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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* MONICA THERESA MCCANN, WILLIAM W. ALLOCCA,  
BRANDON R.I. CHANG, HENRY ROBERT NICKERSON,  
MARK S. GULBRANDSEN, DOUGLAS J. HERRINGTON,  
DILIP S. KUMAR, JAMES J. SHIMADA, and PAUL D. DEMARCO

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Appeal 2017-004624  
Application 12/608,673  
Technology Center 3600

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Before ROBERT E. NAPPI, SCOTT B. HOWARD, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants<sup>1</sup> seek our review under 35 U.S.C. § 134(a) from a final rejection of claims 1–9, 11–14, and 16–25, i.e., all pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> Appellants identify the real party in interest as Amazon Technologies, Inc. App. Br. 2.

## STATEMENT OF THE CASE

### *The Invention*

According to the Specification, the invention concerns the sale of goods and/or services over a network. Spec. ¶¶ 1, 9–11, 14, Fig. 1.<sup>2</sup> The Specification explains that: (1) a “coupon campaign[] comprises one or more digital coupons”; (2) “[c]oupon campaigns are implemented in a computing device for a plurality of vendors in association with” an “electronic commerce system”; (3) “automated submission of each of the campaigns is facilitated in the computing device . . . through a self-service portal” for vendors; and (4) “[v]endor control is facilitated through the self-service portal,” e.g., to manage “the digital coupons associated with” a campaign. Abstract.

### *Exemplary Claims*

Independent claims 1 and 4 exemplify the claims at issue and read as follows (with formatting added for clarity):

1. A system, comprising:

at least one computing device comprising a hardware processor, the at least one computing device being in communication with an electronic data store;

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<sup>2</sup> This decision uses the following abbreviations: “Spec.” for the Specification, filed October 29, 2009; “Final Act.” for the Final Office Action, mailed December 3, 2015; “1st Adv. Act.” for the Advisory Action, mailed March 23, 2016; “2nd Adv. Act.” for the Advisory Action, mailed May 26, 2016; “App. Br.” for the Appeal Brief, filed July 18, 2016; “Ans.” for the Examiner’s Answer, mailed December 1, 2016; and “Reply Br.” for the Reply Brief, filed January 20, 2017.

an electronic commerce system implemented in the at least one computing device, the electronic commerce system facilitating interaction with a plurality of client computing devices over a computer network to facilitate a purchase of a plurality of items; and

a self-service portal implemented in the at least one computing device, the self-service portal facilitating vendor access to a plurality of coupon campaigns employed in association with an operation of the electronic commerce system, the self-service portal being configured to allow a vendor to:

perform an automated submission of the plurality of coupon campaigns to be employed in association with the operation of the electronic commerce system, the plurality of coupon campaigns comprising a plurality of digital coupons, wherein the automated submission comprises a bulk submission of the plurality of coupon campaigns from a file;

perform an analysis to identify one or more errors associated with a plurality of terms of at least one of the plurality of digital coupons, the plurality of terms comprising a start date, an end date, and a discount amount;

view a listing of at least one of the plurality of coupon campaigns submitted by the vendor through the self-service portal;

estimate an amount of a maximum expenditure limit for one of the plurality of coupon campaigns based at least in part on a rate of redemption of a plurality of outstanding digital coupons associated with the one of the plurality of coupon campaigns by the plurality of client computing devices over the computer network, the plurality of outstanding digital coupons having been previously sent to the plurality of client computing devices over the computer network; and

deactivate at least one of the plurality of outstanding digital coupons associated with the one of the plurality of coupon campaigns in response to an expenditure under the one of the plurality of coupon campaigns reaching the amount of the maximum expenditure limit.

4. A computer implemented method, comprising:

implementing, with at least one computing device, a plurality of coupon campaigns for a plurality of vendors in association with an electronic commerce system;

facilitating, with the at least one computing device, an automated submission of the plurality of coupon campaigns from the plurality of vendors through a self-service portal, wherein the automated submission comprises data indicating a group of target customers;

analyzing, with the at least one computing device, the plurality of coupon campaigns submitted through the self-service portal for at least one error associated with at least one term of the plurality of coupon campaigns;

estimating, with the at least one computing device, an amount of a maximum expenditure limit for one of the plurality of coupon campaigns based at least in part on a rate of redemption of a plurality of outstanding digital coupons associated with the one of the plurality of coupon campaigns by a plurality of client computing devices over a computer network, the plurality of outstanding digital coupons having been previously sent to the plurality of client computing devices over the computer network; and

controlling, with the at least one computing device, whether at least one of the plurality of outstanding digital coupons associated with the one of the plurality of coupon campaigns is active to be applied to purchase of an item through the electronic commerce system in response to an expenditure under the one of the plurality of coupon campaigns reaching the amount of the maximum expenditure limit.

