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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte THOMAS JESSOP and BRIAN S. BRITTINGHAM

Appeal 2017-003977
Application 09/942,453
Technology Center 3600

Before DAVID M. KOHUT, BETH Z. SHAW, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ seek our review under 35 U.S.C. § 134(a) from a final rejection of claims 1–13, 15–19, 23, 34, 45, 47, and 50–53, i.e., all pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ Appellants identify the real party in interest as Goldman, Sachs & Co. App. Br. 3.

STATEMENT OF THE CASE

The Invention

According to the Specification, the invention “relates to apparatus, methods, and articles of manufacture for business analysis,” more specifically, “for providing, analyzing and visualizing corporate and corporate relationship information, and for creating financial products and instruments based on corporate and corporate relationship information.” Spec. 1:3–5, Abstract.² The Specification explains that “[i]nformation types such as entities, relationships, selection, groupings, arrangements, view types are provided to enable the user to interactively review, modify and create information.” Abstract.

Exemplary Claim

Independent claim 1 exemplifies the claims at issue and reads as follows (with formatting added for clarity):

1. A processor-implemented method comprising:
 - selecting, by a processor, a first corporate entity information type that defines a first corporate entity;
 - selecting, by the processor, a second corporate entity information type that defines a second corporate entity;
 - selecting, by the processor, a corporate entity relationship information type that defines a relationship between the first and second corporate entity information types;
 - analyzing, by the processor, the selected corporate entity relationship information type;

² This decision uses the following abbreviations: “Spec.” for the Specification, filed August 30, 2001; “Final Act.” for the Final Office Action, mailed November 17, 2015; “App. Br.” for the Appeal Brief, filed May 2, 2016; “Ans.” for the Examiner’s Answer, mailed November 10, 2016; and “Reply Br.” for the Reply Brief, filed January 10, 2017.

displaying, on a display based on the analysis, the first and second corporate entity information types and the corporate entity relationship information type in a graphical user interface view with predetermined indicia,

the indicia graphically providing an indication of
a connection between the first and second corporate entity information types and
a strength of the relationship between the first and second corporate entity information types,

wherein the graphical user interface view includes a first company node representing the first corporate entity and a second company node representing the second corporate entity with the first company node reflecting a size of the first corporate entity and the second company node reflecting a size of the second corporate entity;

providing, by the processor, an alteration mechanism,

wherein the alteration mechanism dynamically changes an information type representing information to be displayed in the graphical user interface view,

wherein the information type is chosen from a group comprising corporate entity type, corporate entity relationship type, selection type, grouping type, arrangement type, and view type;

dynamically analyzing, by the processor in coordination with the alteration mechanism, selected information types;

dynamically changing, by the processor using the alteration mechanism, a displayed information type to a newly chosen information type;

simultaneously displaying, on the display based on the dynamic analysis, the newly chosen information type associated with the first corporate entity information type and the second corporate entity information type,

each displayed in separate display panels of the graphical user interface view,

wherein the separate display panels facilitate a comparison regarding the first and second corporate entity information types;

generating, by the processor, at least one critical path dependency pattern between the first and second corporate entity information types based on the comparison and the dynamic analysis; and

constructing, by the processor, a financial product based on the selected and displayed information types and the generated at least one critical path dependency pattern.

App. Br. 39–40 (Claims App.).

The Rejection on Appeal

Claims 1–13, 15–19, 23, 34, 45, 47, and 50–53 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Final Act. 2–5.

ANALYSIS

We have reviewed the § 101 rejection in light of Appellants’ arguments that the Examiner erred. Based on the record before us and for the reasons explained below, we concur with Appellants’ contention that the Examiner erred in concluding that the claims fail to satisfy § 101.

The § 101 Rejection of Claims 1–13, 15–19, 23, 34, 45, 47, and 50–53

The Patent Act defines patent-eligible subject matter broadly: “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” 35 U.S.C. § 101. In *Mayo Collaborative*

Services v. Prometheus Laboratories, Inc., 566 U.S. 66, 70 (2012), and *Alice Corp. v. CLS Bank International*, 134 S. Ct. 2347, 2354 (2014), the Supreme Court explained that § 101 “contains an important implicit exception” for laws of nature, natural phenomena, and abstract ideas. *See Diamond v. Diehr*, 450 U.S. 175, 185 (1981). In *Mayo* and *Alice*, the Court set forth a two-step analytical framework for evaluating patent-eligible subject matter. First, “determine whether the claims at issue are directed to” a patent-ineligible concept, such as an abstract idea. *Alice*, 134 S. Ct. at 2355. If so, “consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements” add enough to transform the “nature of the claim” into “significantly more” than a patent-ineligible concept. *Id.* at 2355, 2357 (quoting *Mayo*, 566 U.S. at 79); *see Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016).

