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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte BENOIT ANDRE LAMOUR
and ANAIS FABIENNE CHRISTIANE DONY

Appeal 2017-005911
Application 14/341,078[1]
Technology Center 3600

Before ANTON W. FETTING, AMEE A. SHAH, and
MATTHEW S. MEYERS, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

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[1] According to Appellants, the real party in interest is LIFFE Administration and Management, Inc. App. Br. 1.

DECISION ON APPEAL

STATEMENT OF THE CASE[2]

Benoit Andre Lamour and Anais Fabienne Christiane Dony (Appellants) seek review under 35 U.S.C. § 134 of a final rejection of claims 1–32, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

The Appellants invented a way of providing new products and trading strategies for expanding exchange for physicals ("EFP") transactions into new markets. Specification para. 1.

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below (bracketed matter and some paragraphing added).

> 1. A method for performing an exchange for physicals (EFP) transaction as a part of a straight-through (STP) procedure, the method comprising:
>
> [1] generating, by a matching engine module of an electronic exchange in communication with a processor, EFP data comprising an amount of securities to be traded and a price;
>
> [2] automatically activating, by the matching engine module, a price allocation module when the EFP data is generated, the activated price allocation module comprising specialized instructions that, when executed, cause the price allocation module to perform the functions of:

[2] Our decision will make reference to the Appellants' Appeal Brief ("App. Br.," filed September 14, 2016) and Reply Brief ("Reply Br.," filed February 28, 2017), and the Examiner's Answer ("Ans.," mailed December 29, 2016), and Final Action ("Final Act.," mailed April 14, 2016).

> [3] calculating a first delta percentage between the EFP data and an index based on the amount, the price, and an index value;
>
> [4] calculating a residual delta based on the first delta percentage and an index notional value;
>
> and
>
> [5] attributing the residual delta to the securities to form modified EFP data;
>
> [6] generating, by the matching engine module, at least one EFP transaction based on the modified EFP data responsive to the price allocation module forming the modified EFP data, each of the at least one EFP transaction comprising a futures leg and a cash leg;
>
> and
>
> [7] automatically executing and settling the futures leg and the cash leg of each of the at least one EFP transaction as part of the straight-through processing (STP) procedure.

Claims 1–32 stand rejected under 35 U.S.C. § 101 as directed to a judicial exception without significantly more.

ISSUES

The issues of eligible subject matter turn primarily on whether the claims recite more than abstract conceptual advice of what a computer is to provide without implementation details.

ANALYSIS

STEP 1[3]

Claim 1, as a method claim, recites one of the enumerated categories of eligible subject matter in 35 U.S.C. § 101. The issue before us is whether it is directed to a judicial exception without significantly more.

STEP 2

The Supreme Court

> set forth a framework for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts. First, . . . determine whether the claims at issue are directed to one of those patent-ineligible concepts. If so, . . . then ask, "[w]hat else is there in the claims before us? To answer that question, . . . consider the elements of each claim both individually and "as an ordered combination" to determine whether the additional elements "transform the nature of the claim" into a patent-eligible application. [The Court] described step two of this analysis as a search for an "'inventive concept'"—*i.e.,* an element or combination of elements that is "sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself."

Alice Corp., Pty. Ltd. v CLS Bank Intl, 573 U.S. 208, 217–18 (2014) (citations omitted) (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66 (2012)). To perform this test, we must first determine what the claims are directed to. This begins by determining whether the claims recite one of the judicial exceptions (a law of nature, a natural phenomenon, or an abstract idea). Then, if the claims recite a judicial exception, determining whether the claims at issue are directed to the recited

[3] For continuity of analysis, we adopt the steps nomenclature from 2019 Revised Patent Subject Matter Eligibility Guidance, 84 FR 50 (Jan. 7, 2019).

judicial exception, or whether the recited judicial exception is integrated into a practical application of that exception. If the claims are directed to a judicial exception, we then finally determine whether the claims provide an inventive concept because the additional elements recited in the claims provide significantly more than the recited judicial exception.