*The Rejection on Appeal*

Claims 1–9, 11–14, and 16–25 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Final Act. 2–4.

ANALYSIS

We have reviewed the rejection in light of Appellants’ arguments that the Examiner erred. For the reasons explained below, we concur with the Examiner’s conclusion concerning ineligibility under § 101. We adopt the Examiner’s findings and reasoning in the Final Office Action (Final Act. 2–4 (rejection) and 5–7 (response to arguments)), the Advisory Actions (1st Adv. Act. 2; 2nd Adv. Act. 2), and the Answer (Ans. 2–10). We add the following to address and emphasize specific findings and arguments.

*The § 101 Rejection of Claims 1–9, 11–14, and 16–25*

INTRODUCTION

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. 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). Under step two, “an inventive concept must be evident in the claims.” *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017).

#### MAYO/ALICE STEP ONE

The Examiner determines that the claims at issue are directed to an abstract idea, i.e., “the implementation, execution, and management of coupon campaigns.” Final Act. 2; Ans. 2. The Examiner explains that the abstract idea constitutes a “fundamental economic practice” and a “method of organizing human activity.” Final Act. 2, 6–7; 1st Adv. Act. 2; Ans. 2–3,

5, 7. As support, the Examiner cites the July 2015 Update: Subject Matter Eligibility (“July 2015 Update”). Ans. 2. The July 2015 Update states: (1) “[t]he phrase ‘fundamental economic practices’ is used to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations”; and (2) “[t]he term ‘fundamental’ is used in the sense of being foundational or basic, and not in the sense of necessarily being ‘old’ or ‘well-known.’” July 2015 Update 4. Illustrating this, claim 23 recites “a component for an electronic signing with respect to a contract.” App. Br. 48 (Claims App’x).

Appellants dispute the Examiner’s determination that the claims are directed to a patent-ineligible abstract idea. *See* App. Br. 12–23; Reply Br. 3–15. Based on a statement in a May 2016 Memorandum<sup>3</sup> from Deputy Commissioner Bahr regarding § 101 rejections (“May 2016 Update”), Appellants assert that the Examiner’s “approach in this case was . . . to ‘go beyond those concepts . . . the courts have identified as abstract ideas.’” App. Br. 13; *see* Reply Br. 3. Appellants then contend that the Examiner improperly “raises an entirely new type, category, or class of abstract ideas by finding that ‘the implementation, execution, and management of coupon campaigns’ is a ‘fundamental economic practice.’” App. Br. 13–14 (emphasis omitted); *see id.* at 31, 35–36.

Appellants’ arguments do not persuade us of Examiner error. The May 2016 Update notes that “Examiners should not go beyond those concepts that are similar to what the courts have identified as abstract ideas.”

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<sup>3</sup> <https://www.uspto.gov/sites/default/files/documents/ieg-may-2016-memo.pdf>.

May 2016 Update 3. Here, the Examiner identifies court decisions addressing patent-ineligible concepts that are similar to “the implementation, execution, and management of coupon campaigns.” *See, e.g.*, Ans. 2–4, 6, 10. In the Answer, for example, the Examiner cites *OIP Technologies, Inc. v. Amazon.com, Inc.*, 788 F.3d 1359 (Fed. Cir. 2015), and explains that the claims there were “directed towards automated pricing in electronic commerce” and—like the claims here—included steps for “collecting information over a network” and “performing estimations on the collected data.” Ans. 10. In the Reply Brief, Appellants make no attempt to distinguish *OIP Technologies*. Reply Br. 3–15.