Step one in the *Mayo/Alice* framework involves looking at the “focus” of the claims at issue and their “character as a whole.” *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016); *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016). Step two involves the search for an “inventive concept.” *Alice*, 134 S. Ct. at 2355; *Elec. Power Grp.*, 830 F.3d at 1353. An “inventive concept” requires more than “well-understood, routine, conventional activity already engaged in” by the relevant community. *Rapid Litig. Mgmt. Ltd. v. CellzDirect, Inc.*, 827 F.3d 1042, 1047 (Fed. Cir. 2016) (quoting *Mayo*, 566 U.S. at 79–80). But “an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces.” *BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350 (Fed. Cir. 2016).

Here, the Examiner determines that the claims are directed to the abstract idea of “analyzing corporate information and corporate relationships and constructing a financial product.” Final Act. 2–3; Ans. 6–7. The Examiner also determines that “when considered separately and in combination, the computer components at each step of the process perform purely generic computer functions,” and “there is no inventive concept sufficient to transform the claimed subject matter into a patent-eligible application.” Final Act. 5; *see* Ans. 9.

Appellants dispute that the claims are directed to an abstract idea. App. Br. 18–20; Reply Br. 3–8. In addition, Appellants argue that the claims include an “inventive concept” because they: (1) recite “specific features are other than what is well-understood, routine, and conventional in the field”; and (2) “as a whole amount[] to significantly more than the alleged abstract idea when looking at the elements of the claim[s] as an ordered combination.” App. Br. 22, 34–35; *see* Reply Br. 8–10. In particular, Appellants contend that the claims provide “an ordered combination of steps where corporate entity information is intuitively displayed, configured to facilitate comparisons, and dynamically changed and where at least one critical path dependency pattern is generated based on the comparison and the dynamic analysis.” App. Br. 22–23, 35; *see* Reply Br. 8–10.

Even if we were to agree with the Examiner that the claims are directed to an abstract idea under *Mayo/Alice* step one, we agree with Appellants that the claims recite a particular arrangement of elements that when considered as an ordered combination include enough to provide an “inventive concept” under step two. Here, the specificity of the technical

solution and the particular arrangement of elements required by the claims causes them to resemble claims considered patent eligible by the Federal Circuit. *See, e.g., BASCOM*, 827 F.3d at 1349–51 (vacating grant of a motion to dismiss due to the ineligibility of claims covering a specific method of filtering Internet content because although “filtering content is an abstract idea,” i.e., “a longstanding, well-known method of organizing human behavior,” “this specific method of filtering Internet content cannot be said, as a matter of law, to have been conventional or generic”); *Trading Techs. Int’l, Inc. v. CQG, Inc.*, 675 F. App’x 1001, 1002–05 (Fed. Cir. 2017) (nonprecedential) (affirming eligibility of claims covering a graphical user interface for “the electronic trading of stocks, bonds, futures, options and similar products” that displayed the “market depth of a commodity traded in a market,” including a dynamic display of bids and asks for the commodity and a static display of prices); *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1316 (Fed. Cir. 2016) (considering patent eligible claims that used “limited rules” in a computerized “process specifically designed to achieve an improved technological result in conventional industry practice”).

Thus, we conclude the claims at issue are patent eligible because they are narrowly directed to an improvement in the functioning of a computer to change the display of selected information dynamically, provide separate display panels facilitating a comparison of the selected information, generate a “critical path dependency pattern” relating to the selected information, and construct a financial product based on the “critical path dependency pattern.” *See App. Br.* 39–44 (Claims App.); *see also Spec.* 8:8–11:20, Figs. 8–12.

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For the reasons discussed above, Appellants' arguments have persuaded us that the Examiner erred in rejecting claims 1–13, 15–19, 23, 34, 45, 47, and 50–53 under § 101. Hence, we do not sustain the § 101 rejection.

DECISION

We reverse the Examiner's decision to reject claims 1–13, 15–19, 23, 34, 45, 47, and 50–53.

REVERSED