STEP 2A Prong 1

Method claim 1 recites generating EFP data, using a price module to calculate data, generating transaction data, and generating trade execution and settlement data. Trade data are transactional data and so generation is by way of reception from the transaction. Thus, claim 1 recites receiving, analyzing, modifying, and transmitting data. None of the limitations recite technological implementation details for any of these steps, but instead recite only functional results to be achieved by any and all possible means. From this we see that claim 1 does not recite the judicial exceptions of either natural phenomena or laws of nature. The next issue is whether it recites the judicial exception of an abstract idea. To answer this, we next determine whether it recites one of the concepts the Courts have held to be lacking practical application, *viz.* mathematical concepts[4], certain methods of organizing human interactions[5], including fundamental economic practices and business activities, or mental processes[6].

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[4] *See e.g.*, *Gottschalk v. Benson*, 409 U.S. 63, 71–72 (1972); *Bilski v. Kappos*, 561 U.S. 593, 611 (2010); *Mackay Radio & Tel. Co. v. Radio Corp. of Am.*, 306 U.S. 86, 94 (1939); *SAP Am. Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018).

[5] *See e.g.*, *Bilski*, 561 U.S. at 628; *Alice*, 573 U.S. at 219–20; *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed Cir. 2014); *Smart Sys. Innovations, LLC v. Chicago Transit Auth.*, 873 F.3d 1364, 1383 (Fed. Cir.

The Examiner determines the claims to be directed to a method of organizing human activities, a fundamental economic practice, and a mathematical relationship or formula. Final Act. 3.

The preamble to claim 1 recites that it is a method for performing an exchange for physicals (EFP) transaction as a part of a straight-through (STP) procedure. The steps in claim 1 result in pricing, executing, and settling a financial instrument trade absent any technological mechanism other than a conventional computer for doing so.

As to the specific limitations, limitation 1 recites conventional receiving of EFP data, which advises one to apply generic functions to get to these results. Limitations 2–7 are the only steps associated with performing what the claim produces and recite a process to perform calculations (steps 2–5), generate transaction data (step 6), and submit the transaction data to a conventional trade process (step 7). These steps simply submit computed trade data to some generic unspecified trading process. To advocate submitting computed trade data to some generic unspecified trading process is conceptual advice for results to be obtained and not technological operations. That the process results in an executed trade is not sufficient to be more than the abstract idea of making a trade.

The Specification at para. 1 recites that the invention relates to providing new products and trading strategies for expanding EFP

2017); *In re Marco Guldenaar Holding B.V.*, 2018 WL 6816331 (Fed. Cir. 2018).

[6] *See e.g.*, *Benson*, 409 U.S. at 67; *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1371–1372 (Fed. Cir. 2011); *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016).

transactions into new markets. Thus, all this evidence shows that claim 1 is directed to pricing, executing, and settling a financial instrument trade, i.e. financial instrument trading. This is consistent with the Examiner's determination.

The concept of financial instrument trading is a fundamental economic practice long prevalent in our system of commerce. The use of financial instrument trading is also a building block of ingenuity in financial management. Thus, financial instrument trading is an example of a conceptual idea subject to the Supreme Court's "concern that patent law not inhibit further discovery by improperly tying up the future use of these building blocks of human ingenuity." *See Alice*, 573 U.S. at 216 (internal quote omitted). Claim 1 recites the idea of performing various conceptual steps generically resulting in the financial instrument trading. As we determined earlier, none of these steps recite specific technological implementation details, but instead get to this result by advising one to perform the steps by computer and use some particular pricing and allocation formula. Thus, claim 1 is directed to financial instrument trading, which is a fundamental economic practice.

This in turn is an example of fundamental economic principles or practices and commercial or legal interactions as a certain method of organizing human interactions, because financial instrument trading is the most pervasive financial services practice and creates both a commercial and legal interaction between trading parties.

The concept of financial instrument trading as advised to be done by performing the steps by computer and using some particular pricing and

allocation formula is an idea for how to induce participants to trade. The steps recited in claim 1 are part of the trading process between parties.

Our reviewing court has found claims to be directed to abstract ideas when they recited similar subject matter. *Alice*, 573 U.S. at 221 (intermediated settlement); *Bilski*, 561 U.S. at 611–6112 (risk hedging).

Alternately, this is an example of concepts performed in the human mind as mental processes because the steps of receiving, analyzing, modifying, and transmitting data mimic human thought processes of observation, evaluation, judgment, and opinion, perhaps with paper and pencil, where the data interpretation is perceptible only in the human mind. *See In re TLI Commc'ns LLC Patent Litig.*, 823 F.3d 607, 613 (Fed. Cir. 2016); *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1093–94 (Fed. Cir. 2016). Claim 1, unlike the claims found non-abstract in prior cases, uses generic computer technology to perform data reception, analysis, modification, and transmission and does not recite an improvement to a particular computer technology. *See, e.g.*, *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314–15 (Fed. Cir. 2016) (finding claims not abstract because they "focused on a specific asserted improvement in computer animation"). As such, claim 1 is directed to the abstract idea of receiving, analyzing, modifying, and transmitting data, and not a technological implementation or application of that idea.

Alternately, this is an example of a mathematical concept because the steps of calculating a first delta percentage between the EFP data and an index based on the amount, the price, and an index value and calculating a residual delta based on the first delta percentage and an index notional value

perform a mathematical algorithm. The remaining steps are mere data gathering and incidental post processing steps.

From this we conclude that at least to this degree, the claims are directed to the abstract idea of financial instrument trading by advising one to perform the steps by computer and use some particular pricing and allocation formula.

STEP 2A Prong 2

The next issue is whether the claims not only recite, but are more precisely directed to this concept itself or whether they are instead directed to some technological implementation or application of, or improvement to, this concept, i.e. integrated into a practical application.[7]

> At the same time, we tread carefully in construing this exclusionary principle lest it swallow all of patent law. At some level, "all inventions ... embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas." Thus, an invention is not rendered ineligible for patent simply because it involves an abstract concept. "[A]pplication[s]" of such concepts " 'to a new and useful end,' " we have said, remain eligible for patent protection.
>
> Accordingly, in applying the § 101 exception, we must distinguish between patents that claim the " 'buildin[g] block[s]' " of human ingenuity and those that integrate the building blocks into something more.

Alice, 573 U.S. at 217 (citations omitted).

The introduction of a computer into the claims does not alter the analysis at *Mayo* step two.

> the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention. Stating an abstract idea "while adding the words 'apply it' " is

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[7] *See, e.g.*, *Alice*, 573 U.S. at 223, discussing *Diamond v. Diehr*, 450 U.S. 175 (1981).

> not enough for patent eligibility. Nor is limiting the use of an abstract idea "'to a particular technological environment.' " Stating an abstract idea while adding the words "apply it with a computer" simply combines those two steps, with the same deficient result. Thus, if a patent's recitation of a computer amounts to a mere instruction to "implement[t]" an abstract idea "on … a computer," that addition cannot impart patent eligibility. This conclusion accords with the preemption concern that undergirds our § 101 jurisprudence. Given the ubiquity of computers, wholly generic computer implementation is not generally the sort of "additional featur[e]" that provides any "practical assurance that the process is more than a drafting effort designed to monopolize the [abstract idea] itself."

Alice, 573 U.S. at 223–24 (citations omitted).

"[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." *Alice*, 573 U.S. at 225. They do not.