Further, Appellants cite the PTO’s May 2016 Federal Register notice concerning subject-matter eligibility. App. Br. 9. That notice explains that the PTO’s § 101 guidance materials “were developed as a matter of internal Office management,” “do not constitute substantive rulemaking,” “do not have the force and effect of law,” and instead “set out examination policy” regarding § 101 rejections. 81 Fed. Reg. 27,381, 27,382 (May 6, 2016). That notice also explains that “[r]ejections will continue to be based upon the substantive law, and it is these rejections that are appealable.” *Id.* Thus, an Examiner’s failure to follow the § 101 guidance materials is appealable only to the extent there has been a failure follow statutory or decisional law. If the guidance materials exceed statutory or decisional law with additional restrictions, an Examiner’s failure to comply with those additional restrictions may warrant a petition to the Director.

Appellants argue that independent claims 1, 4, and 13 are not directed to an abstract idea and instead recite “specific improvements in computer technology,” in particular, “a specific technical approach to self-service

management of digital coupon campaigns.” *See* App. Br. 16–17, 31–32, 37; Reply Br. 4, 6, 7, 9, 11, 13. Appellants assert that “the Specification demonstrates that the claimed invention”: (1) “is rooted in computer technology because it describes every embodiment in the context of a ‘networked computing environment’”; and (2) “is directed to overcome a problem specifically arising in field of coupon campaign management in the realm of computer networks and focuses on a specific way to use computer capabilities to accomplish that goal.” App. Br. 20–21, 31–32, 36–37 (citing Spec. ¶¶ 3–10, 27). In addition, Appellants contend that the claimed solution “is technical in nature because it relies upon an estimation or forecast of an amount of a limit driven by data obtained via computer networks.” *Id.* at 11, 28, 32, 34, 37, 38 (emphasis omitted). Appellants also contend that the “calculation of an estimate based on a rate of redemption is for a *concrete and not abstract* purpose.” *Id.* at 21.

Appellants’ arguments do not persuade us of Examiner error. Claims 1, 4, and 13 cover the collection, manipulation, and display of data. App. Br. 41–46 (Claims App’x); *see* 1st Adv. Act. 2; 2nd Adv. Act. 2; Ans. 8. The Federal Circuit has ruled that claims covering the collection, manipulation, and display of data were directed to abstract ideas. *See, e.g., SAP Am., Inc. v. InvestPic, LLC*, 890 F.3d 1016, 1019–22 (Fed. Cir. 2018); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1339–41 (Fed. Cir. 2017); *Elec. Power Grp.*, 830 F.3d at 1351–54; *OIP Techs.*, 788 F.3d at 1361–63.

Appellants misplace their reliance on the “calculation of an estimate based on a rate of redemption” because that calculation simply involves the manipulation of data. *See* Ans. 10. Moreover, a human could perform that

calculation mentally or with pencil and paper. *See* Spec. ¶¶ 27, 66–67; Final Act. 6; 1st Adv. Act. 2; 2nd Adv. Act. 2. Steps and functions that may be performed in the human mind constitute abstract ideas. *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1371–73 (Fed. Cir. 2011). And adding one abstract idea to another abstract idea does not render the claims non-abstract. *See RecogniCorp*, 855 F.3d at 1327; *see also FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1093–94 (Fed. Cir. 2016) (determining that the claims were directed to a combination of abstract ideas).

That the claims here employ a “computer network” to collect data does not render them non-abstract. *See* Ans. 6, 10. Using conventional computer or network technology as a tool to accomplish abstract-idea processes does not make the ideas any less abstract. *See Elec. Power Grp.*, 830 F.3d at 1354.

Based on *Enfish*, Appellants assert that the “specific, novel elements” recited in the claims demonstrate they are not directed to an abstract idea. App. Br. 18–19, 32, 37. But *Enfish* does not help Appellants.

The claims in *Enfish* were directed to a “specific improvement to the way computers operate,” i.e., an improved database configuration that permitted faster and more efficient searching. *Enfish*, 822 F.3d at 1330–33, 1336. Further, the Federal Circuit has explained that the claims “in *Enfish* did more than allow computers to perform familiar tasks with greater speed and efficiency” by “permitt[ing] users to launch and construct databases in a new way.” *Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299, 1305 (Fed. Cir. 2018).

Here, in contrast to *Enfish*, claims 1, 4, and 13 lack technical detail regarding a “computing device,” an “electronic data store” or memory, and a “computer network.” In addition, the Specification describes those system components generically by explaining that: (1) a server “computing device” may “comprise, for example, a server computer or like system,” “may represent multiple servers arranged, for example, in one or more server banks or other arrangements,” and “may be viewed as a server ‘cloud’ that represents the computing capacity of multiple servers”; (2) a client “computing device” may “comprise, for example, a processor-based system such as computer system”; (3) an “electronic data store” or memory may “comprise, for example, random access memory (RAM), read-only memory (ROM), hard disk drives, solid-state drives, USB flash drives, memory cards accessed via a memory card reader, floppy disks accessed via an associated floppy disk drive, optical discs accessed via an optical disc drive, magnetic tapes accessed via an appropriate tape drive, and/or other memory components, or a combination of any two or more of these memory components”; and (4) a “computer network” may “comprise, for example, the Internet, intranets, extranets, wide area networks (WANs), local area networks (LANs), wired networks, wireless networks, or other suitable networks, *etc.*, or any combination of two or more such networks.” Spec. ¶¶ 10–11, 19, 70, 73; *see id.* ¶¶ 72, 74–76, 79, Fig. 5.

In contrast to *Enfish*, Appellants do not describe an advance in hardware or software that, for example, causes a computer itself or a network itself to operate faster or more efficiently. The alleged improvement in coupon-campaign management does not parallel the improvement in *Enfish* and does not impart patent eligibility under

*Mayo/Alice* step one. See *Secured Mail Sols. LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 910 (Fed. Cir. 2017) (explaining that the claims in *Enfish* “focused on an improvement to computer functionality itself, not on economic or other tasks for which a computer is used in its ordinary capacity”). The claims here use computers and networks in their ordinary capacities. Accordingly, the Examiner determines that “the present invention does not provide a technological benefit such as improved flexibility or less system storage space” and “the claims are not directed towards an advancement in computer technology.” Ans. 8.

Citing *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014), Appellants assert that claims 1, 4, and 13 are “rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” App. Br. 17, 20, 22, 31, 35 (quoting *DDR Holdings*, 773 F.3d at 1257). Appellants misplace their reliance on *DDR Holdings*.

In *DDR Holdings*, the Federal Circuit determined that certain claims satisfied *Mayo/Alice* step two, not step one, because “the claimed solution amount[ed] to an inventive concept for resolving [a] particular Internet-centric problem,” i.e., a challenge unique to the Internet. *DDR Holdings*, 773 F.3d at 1257–59; see *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (noting that “[i]n *DDR Holdings*, we held that claims ‘directed to systems and methods of generating a composite web page that combines certain visual elements of a ‘host’ website with content of a third-party merchant’ contained the requisite inventive concept”). In *DDR Holdings*, the Federal Circuit explained that the patent-eligible claims specified “how interactions with the Internet are manipulated to yield a

desired result . . . that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink.” *DDR Holdings*, 773 F.3d at 1258. The court reasoned that those claims recited a technological solution “necessarily rooted in computer technology” that addressed a “problem specifically arising in the realm of computer networks.” *Id.* at 1257.

According to the Federal Circuit, “*DDR Holdings* does not apply when . . . the asserted claims do not ‘attempt to solve a challenge particular to the Internet.’” *Smart Sys. Innovations, LLC v. Chi. Transit Auth.*, 873 F.3d 1364, 1375 (Fed. Cir. 2017) (quoting *In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 613 (Fed. Cir. 2016)). The claims here do not attempt to solve a challenge particular to the Internet and do not contain a similar inventive concept as the patent-eligible claims in *DDR Holdings*.

In addition, claims 1, 4, and 13 recite a series of steps for managing a coupon campaign including controlling a digital coupon’s activation and deactivation. App. Br. 41–46 (Claims App’x); see Spec. ¶¶ 23–32, 36, 41, 44–45, 51, 64–69, Figs. 2, 3, 4A, 4B. The claimed series of steps resembles the claimed “series of steps instructing how to hedge risk” in a commodities market in *Bilski v. Kappos*, 561 U.S. 593, 599 (2010). In *Alice*, the Supreme Court explained that the claims in *Bilski* concerned a method of organizing human activity. *Alice*, 134 S. Ct. at 2356; see also *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1367 (Fed. Cir. 2015) (deeming the claim at issue “not meaningfully different from the ideas found to be abstract in other cases before the Supreme Court and our court involving methods of organizing human activity”).

Appellants contend that computer-implemented systems according to the claims are “concrete and tangible” and, therefore, not abstract. App. Br. 21. But “not every claim that recites concrete, tangible components escapes the reach of the abstract-idea inquiry.” *TLI Commc’ns*, 823 F.3d at 611. Simply implementing an abstract idea using a “physical machine” does not impart patent eligibility. *See Mayo*, 566 U.S. at 84. In *Alice*, for example, “[a]ll of the claims [we]re implemented using a computer.” 134 S. Ct. at 2353, 2360.

