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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte NOBUAKI TAKAHASHI and GAKU YAMAMOTO

Appeal 2017-004328
Application 14/081,496
Technology Center 2400

Before: THU A. DANG, ELENI MANTIS MERCADER, and STEVEN M. AMUNDSON, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

CLAIMED SUBJECT MATTER

The claims are directed to medical emergency-response data management mechanism on wide-area distributed medical information network. Spec. ¶ 2. Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A method for providing medical information on a communication network, the method comprising:
>
> receiving encrypted medical information in a decryption request from a first computer connected to the communication network at a second computer, the second computer being connected to the communication network and holding decryption information;
>
> determining at the second computer whether or not the second computer holds decryption information for decrypting the encrypted medical information;
>
> in response to the second computer determining that the second computer holds the decryption information, checking by the second computer with a third computer whether the first computer is authenticated, the third computer being connected to the communication network and performing authentication of the first computer and registration of encryption information for the first computer; and
>
> in response to the first computer being authenticated, the second computer:
>
> acquiring the encryption information for the first computer from the third computer;
>
> decrypting the encrypted medical information by using the decryption information to create decrypted medical information;
>
> encrypting the decrypted medical information by using the encryption information to create encrypted decrypted medical information; and
>
> sending the encrypted decrypted medical information to the first computer that sent the encrypted medical information.

REJECTIONS

Claim 1–20 stands rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

OPINION

Appellants argue that the invention is rooted in the computer technology of encrypting/decrypting data using a new and useful approach in which the security of the data is further protected by ensuring that three systems (a first computer, a second computer, and a third computer) are all in agreement that decryption operations are proper. App. Br. 7. That is, the present invention utilizes a three-way process for decrypting/encrypting medical data, in which a second computer decrypts medical information using local decryption information ("decrypting the encrypted medical information by using the decryption information to create decrypted medical information"), then encrypts that decrypted information using encryption information provided by a third computer ("acquiring the encryption information for the first computer from the third computer . . . encrypting the decrypted medical information by using the encryption information to create encrypted decrypted medical information"), and then sends "the encrypted decrypted medical information to the first computer that sent the encrypted medical information." *Id.*

In determining whether a claim falls within the excluded category of abstract ideas, we are guided in our analysis by the Supreme Court's two-step framework, described in *Mayo* and *Alice*. *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 134 S. Ct. 2347, 2355 (2014) (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1296–97 (2012)).

Alice step one requires us to "first determine whether the claims at issue are directed to a patent-ineligible concept." *Alice*, 134 S. Ct. at 2355. In particular, we must first determine whether claim 1 is "directed to" a patent-ineligible abstract idea. *See id.* at 134 S. Ct. at 2356 ("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk."); *Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk."); *Parker v. Flook*, 437 U.S. 584, 594–95 (1978) ("Respondent's application simply provides a new and presumably better method for calculating alarm limit values.").

Merely combining several abstract ideas (such as the organization of human activity in a specific field, like academic peer review, mathematical algorithms, and/or a fundamental business practice) does not render the combination any less abstract. *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) ("Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract."); *see also FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1094 (Fed. Cir. 2016) (determining the pending claims were directed to a combination of abstract ideas.).

We agree with the Examiner's findings that claim 1 pertains to two abstract ideas (Ans. 5). The first abstract idea is multiple authentications through multiple computers which pertain to the abstract idea of "processing information through a clearing house" (*see id.*). The second abstract idea of Appellant's claimed invention is the claimed encryption/decryption which is an abstract idea pertaining to mathematical algorithms (Ans. 5–6). Our reviewing Court found a process of operating on information using

mathematical formulas/correlations patent ineligible: *Digitech Image Technologies, LLC v. Electronics for Imaging, Inc.*, 758 F.3d 1344 (Fed. Cir. 2014) (process of organizing information through mathematical correlations); *Digitech Information Systems, Inc. v. BMW Auto Leasing, LLC*, 504 F. App'x 920 (mem.) (Fed. Cir. 2013) (rendering a decision based on data and mathematical formulas).

We further agree with the Examiner's findings that sending and receiving of encrypted medical data between multiple computers on a network through encryption/decryption are generic in manner (Ans. 6). In particular, because the computers are generic, the recited sending and receiving of encrypted and decrypted medical data across a network are generic, and are well-understood, routine, or conventional functions of the technical field (Ans. 6). Accordingly, under step 2 of *Alice*, claim 1 does not amount to "significantly more" than the abstract idea itself. *Alice*, 134 S. Ct. at 2355. "[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." *Id.* at 2359. We conclude that they do not as the claims merely recite steps of authentication performed with an encryption/decryption algorithm which are well-understood, routine procedures of encryption/decryption performed on generic computers.

Accordingly, we affirm the Examiner's rejection of claims 1–20 as being directed to non-statutory subject matter.

DECISION

The Examiner's rejection of claims 1–20 is affirmed.

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