Taking the claim elements separately, the function performed by the computer at each step of the process is purely functional, devoid of implementation details. Step 1 is a pure data gathering step. Limitations describing the nature of the data do not alter this. Steps 6 and 7 are insignificant post solution activity, such as storing, transmitting, or displaying the results. Although step 7 recites executing a trade, this is no more than an insignificant advisory step to perform a generic human organization function of trading. Steps 2–5 recite generic computer processing expressed in functional terms to be performed by any and all possible means and so present no more than abstract conceptual advice. All purported inventive aspects reside in how the data is interpreted and the results desired, and not in how the process physically enforces such a data

interpretation or in how the processing technologically achieves those results.

Viewed as a whole, Appellants' method claims simply recite the concept of financial instrument trading as performed by a generic computer. To be sure, the claims recite doing so by advising one to perform the steps by computer and use some particular pricing and allocation formula. But this is no more than abstract conceptual advice on the parameters for such financial instrument trading and the generic computer processes necessary to process those parameters, and does not recite any particular implementation.

The method claims do not, for example, purport to improve the functioning of the computer itself. Nor do they affect an improvement in any other technology or technical field. The 13 pages of specification spell out different generic equipment[8] and parameters that might be applied using this concept and the particular steps such conventional processing would entail based on the concept of financial instrument trading under different scenarios. They do not describe any particular improvement in the manner a computer functions. Instead, the claims at issue amount to nothing significantly more than an instruction to apply the abstract idea of financial instrument trading by advising one to perform the steps by computer and use some particular pricing and allocation formula using some unspecified, generic computer. Under our precedents, that is not enough to transform an abstract idea into a patent-eligible invention. *See Alice*, 573 U.S. at 225–26.

None of the limitations reflect an improvement in the functioning of a computer, or an improvement to other technology or technical field, apply or

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[8] The Specification describes using any programmable machine or machines capable of performing arithmetic and/or logical operations. Spec. para. 10.

use a judicial exception to affect a particular treatment or prophylaxis for a disease or medical condition, implement a judicial exception with, or use a judicial exception in conjunction with, a particular machine or manufacture that is integral to the claim, affect a transformation or reduction of a particular article to a different state or thing, or apply or use the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

We conclude that claim 1 is directed to advising one to perform the steps by computer and use some particular pricing and allocation formula to achieve the functional result of financial instrument trading as distinguished from a technological improvement for achieving or applying that result. The claim does not integrate the judicial exception into a practical application.

STEP 2B

The next issue is whether the claims provide an inventive concept because the additional elements recited in the claims provide significantly more than the recited judicial exception. Taking the claim elements separately, the function performed by the computer at each step of the process is purely conventional. Using a computer for receiving, analyzing, modifying, and transmitting data amounts to electronic data query and retrieval—one of the most basic functions of a computer. All of these computer functions are generic, routine, conventional computer activities that are performed only for their conventional uses. *See Elec. Power Grp. v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). *See also In re Katz*

Interactive Call Processing Patent Litig., 639 F.3d 1303, 1316 (Fed. Cir. 2011) ("Absent a possible narrower construction of the terms 'processing,' 'receiving,' and 'storing,' . . . those functions can be achieved by any general purpose computer without special programming"). None of these activities are used in some unconventional manner nor do any produce some unexpected result. Appellants do not contend they invented any of these activities. In short, each step does no more than require a generic computer to perform generic computer functions. As to the data operated upon, "even if a process of collecting and analyzing information is 'limited to particular content' or a particular 'source,' that limitation does not make the collection and analysis other than abstract." *SAP Am.*, 898 F.3d at 1168.

Considered as an ordered combination, the computer components of Appellants' method claims add nothing that is not already present when the steps are considered separately. The sequence of data reception-analysis-modification-transmission is equally generic and conventional or otherwise held to be abstract. *See Ultramercial*, 772 F.3d at 715 (sequence of receiving, selecting, offering for exchange, display, allowing access, and receiving payment recited an abstraction), *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378 (Fed. Cir. 2017) (sequence of data retrieval, analysis, modification, generation, display, and transmission), *Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1339 (Fed. Cir. 2017) (sequence of processing, routing, controlling, and monitoring). The ordering of the steps is therefore ordinary and conventional.

We conclude that the claims do not provide an inventive concept because the additional elements recited in the claims do not provide significantly more than the recited judicial exception.

REMAINING CLAIMS

The remaining method claims merely describe process parameters. We conclude that the method claims at issue are directed to a patent-ineligible concept itself, and not to the practical application of that concept.

As to the structural claims, they

> are no different from the method claims in substance. The method claims recite the abstract idea implemented on a generic computer; the system claims recite a handful of generic computer components configured to implement the same idea. This Court has long "warn[ed] ... against" interpreting § 101 "in ways that make patent eligibility 'depend simply on the draftsman's art.'

Alice, 573 U.S. at 226. As a corollary, the claims are not directed to any particular machine.

LEGAL CONCLUSION

From these determinations we further determine that the claims do not recite an improvement to the functioning of the computer itself or to any other technology or technical field, a particular machine, a particular transformation, or other meaningful limitations. From this we conclude the claims are directed to the judicial exception of the abstract idea of financial instrument trading, without significantly more.

APPELLANTS' ARGUMENTS

As to Appellants' Appeal Brief arguments, we adopt the Examiner's determinations and analysis from Final Action 3–6 and Answer 3–5 and reach similar legal conclusions. We now turn to the Reply Brief.

We are not persuaded by Appellants' argument that

> the Examiner explicitly acknowledges that the claims include unconventional steps that provide improvements to a specific field (e.g., electronic trading systems). However, the Examiner does not appear to recognize that by virtue of these acknowledgements, the claims are statutory under the USPTO's own guidelines. In addition, the Examiner is also failing to recognize that this "field" is indeed a technical field, that the improvements provided by Appellant's invention are indeed computer functioning improvements and that the claims are clearly directed to a technological solution to a technical problem.

Reply Br. 3 (emphasis omitted). Abstract ideas may be useful, new and non-obvious. They are still abstract ideas. "A claim for a new abstract idea is still an abstract idea. The search for a § 101 inventive concept is thus distinct from demonstrating § 102 novelty." *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (emphasis omitted). .

The field of securities trading is not a technical field. It is a field in finance, itself among the hallmarks of abstractions. The claims recite no technological implementation details, except for abstract mathematical formulas. "Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract." *RecogniCorp, LLC v. Nintendo Co., Ltd.*, 855 F.3d 1322, 1327 (2017). The claims only recite a trading system to the extent the claims call for applying the abstract idea on such a system by any and all possible means.

We are not persuaded by Appellants' argument that

> by oversimplifying the claims to an "abstract idea of performing exchange of physicals," the Examiner fails to account for the specific requirements of the claims. Instead, the Examiner merely identifies an alleged abstract idea and characterizes the entirety of the claims as "using conventional generic computer functions." Such a characterization is improper. Appellant respectfully notes for the Board that the Federal Courts have repeatedly cautioned against oversimplifying the claims by looking at them generally and failing to account for the specific requirements of the claims (*see, e.g.*, *McRO* at 21). Additionally, the November 2016 Memo noted that Examiners "should not overgeneralize the claim or simplify it into its 'gist' or core principles, when identifying a concept as a judicial exception."

Reply Br. 3–4 (emphasis omitted). As we determine *supra*, the claims are directed to pricing, executing, and settling a financial instrument trade. The claims recite no technological details, so they cannot be directed to some technological means for pricing, executing, and settling a financial instrument trade. The details Appellants refer to are abstract conceptual advice as to how to price and allocate trades. These are financial steps, not technological steps, and are as abstract as their financial conceptual underpinnings.

> We are not persuaded by Appellants' argument that
>
> the fact that a claimed invention may hypothetically be embodied on otherwise generic computers components does not automatically render the invention ineligible. The proper focus of the analysis should be on whether the claims include an inventive concept, even if it only exists in the implementation and execution of computer software/ instructions.

Reply Br. 4 (emphasis omitted). The premise is good law, but the conclusion does not follow. The proper focus is whether the claim is directed to an abstract idea and the details do no more than recite applying that idea on a generic computer. Again, what Appellants refer to as an

inventive concept contains no technological implementation details, but instead only abstract conceptual advice as to how to price, execute, and settle a financial instrument trade.

We are not persuaded by Appellants' argument that

> Appellant's invention clearly provides an inventive concept (acknowledged by the Examiner on page 3 of the Examiner's Answer and evidenced by the lack of any § 102 or § 103 rejections) that provides computer functioning improvements to a computer system in the context of speed, data throughput, volume capacity and scalability, and adds unconventional limitations that clearly provide improvements to another technical field and effects a transformation.

Reply Br. 5 (emphasis omitted). This is a repetition of the above inventive concept argument and is equally unpersuasive here. As to speed and scalability, this is exactly what a generic computer provides. As the Federal Circuit said in another pricing context:

> At best, the claims describe the automation of the fundamental economic concept of offer-based price optimization through the use of generic-computer functions. Both the prosecution history and the specification emphasize that the key distinguishing feature of the claims is the ability to automate or otherwise make more efficient traditional price-optimization methods. . . . But relying on a computer to perform routine tasks more quickly or more accurately is insufficient to render a claim patent eligible.

OIP Techs., Inc. v. Amazon.com, Inc., 788 F.3d 1359, 1362 (Fed. Cir. 2015).

We are not persuaded by Appellants' argument that

> Appellant's claimed invention explicitly includes and executes a novel set of rules that are used to perform EFP transactions using an entirely electronic STP procedure that can be said to "focus on a specific means or method that improves the relevant technology" and that do not preempt all other rules to achieve the same result deemed patent-eligible in *McRO*.

Reply Br. 5–6. As to the preemption argument, that the claims do not preempt all forms of the abstraction or may be limited to the abstract idea in the e-commerce setting do not make them any less abstract. *See OIP Techs., Inc.*, 788 F.3d at 1360–1361.

Further, "[w]here a patent's claims are deemed only to disclose patent ineligible subject matter under the *Mayo* framework, as they are in this case, preemption concerns are fully addressed and made moot." *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015).

As to the argument regarding *McRO* (Reply Br. 5–6), the instant claims are unlike the *McRO* claims that performed something physical, but instead perform pricing and allocation by mathematical formulas.

> Contrary to InvestPic's contention, the claims here are critically different from those we determined to be patent eligible in *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299 (Fed. Cir. 2016). The claims in *McRO* were directed to the creation of something physical—namely, the display of "lip synchronization and facial expressions" of animated characters on screens for viewing by human eyes. *Id.* at 1313. The claimed improvement was to how the physical display operated (to produce better quality images), unlike (what is present here) a claimed improvement in a mathematical technique with no improved display mechanism. The claims in *McRO* thus were not abstract in the sense that is dispositive here. And those claims also avoided being "abstract" in another sense reflected repeatedly in our cases (based on a contrast not with "physical" but with "concrete"): they had the specificity required to transform a claim from one claiming only a result to one claiming a way of achieving it. *McRO*, 837 F.3d at 1314; *see Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299, 1305–06 (Fed. Cir. 2018); *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1241 (Fed. Cir. 2016); *Affinity Labs of Texas, LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1265 (Fed. Cir. 2016); *see also Two-Way Media*, 874 F.3d at 1337; *Secured Mail Solutions LLC v. Universal Wilde, Inc.*, 873 F.3d 905, 909 (Fed. Cir.

2017); *RecogniCorp*, 855 F.3d at 1326; *Symantec*, 838 F.3d at 1316.

SAP Am., 898 F.3d at 1167–1168.

CONCLUSIONS OF LAW

The rejection of claims 1–32 under 35 U.S.C. § 101 as directed to a judicial exception without significantly more is proper.

DECISION

The rejection of claims 1–32 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) (2011).

AFFIRMED