#### *MAYO/ALICE* STEP TWO

Appellants assert that “a determination that a claimed invention is patentable or distinguished from the prior art under §§ 102 and 103 necessarily leads to the conclusion that the invention is patent-eligible under § 101.” App. Br. 26, 33, 38; *see* Reply Br. 15–16. Appellants then contend that the § 101 rejection of claims 1, 4, and 13 “should be reversed” because they were “allowed over the prior art” and that determination “resolves or moots any question of eligibility.” App. Br. 26–27, 33, 37–38.

Appellants’ arguments do not persuade us of Examiner error. The Supreme Court has noted that “[t]he ‘novelty’ of any element[s] or steps” in a claim or even the claim itself “is of no relevance in determining whether the subject matter of a claim” satisfies § 101 because the question “whether a particular invention is novel is ‘wholly apart from whether the invention falls into a category of statutory subject matter.’” *Diamond v. Diehr*, 450 U.S. 175, 189–90 (1981) (quoting *In re Bergy*, 596 F.2d 952, 961 (CCPA 1979)).

Further, the Federal Circuit has explained that “[t]he search for a § 101 inventive concept is . . . distinct from demonstrating § 102 novelty.”

*Synopsys*, 839 F.3d at 1151; see *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1340 (Fed. Cir. 2017). “[U]nder the *Mayo/Alice* framework, a claim directed to a newly discovered law of nature (or natural phenomenon or abstract idea) cannot rely on the novelty of that discovery for the inventive concept necessary for patent eligibility.” *Genetic Techs. Ltd. v. Merial L.L.C.*, 818 F.3d 1369, 1376 (Fed. Cir. 2016).

“[A] claim for a *new* abstract idea is still an abstract idea.” *Synopsys*, 839 F.3d at 1151. Similarly, a claim for a beneficial abstract idea is still an abstract idea. See *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379–80 (Fed. Cir. 2015). Additionally, the Federal Circuit has expressly rejected the notion that “abstract ideas remain patent-eligible under § 101 as long as they are new ideas, not previously well known, and not routine activity.” *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 714–16 (Fed. Cir. 2014). Thus, the claims’ alleged novelty and nonobviousness fail to provide an “inventive concept” needed to satisfy *Mayo/Alice* step two.

Appellants argue that the Examiner erred in rejecting claims 1, 4, and 13 because they do not “pre-empt all effects that could stem from the management of coupon campaigns, much less all effects that could stem from fundamental economic practices.” App. Br. 24, 31, 35. Appellants also argue that computer-implemented systems according to the claims “are not even directed to and could not possibly pre-empt all effects of fundamental economic practices.” *Id.* at 25 (emphasis omitted).

Appellants’ arguments do not persuade us of Examiner error. See Ans. 7–8 (addressing preemption). While preemption may denote patent ineligibility, its absence does not demonstrate patent eligibility. See *FairWarning*, 839 F.3d at 1098; see also *OIP Techs.*, 788 F.3d at 1362–63.

For claims covering a patent-ineligible concept, preemption concerns “are fully addressed and made moot” by an analysis under the *Mayo/Alice* framework. *Ariosa*, 788 F.3d at 1379.

Appellants assert that the Examiner erred in rejecting claims 1, 4, and 13 because they recite “elements that amount to significantly more than an abstract idea itself.” *See* App. Br. 11–13, 27–30, 33, 35, 37, 39; Reply Br. 15–16. In particular, Appellants contend that the claimed “computing device” that “estimate[s] an amount of a maximum expenditure limit” based on a “rate of redemption” for digital coupons “solv[es] the problem of undesirably exceeding an expenditure limit of a promotional campaign administered via computer-implemented devices and networks” and achieves a technical solution. App. Br. 27–28. Appellants add that the Examiner’s analysis under *Mayo/Alice* step two “looks similar to an obviousness analysis under 35 U.S.C. § 103, except lacking an explanation of a reason to combine the limitations as claimed.” *Id.* at 29 (quoting *BASCOM*, 827 F.3d at 1350).

Appellants’ arguments do not persuade us of Examiner error because the Examiner determines that the claims employ “generic computer components executing” the abstract idea and “each component performs routine functions by executing instructions for performing the abstract idea.” Final Act. 4; *see* 1st Adv. Act. 2; 2nd Adv. Act. 2; Ans. 4–5. Further, the Examiner finds that the generic computer components perform “routine and conventional steps.” Final Act. 4; *see* 1st Adv. Act. 2; 2nd Adv. Act. 2; Ans. 4–6, 9–10. Accordingly, the Examiner reasons that the claims lack an “inventive concept” sufficient to transform them into significantly more than

a patent-ineligible abstract idea. Final Act. 4, 7; *see* 1st Adv. Act. 2; 2nd Adv. Act. 2; Ans. 7–10.

As additional elements, claims 1, 4, and 13 recite a server “computing device,” a “plurality of client computing devices,” an “electronic data store” or memory, and a “computer network.” App. Br. 41–46 (Claims App’x). As explained above, the Specification describes those system components generically. Spec. ¶¶ 10–11, 19, 70, 73; *see id.* ¶¶ 72, 74–76, 79, Fig. 5. “That a computer receives and sends the information over a network . . . is not even arguably inventive.” *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014). Further, the Specification notes that the technologies for implementing the claimed “self-service portal” and “electronic commerce system” are “generally well known by those skilled in the art.” Spec. ¶ 76.

In addition, court decisions have recognized that generic computer components operating to collect, manipulate, and display data are well understood, routine, and conventional to a skilled artisan. *See, e.g., Alice*, 134 S. Ct. at 2360; *SAP Am.*, 890 F.3d at 1019–20, 1023; *Intellectual Ventures I v. Symantec Corp.*, 838 F.3d 1307, 1318–20 (Fed. Cir. 2016); *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1334 (Fed. Cir. 2015); *Ultramercial*, 772 F.3d at 715–16; *buySAFE*, 765 F.3d at 1355; *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App’x 988, 993 (Fed. Cir. 2014).

Based on *BASCOM*, Appellants contend that the claims include an “inventive concept” due to the non-conventional and non-generic arrangement of elements for managing or administering coupon campaigns. App. Br. 29–30, 34–35, 39. But *BASCOM* does not help Appellants.

The claims in *BASCOM* recited a “specific method of filtering Internet content” requiring “the installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user.” *BASCOM*, 827 F.3d at 1345–46, 1350. The Federal Circuit reasoned that the claims covered “a technology-based solution . . . to filter content on the Internet that overcomes existing problems with other Internet filtering systems” and “improve[s] an existing technological process.” *Id.* at 1351 (citing *Alice*, 134 S. Ct. at 2358); *see Alice*, 134 S. Ct. at 2358 (explaining that “the claims in *Diehr* were patent eligible because they improved an existing technological process”).

In contrast to *BASCOM*, the claims here do not cover a technology-based solution that improves an existing technological process. Ans. 5–9; *see* 2nd Adv. Act. 2. Among other things, they do not require any uncommon computer arrangements or any unconventional network configurations. As the Examiner reasons, “the present invention utilizes the computer network to provide a specific business benefit of managing cost.” Ans. 7. “[C]laiming the improved speed or efficiency inherent with applying the abstract idea on a computer” does not “provide a sufficient inventive concept.” *Intellectual Ventures*, 792 F.3d at 1367.

#### SUMMARY FOR INDEPENDENT CLAIMS 1, 4, AND 13

For the reasons discussed above, Appellants’ arguments have not persuaded us of any error in the Examiner’s findings or conclusions under *Mayo/Alice* step one or step two. Hence, we sustain the § 101 rejection of claims 1, 4, and 13.

DEPENDENT CLAIMS 2, 3, 5–9, 11, 12, 14, AND 16–25

Appellants do not argue patentability separately for dependent claims 2, 3, 5–9, 11, 12, 14, and 16–25. App. Br. 12–40; Reply Br. 2–16; *see In re Lovin*, 652 F.3d 1349, 1357 (Fed. Cir. 2011) (explaining that the applicable rules “require more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion” of patentability). Because Appellants do not argue the claims separately, we sustain the § 101 rejection of claims 2, 3, 5–9, 11, 12, 14, and 16–25 for the same reasons as the independent claims. *See* 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We affirm the Examiner’s decision to reject claims 1–9, 11–14, and 16–25 under 35 U.S.C. § 101.

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED