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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* TRACEY R. THOMAS

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Appeal 2017-004827  
Application 12/852,122  
Technology Center 3600

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Before THU A. DANG, JOHN A. EVANS, and  
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant<sup>1</sup> seeks our review under 35 U.S.C. § 134(a) from the Final Rejection of claims 1, 4–11, 13–15, and 17–23, i.e., all pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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<sup>1</sup> Appellant identifies the real party in interest as Gula Consulting Limited Liability Company. App. Br. 2.

## STATEMENT OF THE CASE

### *The Invention*

According to the Specification, the “invention relates generally to money management, and more particularly, to the hierarchical distribution of income among a user’s savings account and a user’s debts, wherein the distribution may include various forms of transferring funds.” Spec. ¶ 2.<sup>2</sup> The Specification explains that a system “provides recommendations related to the prioritization of paying certain bills and the amount to pay for each bill based upon, for example, savings goals, a community recommendation, minimizing penalties/fees associated with [a] user’s debts, minimum amounts due, due dates and available income,” and then the system and/or the user “determine[s] a payment hierarchy.” Abstract.

### *Exemplary Claims*

Independent claims 1 and 21 exemplify the claims at issue and read as follows:

1. A method in a computer-based system for providing automated payment hierarchy recommendations, the method comprising:
  - a first subset of hardware and non-generic software components of the computer-based system analyzing layaway information indicating a layaway purchase by a user to determine a layaway payment based on the layaway information;

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<sup>2</sup> This decision uses the following abbreviations: “Spec.” for the Specification, filed August 6, 2010; “Final Act.” for the Final Office Action, mailed January 7, 2016; “App. Br.” for the Appeal Brief, filed August 18, 2016; “Ans.” for the Examiner’s Answer, mailed December 2, 2016; and “Reply Br.” for the Reply Brief, filed February 2, 2017.

a second subset of hardware and non-generic software components of the computer-based system analyzing user debt information for the user to determine a plurality of pending debt payments;

a third subset of hardware and non-generic software components of the computer-based system determining an associated penalty for each of the plurality of pending debt payments;

a fourth subset of hardware and non-generic software components of the computer-based system determining a recommended payment hierarchy based on the layaway payment, the plurality of pending debt payments, and the associated penalties, wherein the recommended payment hierarchy prioritizes the layaway payment and the plurality of pending debt payments, wherein the recommended payment hierarchy includes recommended payment amounts and recommended payment dates for the layaway payment and the plurality of pending debt payments;

a fifth subset of hardware and non-generic software components of the computer-based system receiving, from a web client of a user computing device, a secured communication request for the recommended payment hierarchy, wherein the secured communication request is transmitted via an encrypted communications channel;

responsive to the secured communication request, a sixth subset of hardware and non-generic software components of the computer-based system transmitting the recommended payment hierarchy to the user computing device via the encrypted communications channel; and

a seventh subset of hardware and non-generic software components of the computer-based system modifying the recommended payment hierarchy based on user input received via the encrypted communications channel that is responsive to the recommended payment hierarchy.

21. A non-transitory, tangible computer readable medium storing instructions executable by a computer-based automated payment hierarchy recommendation system to cause the computer-based system to perform non-generic operations comprising:

analyzing layaway information indicating a layaway purchase by a user to determine a layaway payment based on the layaway information;

analyzing user debt information for the user to determine a plurality of pending debt payments;

determining an associated penalty for each of the plurality of pending debt payments;

determining a payment hierarchy based on the layaway payment, the plurality of pending debt payments, and the associated penalties, wherein the payment hierarchy prioritizes the layaway payment and the plurality of pending debt payments, wherein the recommended payment hierarchy includes recommended payment amounts and recommended payment dates for the layaway payment and the plurality of pending debt payments;

receiving, from a web client of a user computing device, a secured communication request for the recommended payment hierarchy, wherein the secured communication request is transmitted via an encrypted communications channel;

responsive to the secured communication request, transmitting the recommended payment hierarchy to the user computing device via the encrypted communications channel;  
and

modifying the recommended payment hierarchy based on user input received via the encrypted communications channel responsive to the recommended payment hierarchy.

App. Br. 16–17, 20 (Claims App'x).

*The Rejection on Appeal*

Claims 1, 4–11, 13–15, and 17–23 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Final Act. 2–6.

ANALYSIS

We have reviewed the rejection in light of Appellant’s 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. 2–25) and Answer (Ans. 2–5). We add the following to address and emphasize specific findings and arguments.

*The § 101 Rejection of Claims 1, 4–11, 13–15, and 17–23*

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. *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). 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).

#### A PRIMA FACIE CASE OF INELIGIBILITY

Appellant notes that the “Office unambiguously stated” that “[e]very claim must be examined individually, based on the particular elements recited therein, and should not be judged to automatically stand or fall with similar claims in an application.” App. Br. 9 (quoting 2014 Interim Guidance on Patent Subject Matter Eligibility, 79 Fed. Reg. 74,618, 74,624

(Dec. 16, 2014) (“2014 Guidance”)) (emphasis omitted); *see* Reply Br. 2. Appellant then contends that the Examiner “offers only a cursory analysis of the pending independent claims, and does not address the dependent claims at all beyond asserting that they are rejected under § 101.” App. Br. 9 (citing Final Act. 2–5); *see* Reply Br. 2–3. Appellant asserts that: (1) “the dependent claims stand rejected based on no record whatsoever”; and (2) this “impermissibly shifts the burden” to Appellant to establish eligibility. App. Br. 10.

Appellant’s arguments do not persuade us of Examiner error. The 2014 Guidance provides “[e]xamination guidance.” 79 Fed. Reg. at 74,619. It does not impose requirements on Examiners. Thus, an Examiner’s failure to follow the Director’s guidance is appealable only to the extent there has been a failure to follow statutory or decisional law. If the Director’s guidance exceeds statutory or decisional law with additional restrictions, an Examiner’s failure to comply with those additional restrictions is a matter for petition to the Director.

Further, the Federal Circuit has repeatedly explained that “the prima facie case is merely a procedural device that enables an appropriate shift of the burden of production.” *Hyatt v. Dudas*, 492 F.3d 1365, 1369 (Fed. Cir. 2007) (citing *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992)). The “PTO carries its procedural burden of establishing a prima facie case when its rejection satisfies 35 U.S.C. § 132, in ‘notify[ing] the applicant . . . [by] stating the reasons for [its] rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of [the] application.’” *In re Jung*, 637 F.3d 1356, 1362 (Fed. Cir. 2011) (quoting 35 U.S.C. § 132) (alterations

in original). The PTO violates § 132 “when a rejection is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection.” *Chester v. Miller*, 906 F.2d 1574, 1578 (Fed. Cir. 1990). But if the PTO “adequately explain[s] the shortcomings it perceives . . . the burden shifts to the applicant to rebut the prima facie case with evidence and/or argument.” *Hyatt*, 492 F.3d at 1370.

We conclude that the Final Office Action adequately explains the § 101 rejection. *See* Final Act. 2–25. The Examiner determines that claims 1, 4–11, 13–15, and 17–23 “are directed to the abstract idea of analyzing layaway information and user pending debt payments.” Final Act. 2, 4, 9, 23–24; *see* Ans. 2–3. The Examiner explains that the claims encompass a “longstanding commercial practice” and method of organizing human activity. Final Act. 2–3, 9, 22, 24–25.

The Examiner also determines that the “the claimed hardware is generic hardware that nearly every computer will include” and the data-processing limitations “do[] no more than require a generic computer to perform generic computer functions.” Final Act. 4; *see* Ans. 2–3. The Examiner explains that: (1) “[c]onsidered as an ordered combination, the computer components of the method add nothing that is not already present when the steps are considered separately, and thus simply recite the concept of analyzing layaway information and user pending debt payments as performed by a generic computer”; and (2) “the system claims are no different from the method claims in substance” because they “recite a handful of generic computer components configured to implement the same idea.” Final Act. 4–5.

The Examiner’s statements satisfy § 132 because they apply the *Mayo/Alice* analytical framework and apprise Appellant of the reasons for the § 101 rejection under that framework. As discussed in more detail below, Appellant recognizes the Examiner’s *Mayo/Alice* analysis and presents arguments regarding each step. *See* App. Br. 10–14. Appellant does not respond by alleging a failure to understand the rejection. *Id.*

*MAYO/ALICE* STEP ONE

Appellant quotes a May 2016 Memorandum from Deputy Commissioner Bahr (“May 2016 Update”) that provides examination instructions, i.e., “[t]he rejection must identify the specific claim limitations and explain why those claim limitations set forth a judicial exception.” App. Br. 10 (quoting May 2016 Update 2) (emphasis added by Appellant and emphasis in original removed by Appellant). Appellant argues that the Examiner fails to “identif[y] the alleged abstract idea(s) in the claims with the particularity required by the May 2016 Update.” *Id.* (emphasis omitted).

Appellant’s argument does not persuade us of Examiner error because we agree with the Examiner that the claims “are directed to the abstract idea of analyzing layaway information and user pending debt payments.” Final Act. 2, 4, 9, 23–24; *see* Ans. 2–3. The Examiner accurately assesses the “focus” of the claims and their “character as a whole.” *See Elec. Power Grp.*, 830 F.3d at 1353.

We also agree with the Examiner that the claims encompass a “longstanding commercial practice” and method of organizing human activity. Final Act. 2–3, 9, 22, 24–25. The claims recite a series of steps for generating and communicating a recommended payment plan. App. Br. 16–21. 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”).

In addition, the claims cover data collection, manipulation, and communication. App. Br. 16–21 (Claims App’x). The Federal Circuit has ruled that claims covering data collection, manipulation, and communication were directed to abstract ideas. *See, e.g., SAP Am., Inc. v. Investpic, LLC*, No. 2017-2081, 2018 WL 2207254, at \*2, 4–5 (Fed. Cir. May 15, 2018); *Smart Sys. Innovations, LLC v. Chi. Transit Auth.*, 873 F.3d 1364, 1368–73 (Fed. Cir. 2017); *Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1047, 1054–56 & n.6 (Fed. Cir. 2017); *Elec. Power Grp.*, 830 F.3d at 1351–54.

Further, in rejecting the claims under § 101, the Examiner identifies the following claim limitations:

analyzing layaway information, indicating a layaway purchase by a user . . . determine a layaway payment based on the layaway information, analyzing user debt information . . . determining an a [sic] plurality of pending debt payments, determining an associated penalty . . . , determine a recommended payment hierarchy . . . payment hierarchy prioritizes the layaway payments and pending debt payments, . . . recommended payment amounts and recommended payment dates for the layaway payment and the pending debt payments, receiving secure communication request for the

recommended payment hierarchy . . . the secured communication request is transmitted via an encrypted communications channel, responsive to the secured communication request, transmitting the recommended payment hierarchy to the user . . . , and modifying the recommended payment hierarchy based on user input . . . .

Final Act. 3–4.

*MAYO/ALICE* STEP TWO

Appellant asserts that claim 21 is representative of the claims at issue and that the other claims “stand or fall with representative claim 21.” App. Br. 7. Appellant argues that the Examiner “fails to provide a reasoned explanation that supports the conclusion that the additional elements individually and in combination with each other are ‘well-understood, routine, conventional elements.’” App. Br. 11; *see* Reply Br. 2–3.

We disagree. The Examiner quotes the Specification and explains how the Specification supports the conclusion concerning the additional elements. Final Act. 9–20. The Specification demonstrates that the additional elements are conventional to a skilled artisan. *See, e.g.*, Spec. ¶¶ 144, 150–151, 154–155, 165–166.

As additional elements, claim 21 recites “a web client of a user computing device” and “an encrypted communications channel.” App. Br. 20 (Claims App’x); *see* Final Act. 9–10, 22. The Specification describes a “web client” as: (1) “any hardware and/or software suitably configured to facilitate input, receipt and/or review of any information” discussed in the Specification; (2) “any device (e.g., personal computer, mobile device, phone, etc.) which communicates via any network”; and (3) “any suitable personal computer, network computer, workstation, personal digital assistant, cellular phone, smart phone, minicomputer, mainframe or the

like.” Spec. ¶¶ 150–151; *see* Final Act. 10–11. The Specification notes that a “web client” may include “conventional” software “typically associated with computers.” Spec. ¶ 151; *see* Final Act. 11.

The Specification describes a “user computing device” as a “computing unit in the form of a personal computer” and “computing units” including “laptops, notebooks, hand held computers, set-top boxes, cellular telephones, touch-tone telephones and the like.” Spec. ¶ 166; *see id.* ¶ 150; Final Act. 17–18. The Specification notes that a “user computer” may include a commercially available operating system and “conventional” software “typically associated with computers.” Spec. ¶ 154; *see* Final Act. 13.

Further, the Specification explains that “the present invention” may employ: (1) a wide variety of commonly used “communication channels, such as, for example, a telephone network, an extranet, an intranet, Internet, point of interaction device (point of sale device, personal digital assistant, cellular phone, kiosk, etc.), online communications, off-line communications, wireless communications, transponder communications, local area network (LAN), [and] wide area network (WAN)”;

and (2) “any number of conventional techniques for data transmission, signaling, data processing, network control, and the like.” Spec. ¶¶ 155, 165; *see id.* ¶ 144; Final Act. 13, 17. The Specification notes that “information related to the protocols, standards, and application software utilized in connection with the Internet is generally known to those skilled in the art.” Spec. ¶ 155; *see* Final Act. 14. The Specification cites three textbooks concerning “cryptography and network security”: (1) Bruce Schneier, *Applied Cryptography: Protocols, Algorithms, and Source Code in C* (2d ed. 1996);

Appeal 2017-004827  
Application 12/852,122

(2) Jonathan Knudson, *Java Cryptography* (1998); and (3) William Stallings, *Cryptography and Network Security: Principles and Practice* (3d ed. 1999). Spec. ¶ 165; see Final Act. 17.

Appellant does not address the Examiner’s discussion of the Specification. App. Br. 10–14; Reply Br. 2–3; see Final Act. 10–20.

Court decisions have recognized that generic computer components operating to collect, manipulate, and communicate data are well understood, routine, and conventional to a skilled artisan. See, e.g., *Alice*, 134 S. Ct. at 2360; *SAP Am.*, 2018 WL 2207254, at \*2, 6; *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, Inc. v. Hulu, LLC*, 772 F.3d 709, 715–16 (Fed. Cir. 2014); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014); *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App’x 988, 993 (Fed. Cir. 2014).

Appellant also contends that “the fact that no prior art rejections have been advanced against the claims” demonstrates that “the claims as a whole are novel and nonobvious, and therefore not ‘conventional.’” App. Br. 11–12 (emphasis omitted). According to Appellant, to the extent claim 21 recites “claim elements [that] are novel and non-obviousness, the claim elements are similarly non-conventional and non-generic.” *Id.* at 12 (emphasis omitted). Further, Appellant asserts that claim 21 “provides an improvement in the technological field of computer-based automatic bill payment systems.” *Id.*

Appellant’s arguments do not persuade us of Examiner error. “The search for a § 101 inventive concept is . . . distinct from demonstrating § 102

novelty.” *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016); see *Diehr*, 450 U.S. at 188–89; *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). Further, 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*, 772 F.3d. at 714–16; see Ans. 3–4 (quoting *Ultramercial*, 772 F.3d. at 715).

Thus, claim 21’s alleged novelty, nonobviousness, and benefits fail to provide an “inventive concept” needed to satisfy *Mayo/Alice* step two. As the Examiner determines, the claims lack additional elements “amount[ing] to significantly more than the judicial exception because although a computer (i.e. a memory and processor(s)) acts to perform the claimed method, the claims do no more than implement analyzing layaway information and user pending debt payments on a generic computer.” Final Act. 3.

Moreover, the claims automate steps for generating a recommended payment plan.<sup>3</sup> *See* Ans. 4. The “mere automation of manual processes using generic computers does not constitute a patentable improvement in computer technology.” *Credit Acceptance*, 859 F.3d at 1055.

Appellant further “asserts that the present claims do not preempt the alleged abstract idea,” “do not preempt the use of the abstract idea on the Internet or on generic computer components performing conventional activities,” and “do not preempt every possible layaway system.” App. Br. 13 (quoting *BASCOM*, 827 F.3d at 1352).

Appellant’s assertions do not persuade us of Examiner error. *See* Ans. 5 (addressing preemption). While preemption may denote patent ineligibility, its absence does not demonstrate patent eligibility. *See FairWarning, IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1098 (Fed. Cir. 2016). For claims covering a patent-ineligible concept, preemption concerns

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<sup>3</sup> In the event of continued prosecution, the Examiner should consider (1) the applicability of 35 U.S.C. § 112 ¶ 6 to the limitations in the system and computer-readable medium claims and (2) whether under 35 U.S.C. § 112 ¶ 2 the Specification discloses adequate corresponding structure, e.g., a suitable algorithm, for accomplishing the functions assigned to each limitation, e.g., the “determining a payment hierarchy” limitation. *See, e.g., Advanced Ground Info. Sys., Inc. v. Life360, Inc.*, 830 F.3d 1341, 1349–50 (Fed. Cir. 2016); *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1348–54 (Fed. Cir. 2015) (en banc in relevant part); *EON Corp. IP Holdings LLC v. AT&T Mobility LLC*, 785 F.3d 616, 624 (Fed. Cir. 2015). Where a means-plus-function limitation recites two or more functions, the specification “must disclose adequate corresponding structure to perform *all* of the claimed functions.” *Media Rights Techs., Inc. v. Capital One Fin. Corp.*, 800 F.3d 1366, 1374 (Fed. Cir. 2015); *see Williamson*, 792 F.3d at 1351–52; *see also Noah Sys., Inc. v. Intuit Inc.*, 675 F.3d 1302, 1318–19 (Fed. Cir. 2012) (means-plus-function limitation specifying two functions).

“are fully addressed and made moot” by an analysis under the *Mayo/Alice* framework. *Ariosa*, 788 F.3d at 1379.

*BASCOM* does not help Appellant. There, the claims 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. *See* Final Act. 4, 9–10, 25. Among other things, they do not require any unconventional network configurations or any uncommon communications. “[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 the reasons discussed above, Appellant’s 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, 4–11, 13–15, and 17–23.

Appeal 2017-004827  
Application 12/852,122

DECISION

We affirm the Examiner's decision to reject claims 1, 4–11, 13–15, and 17–23 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