, converting, and monitoring records manipulate data “but fail[] to do so in a non-abstract way.”); *Content Extraction*, 776 F.3d at 1345, 1347 (Finding the “claims generally recite . . . extracting data . . . [and] recognizing specific information from the extracted data” and that the “claims are drawn to the basic concept of data recognition.”).

Appellants contend claim 11 is analogous to an exemplary claim in the USPTO’s July 2015 Guidance on Subject Matter Eligibility (“Guidance”) and also contend the claims are not directed to an abstract idea. *See* Appeal Br. 7–9. We disagree.

In the exemplary claim cited by Appellants, an Exhaust Gas Recirculation (EGR) valve is an element in a structure (an internal combustion engine) and the position of the EGR valve is calculated based on dynamic input from another engine element (the position of the engine

throttle). The calculation of the EGR valve position improves the operation of the engine. Thus, according to Appellants' interpretation of the example from the Guidance (*see* Appeal Br. 8), the claim adds meaningful limitations to the use of the position calculation (mathematical relationship).

Appellants argue that claim 11 is analogous to the exemplary claim in that "independent claim 11 provide[s] an SPI score of a packaging design, which is used to improve or optimize producing a package for a product, where the package is selected based on the SPI score of the packaging design." Appeal Br. 9. Appellants, however, merely reiterate the production claim limitation ("producing a package for the product . . . based on the SPI score of the packaging design" (claim 11)) and conclude the SPI score improves or optimizes the process (of producing a package). Appellants do not explain how the undisclosed process is improved. While it may be true that including SPI requirements in a product packaging design (by calculating an SPI score) improves the package production process and/or resultant package, the calculation of the SPI score is not part of that undisclosed/unclaimed process. The calculation of an SPI score (as recited in claim 11) is a separate, distinguishable process. The production of the package is merely extra-solution activity (*supra*). In the present claim, no meaningful limitations are added to the resulting calculation (SPI score). The claim merely recites additional limitations of generating a data structure, collecting data to populate the data structure, displaying the resulting calculated data (the SPI score), and the extra-solution activity of producing a package (*supra*).

In summary, we agree with the Examiner that Appellants' claim 11 (and the other pending claims) are directed to patent-ineligible abstract ideas

or concepts. Here, the collection, analysis, manipulation, and communication of information (data) are analogous to the abstract ideas of collecting, analyzing, and manipulating information discussed in *Electric Power*, *Two-Way Media*, and *Content Extraction*. Thus, we agree with the Examiner that the claims are directed to the abstract ideas of collecting, analyzing, and manipulating information utilizing a computer.

#### *Alice Step 2 Analysis*

Having found Appellants' claims are directed to an abstract idea under *Alice*'s step 1 analysis, we next address whether the claims add significantly more to the abstract idea. As directed by our reviewing court, we search for an “‘inventive concept’ sufficient to ‘transform the nature of the claim into a patent-eligible application.’” *McRO*, 837 F.3d at 1312 (quoting *Alice*, 134 S. Ct. at 2355). The implementation of the abstract idea involved must be “more than performance of ‘well-understood, routine, [and] conventional activities previously known to the industry.’” *Content Extraction*, 776 F.3d at 1347–48 (quoting *Alice*, 134 S. Ct. at 2359). The “inventive concept” “must be significantly more than the abstract idea itself, and cannot simply be an instruction to implement or apply the abstract idea on a computer.” *BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1349 (Fed. Cir. 2016) (citation omitted).

Here, the Examiner determined that Appellants' claims do not add significantly more. *See* Final Act. 4–6; *see also* Ans. 4–8. Appellants, on the other hand, contend the claims are directed to significantly more than an abstract idea because, *inter alia*, “claim 11 . . . applies a specific algorithm for calculating the SPI score, which is used for selection and production of a package.” Appeal Br. 9–14. Appellants further assert “claim 11 . . .

provides a solution that is necessarily rooted in manufacturing/production technology” in that “claim 11 recites ‘producing a package for the product, wherein the package is selected based on the SPI score of the packaging design.’” Appeal Br. 12.

Appellants fail to persuade us of error in the Examiner’s rejection with respect to the second *Alice* step. Although Appellants cite examples of claims from the USPTO’s Guidance that were found to amount to significantly more than the abstract idea, Appellants merely reiterate the claim limitations (of claim 11) (*see* Appeal Br. 9) and provide conclusory arguments with respect to the *Alice* step 2 analysis. *See* Appeal Br. 9–14.

With respect to Appellants’ arguments invoking *DDR Holdings* (*DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014)) (*see* Appeal Br. 6–7, 10–14)—in that calculating an SPI score is necessarily rooted in manufacturing/production technology and improves the package production process (*supra*)—we disagree. As we explained (*supra*), the calculation of an SPI score is a distinct, separate process from producing a package.

In *DDR Holdings*, the court held that a claim may amount to more than an abstract idea recited in the claims when it addresses and solves problems *only* encountered with computer technology and online transactions, e.g., by providing (serving) a composite web page rather than adhering to the routine, conventional functioning of an Internet hyperlink protocol. *See DDR Holdings*, 773 F.3d at 1257–59. In contrast, claim 11 simply manipulates data using known, conventional computers and/or equipment to produce an SPI score. The SPI score is then used to select a design (“the package is selected based on the SPI score of the packaging

design” (claim 11)) and produce a package for the product according to an undisclosed process. *See supra; compare* Spec. 21:7–22:18 (calculating an SPI score and displaying the score), *with id.* 11:15, 12:6 (mentioning package production). Despite Appellants’ arguments to the contrary (analogizing their claims to those in *DDR*), nothing in the claim recites a “solution that is necessarily rooted in manufacturing/production technology” (*supra* (emphasis omitted)). The communication, analysis, and manipulation of information to provide an SPI score by conventional means, and ancillary produce a package based on the SPI score, is not a solution to a technical problem as discussed in *DDR Holdings* or a manufacturing/production problem as described by Appellants.

Rather, considering SPI requirements and calculating an SPI score address environmental issues and governmental regulations. Producing a package based on the SPI score is a commercial solution to governmental-compliance issues, not a technical solution to a computer problem or a manufacturing problem. Indeed, the claims do not delineate how the SPI score affects the manufacturing process. As we previously explained, the instant claims are more akin to the claims for analyzing and manipulating information found to be abstract in *Electric Power*, 830 F.3d at 1353.

We agree with the Examiner that the additional limitations, separately, or as an ordered combination, do not provide meaningful limitations (i.e., do not add significantly more) to transform the abstract idea into a patent eligible application. *See, e.g.,* Ans. 4–8. The claim merely recites functions (processes) for communicating, analyzing, and manipulating data using known, conventional computers and/or equipment to calculate and display an SPI score in a conventional manner. Claim 11 then recites producing a



product package based on the analyzed and manipulated data—the SPI score. None of the manufacturing processes are described in the claim. The processes that are described in claim 11 are all routine and conventional and well-understood computer functions of a general processor. The Specification supports this view (*see supra*) in discussing the processes implemented using known (conventional) generic processors, servers, and networks to perform the recited data collection, manipulation, and display steps. *See* Spec. 4:11–5:20; 21:7–22:18. For example: “Client 110 and server 120 may be any computing device, such as a desktop computer, laptop computer, tablet, or another device” (Spec. 5:4–6); “Network 135 may be a private intranet or a public network such as the Internet” (Spec. 5:6–7); and the “user 130 may utilize web browser 116 executing on processor 112 of client 110 to access web server host program 126 executing on processor 122 of server 120” (Spec. 5:13–14). Such conventional computer and communication processes “do not alone transform an otherwise abstract idea into patent-eligible subject matter.” *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016) (citing *DDR Holdings*, 773 F.3d at 1256).

For at least the reasons above, we are not persuaded of Examiner error in the rejection of claim 11 under 35 U.S.C. § 101. Thus, we sustain the Examiner’s rejection under 35 U.S.C. § 101 of independent claim 11 as well as dependent claims 12–20, which were not argued separately.

#### CONCLUSION

Appellants has not shown that the Examiner erred in rejecting claims 11–20 under 35 U.S.C. § 101.

Appeal 2017-002554  
Application 13/671,413

DECISION

We affirm the Examiner's rejection of claims 11–20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED