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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte LI HO, MEDEI KITAGAKI, and BEN CHIEN

Appeal 2017-007508
Application 12/383,454
Technology Center 3600

Before ST. JOHN COURTENAY III, ERIC S. FRAHM, and
JENNIFER S. BISK, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from a Final rejection² of claims 1–5, 7, 10–14, 16, and 20. Claims 6, 8, 9, 15, and 17–19 are cancelled. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We Affirm.

¹ According to Appellants, the real party in interest is Thomson Reuters Global Resources, which is the assignee of the present application. App. Br. 1.

² We herein refer to the Specification, filed Mar. 25, 2009 (“Spec.”); Final Office Action, mailed June 3, 2016 (“Final Act.”); Appeal Brief, filed Nov. 7, 2016 (“App. Br.”); Examiner’s Answer, mailed Feb. 13, 2017 (“Ans.”); and the Reply Brief, filed Apr. 13, 2017 (“Reply Br.”).

STATEMENT OF THE CASE

Introduction

Embodiments of Appellants' invention "relate generally to the technical field of data management, and, in one specific example, to a system and a method for data documentation." Spec. ¶ 2.

Exemplary Claim

1. A computer-implemented method comprising:

creating, by an event history generation module of a computer, by a user representing a tax-paying entity an event history record associated with a tax-related position by the tax-paying entity, the event history record being created by the user entering data related to the tax-related position by use of a graphical user interface generated by a user interface module of the computer;

storing, by the computer, the event history record in an on line analytic processing (OLAP) database accessible by the tax-paying entity, the OLAP database having a set of dimensions comprising an event history dimension, a data set dimension, and a document dimension, the event history record stored in the event history dimension of the database and comprising a set of at least one event including a first event and a set of at least one cross-linking attribute including a first cross-linking attribute;

storing, by the computer, a set of at least one data set including a first data set in a data set table in the data set dimension separate from the event history record in the database;

associating, by an association module of the computer, the first event with the first data set by the first cross-linking attribute, the first data set including tax related data, wherein

the event history record includes attributes associated with the first data set, including a time stamp attribute;

associating, by the association module of the computer, the event history record with multiple versions of the first data set and storing the multiple versions of the first data set in the data set table;

associating, by the association module of the computer, by the user representing the tax-paying entity a first tax related document with the first event and cross-linking the first tax related document with the first event and the first data set by the first crosslinking attribute, the first tax related document being represented within a document table stored in the document dimension of the database separate from the event history record;

storing, by the computer, the tax related document in the database;

storing, by the computer, a reference to the first cross-linking attribute in the document table;

accessing by an event history retrieving module of the computer the event history record in the event history dimension of the database;

modifying the first data set, the modification resulting in a modified first data set, and storing the first modified data set in the data dimension of the database with the first cross-linking attribute;

associating by the association module of the computer a second time stamp attribute with the modified first data set; and

associating by the association module of the computer a second tax related document with the modified first data set using the first cross-linking attribute.

App. Br. 23–24 (Claims Appendix).

Rejection

Claims 1–5, 7, 10–14, 16, and 20 are rejected under 35 U.S.C. § 101, as being directed to a judicial exception, without significantly more.³

Issue on Appeal

Did the Examiner err in rejecting claims 1–5, 7, 10–14, 16, and 20 under 35 U.S.C. § 101, as being directed to a judicial exception, without significantly more?

ANALYSIS

We have considered all of Appellants’ arguments and any evidence presented. We highlight and address specific findings and arguments for emphasis in our analysis below.

35 U.S.C. § 101

Mayo/Alice Analysis

Under 35 U.S.C. § 101, a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” The Supreme Court has “long held that this provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 134 S. Ct. 2347, 2354 (2014) (quoting *Ass’n for*

³ See MANUAL OF PATENT EXAMINING PROCEDURE (MPEP) § 706.03(a) (9th Ed., Rev. 08.2017, Jan. 2018).

Molecular Pathology v. Myriad Genetics, Inc., 569 U.S. 576, 589 (2013)). The Supreme Court in *Alice* reiterated the two-step framework previously set forth in *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66, 82–84 (2012), “for distinguishing patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts.” *Alice*, 134 S. Ct. at 2355.

The first step in that analysis is to determine whether the claims at issue are directed to one of those patent-ineligible concepts, such as an *abstract idea*. Abstract ideas may include, but are not limited to, fundamental economic practices, methods of organizing human activities, an idea of itself, and mathematical formulas or relationships. *Id.* at 2355–57.

If the “acts” of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. *See Gottschalk v. Benson*, 409 U.S. 63, 71–72 (1972). “Phenomena of nature, though just discovered, mental processes, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work.” *In re Ferguson*, 558 F.3d 1359, 1363 (Fed. Cir. 2009) (quoting *Benson*, 409 U.S. at 67). Moreover, if a method can be performed by human thought alone, or by a human using pen and paper, it is merely an abstract idea and is not patent eligible under § 101. *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372–73 (Fed. Cir. 2011).

If the claims are *not directed* to a patent-ineligible concept, *the inquiry ends*. *See Visual Memory LLC v. NVIDIA Corp.*, 867 F.3d 1253, 1262 (Fed. Cir. 2017).

Otherwise, the inquiry proceeds to the second step in which the elements of the claims are considered “individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 134 S. Ct. at 2355 (quoting *Mayo*, 566 U.S. at 79, 78). We consider the question of whether the claims are directed to a *specific improvement* in the capabilities of the computing devices, or, instead, “a process that qualifies as an ‘abstract idea’ for which computers are invoked merely as a tool.” *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016).

We, therefore, decide under step two, whether the claims: (a) set forth an *inventive concept* that provides a specific means or method that *improves* the relevant technology, or (b) are directed to a result or effect that itself is the abstract idea, in which the claims merely invoke generic processes and machinery. *See Enfish*, 822 F.3d at 1336.

The Examiner’s Rejection under 35 U.S.C. § 101

Regarding the first step of the *Alice/Mayo* analysis, the Examiner concludes that claims 1–5, 7, 10–14, 16, and 20 are directed to a judicial exception, i.e., “the abstract idea of event history records, a method of organizing human activities.” Final Act. 2.⁴

Regarding the second step of the *Mayo/Alice* analysis, the Examiner finds the claims do not include additional elements that amount to significantly more than the judicial exception, because: “the generically

⁴ “Patent eligibility under § 101 presents an issue of law.” *Accenture Glob. Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1340–41 (Fed. Cir. 2013).

recited computer elements do not add a meaningful limitation to the abstract idea because the routine data gathering would be routine in any computer implementation.” Final Act. 2.⁵

For the aforementioned reasons, the Examiner concludes that all claims 1–5, 7, 10–14, 16, and 20 on appeal are not patent eligible under 35 U.S.C. § 101.

Mayo/Alice Analysis — Step 1

Regarding *Alice* Step 1, Appellants contend the claims on appeal are not directed to an abstract idea because the “Examiner’s analysis is flawed for failing to accurately summarize the claims. The overly generalized and abstract characterization given by Examiner does not accurately describe the language in claim 1.” App. Br. 11. Appellants cite to *Enfish* in support:

[The] Examiner overly generalized the claims at issue in this case, exactly what the court in *Enfish* suggested not be done in determining if claims are directed towards patentable subject matter. Here, Examiner suggests that the entirety of the claim can be summarized as "event history records, without significantly more". To the contrary, careful reading reveals claim 1 comprises numerous specific limitations that provide significantly more than the alleged abstract idea.

Id.

⁵ The patent-eligibility inquiry may contain underlying issues of fact. *Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1325 (Fed. Cir. 2016). In particular, “[t]he question of whether a claim element or combination of elements is well-understood, routine and conventional to a skilled artisan in the relevant field is a question of fact.” *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1368 (Fed. Cir. 2018).

In response, the Examiner analogizes Appellants' claims to the claims considered by the courts in *Enfish*, *buySAFE*,⁶ *Bilski*, *Alice*, and *Ultramercial*.⁷ Ans. 4–5. The Examiner further explains the basis for the rejection: “According to the case law cited [(*id.*)], the [E]xaminer finds the abstract idea to include at least the judicial descriptor(s) of: [a] fundamental economic practice and/or certain methods of organizing human activity.” Ans. 5.

In determining whether claims are patent-eligible under Section 101, “the decisional mechanism courts now apply is to examine earlier cases in which a similar or parallel descriptive nature can be seen—what prior cases were about, and which way they were decided.” *Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016). The Federal Circuit also guides that “[E]xaminers are to continue to determine if the claim recites (i.e., sets forth or describes) a concept that is similar to concepts previously found abstract by the courts.” *Id.* at 1294 n.2.

⁶ The Examiner is referring to *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350 (Fed. Cir. 2014) (guaranty service for online transactions is abstract).

⁷ The Examiner is referring to *Ultramercial Inc. v. Hulu LLC*, 722 F.3d 1335, 1346 (Fed. Cir. 2013) (online method of ad serving is abstract: “[T]he Supreme Court has stated that, even if a claim does not wholly pre-empt an abstract idea, it still will not be limited meaningfully if it contains only insignificant or token pre- or post-solution activity—such as identifying a relevant audience, a category of use, field of use, or technological environment.”), *vacated and remanded*, *WildTangent, Inc. v. Ultramercial LLC*, 134 S. Ct. 2870 (2014) (remanding for consideration in light of *Alice*, 134 S. Ct. 2347).

Appellants initially cite to *Enfish* and *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016), in support of their arguments that claims 1–5, 7, 10–14, 16, and 20 are not directed to an abstract idea. App. Br. 2–3.

We note the court in *Enfish* held that the subject claims “are not directed to an abstract idea within the meaning of *Alice*. Rather, they are directed to a specific *improvement to the way computers operate, embodied in the self-referential table.*” *Id.*, 822 F.3d at 1336. (emphasis added).

We emphasize the *self-referential database table* considered by the court in *Enfish* was found to be a specific type of data structure that was designed to *improve* the way a computer stores and retrieves data in memory. *Id.*, 822 F.3d at 1339. Thus, because the self-referential database table *improved* the way the computer stored and retrieved data, the *Enfish* court stopped the analysis after *Alice* step one, and concluded the *Enfish* claims were not directed to an abstract idea. *Id.*, 822 F.3d at 1336.

Here, Appellants have not shown that any features of the claims before us on appeal improve the way the recited generic *computer* (claim 1), *computer-based system* (claim 10), *non-transitory machine-readable medium* (claim 20), and *on line analytic processing (OLAP) database* (independent claims 1, 10, and 20), store and retrieve data, in a manner analogous to that found by the court in *Enfish*. Although all of Appellants’ claims include an OLAP database, we find Appellants’ have not shown that claims 1–5, 7, 10–14, 16, and 20 include a *self-referential database table*, or any other database implementation of the type considered by the court in *Enfish* that was found to improve the way a computer stores and retrieves data in memory.

Therefore, on this record, we are not persuaded that Appellants' claimed invention improves the recited generic computer components' functionality or efficiency, or otherwise changes the way the claimed computer components function, at least in the sense contemplated by the Federal Circuit in *Enfish*.

We are also not persuaded by Appellants' analogy of the claimed invention on appeal to the subject claims considered by the court in *McRO*. App. Br. 13–14. In particular, Appellants urge:

Like the claims at issue in *Enfish* and *McRO*, the claimed invention provides a technological improvement that is not directed towards an abstract idea. The claimed method provides an improvement over the prior art methods and can generate, associate, store, access, and modify results accurately and efficiently, where manual methods could not have possibly yielded usable results.

App. Br. 14.

We note *McRO* concerned a method for automatically animating lip synchronization and facial expressions. *McRO*, 837 F.3d at 1303. The *McRO* court concluded that the subject claim did not recite an abstract idea because the computer animation improved the prior art through the use of *rules*, rather than artists, to set morph weights and transitions between phonemes. *Id.* at 1308, 1309. Thus, the claimed invention in *McRO* allowed for computer performance of animation steps that previously had to be performed by human animators. *Id.* at 1309. Thus, the court concluded that *McRO*'s exemplary claim was patent eligible because it “uses the limited *rules* in a process specifically designed to achieve an improved technological result” over “existing, manual 3-D animation techniques.” *McRO*, 837 F.3d at 1316. (emphasis added).

Unlike the subject claims considered by the court in *McRO*, Appellants' claimed invention does not apply positively recited rules, *per se*. Rather, the claimed invention under appeal is directed to the *result* of storing, associating, accessing, and modifying tax-related data. We note *McRO* (837 F.3d at 1312) guides that “[t]he abstract idea exception prevents patenting a *result* where ‘it matters not by what process or machinery the result is accomplished.’” (quoting *O’Reilly v. Morse*, 56 U.S. 62, 113 (1854)) (emphasis added.).

Appellants also contend “claim 1 does not preempt every system for tax data management and tax validity documentation.” App. Br. 15.

Our reviewing court provides applicable guidance: “While preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.” *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014) (collecting cases); *Accenture Global Servs. v. Guidewire Software, Inc.*, 728 F.3d 1336, 1345 (Fed. Cir. 2013).

We note that data gathering is a classic example of insignificant extra-solution activity. *See, e.g., In re Bilski*, 545 F.3d 943, 963 (Fed. Cir. 2008) (en banc), *aff’d sub nom, Bilski v. Kappos*, 561 U.S. 593 (2010). The Federal Circuit has concluded that abstract ideas include the concepts of collecting data, recognizing certain data within the collected data set, and storing the data in memory. *Content Extraction & Transmission LLC v. Wells Fargo Bank, N.A.*, 776 F.3d 1343, 1347 (Fed. Cir. 2014); *see also Smart Sys. Innovations, LLC v. Chicago Transit Auth.*, 873 F.3d 1364, 1372 (Fed. Cir. 2017) (concluding “claims directed to the collection, storage, and

recognition of data are directed to an abstract idea”); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016) (the collection of information and analysis of information are abstract ideas).

Cf. RecogniCorp, LLC v. Nintendo Co., Ltd., 855 F.3d 1322, 1326 (2017) (encoding and decoding image data using a mathematical formula is an abstract idea).

But for the recitation of the generic *computer system* and *OLAP database*, we agree with the Examiner (*see* Final Act. 3) that the recited steps, acts, or functions “include at least the judicial descriptor(s) of: [a] *fundamental economic practice* and/or certain methods of organizing human activity.” Ans. 5 (emphasis added).

“[M]erely selecting information, by content or source, for collection [and] analysis . . . does nothing significant to differentiate a process from ordinary mental processes” *Elec. Power Grp.*, 830 F.3d at 1355. Data gathering, such as receiving and analyzing (or identifying data), by itself, does not transform an otherwise-abstract process or system of information collection and analysis. *See id.*

Although here there is no rejection over prior art to consider on appeal under §§ 102, 103, the Supreme Court guides: “[t]he ‘novelty’ of any element or steps in a process, or even of the process itself, is of *no relevance* in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter.” *Diehr*, 450 U.S. at 188–89 (emphasis added). Our reviewing court further emphasizes that “[e]ligibility and novelty are separate inquiries.” *Two-Way Media Ltd. v. Comcast Cable Commc’ns, LLC*, 874 F.3d 1329, 1340 (Fed. Cir. 2017); *see also Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1263 (Fed. Cir. 2016)

(holding that “even assuming” that a particular claimed feature was novel does not “avoid the problem of abstractness”).

Appellants advance no further substantive arguments regarding *Alice* Step 1. Therefore, on this record, we conclude Appellants’ claims 1–5, 7, 10–14, 16, and 20 are directed to an abstract idea (*i.e.*, at least a fundamental economic practice and/or certain methods of organizing human activity — Ans. 5), which is similar to the abstract ideas identified by our reviewing courts, as discussed above.

Mayo/Alice Analysis – Step 2

Because we conclude the claims are directed to an abstract idea for essentially the same reasons articulated by the Examiner (Final Act. 2; Ans. 3–5), we turn to the second part of the *Alice/Mayo* analysis. We analyze the claims to determine if there are additional limitations that individually, or as an ordered combination, ensure the claims amount to “significantly more” than the abstract idea. *Alice*, 134 S. Ct. at 2357 (internal quotations and citation omitted).

Regarding *Alice* Step 2, Appellants address the purported *inventive concept* of the claims. App. Br. 15–20. In support, Appellants contend:

Like the subject matter of the claims in *DDR Holdings*, which were directed towards a method for generating a target website with the same look and feel as an originating web site, the subject matter of claim 1 provides a technical solution by way of improved OLAP database utility to address a problem unique to data management for tax data management and tax validity documentation. The claim has specific limitations that define a narrow process for managing, storing, modifying and structuring dimensions, tables, and data entries in an OLAP database.

App. Br. 15.

In response to Appellants' arguments (*id.*), we do not find Appellants' claims are similar to the claimed solution the court held to be patent-eligible in *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014). In particular, we note the *DDR* court emphasized that the '399 patent claims *did not* "recite a fundamental economic or longstanding commercial practice." *DDR*, 773 F.3d at 1257. As distinguished from the claims considered by the court in *DDR*, we conclude Appellants' claims 1–5, 7, 10–14, 16, and 20, which perform storing, associating, accessing, and modifying tax-related data, *are* directed to at least a *fundamental economic practice* (i.e., processing tax data), for the reasons discussed above regarding *Alice* step 1.

In *DDR*, the Federal Circuit applied the Supreme Court's *Alice* two-step framework, and upheld the validity of *DDR*'s patent on its web-page display technology. *DDR*, 773 F.3d at 1255. However, we find the tax-related problem addressed by Appellants' claims is not similar or otherwise analogous to the specific technical problem addressed by the subject claims in *DDR*, which were directed to *retaining a website visitor when the visitor clicked on a third-party merchant's advertisement on the host website*. Instead of taking the visitor to the third-party merchant's website (and thus losing the visitor to the third-party merchant), *DDR*'s claimed system generated a *hybrid web page* that: (1) displayed product information from the third-party merchant, but also (2) retained the host website's "look and feel."

As distinguished from the claims considered by the court in *DDR*, Appellants' claims 1–5, 7, 10–14, 16, and 20 are not directed to generating a *hybrid web page* that retains the host website's "look and feel" while

displaying product information from a *third-party merchant*. See *DDR*, 773 F.3d at 1257. Although Appellants’ invention is directed to the *result* of storing, associating, accessing, and modifying tax-related data (claims 1, 10, 20), we find no language in the claims on appeal that focuses on a specific means or method that *improves* the recited generic computer system and/or OLAP database.

In particular, we find the claims on appeal are *silent* regarding specific limitations directed to an *improved* computer system, processor, memory, network, database, or Internet. Therefore, we find Appellants’ claimed invention does not provide a solution “necessarily rooted in *computer technology* in order to overcome a problem specifically arising in the realm of computer networks.” *DDR*, 773 F.3d at 1257. (Emphasis added).

Further, regarding the use of the recited generic computer system and OLAP database, the Supreme Court held “the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.” *Alice*, 134 S. Ct. at 2358; *see also Bascom Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1348 (Fed. Cir. 2016) (“An abstract idea on ‘an Internet computer network’ or on a generic computer is still an abstract idea.”).

Our reviewing court provides additional guidance: *See FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016) (“[T]he use of generic computer elements like a microprocessor or user interface do not alone transform an otherwise abstract idea into patent-eligible subject matter.”); *OIP Techs*, 788 F.3d at 1363 (claims reciting, *inter alia*, sending messages over a network, gathering statistics, using a computerized system to automatically determine an estimated outcome, and presenting offers to

potential customers found to merely recite “‘well-understood, routine conventional activit[ies]’” by either requiring conventional computer activities or routine data-gathering steps) (internal citation omitted); *see also Elec. Power Grp.*, 830 F.3d at 1355 (“We have repeatedly held that such invocations of computers and networks that are not even arguably inventive are ‘insufficient to pass the test of an inventive concept in the application’ of an abstract idea” (quoting *buySAFE*, 765 F.3d at 1353)); *Intellectual Ventures I LLC v. Capital One Financial Corp.*, 850 F.3d 1332, 1341 (Fed. Cir. 2017) (“Rather, the claims recite both a generic computer element—a processor—and a series of generic computer ‘components’ that merely restate their individual functions That is to say, they merely describe the functions of the abstract idea itself, without particularity. This is simply not enough under step two”).

The Supreme Court additionally guides that the “prohibition against patenting abstract ideas ‘cannot be circumvented by attempting to limit the use of the formula to a particular technological environment’ or [by] adding ‘insignificant postsolution activity.’” *Bilski*, 561 U.S. at 610–11 (quoting *Diehr*, 450 U.S. at 191–92).

Because none of Appellants’ claims are directed to an *improvement* in a computer system, processor, OLAP database, or other computer/network component, we conclude that none of the claim limitations, viewed both individually and as an ordered combination, amount to significantly more than the judicial exception in order to sufficiently transform the nature of the claims into patent-eligible subject matter.

In light of the foregoing, we conclude, under the *Mayo/Alice* analyses, that each of Appellants’ claims 1–5, 7, 10–14, 16, and 20, considered as a

whole, is directed to a *patent-ineligible abstract idea* (under *step one*), and under *step two*, does not recite something “*significantly more*” to transform the nature of the claim into a patent-eligible application.

Accordingly, for the reasons discussed above, we sustain the Examiner’s rejection under 35 U.S.C. § 101 of claims 1–5, 7, 10–14, 16, and 20, as being directed to patent-ineligible subject matter.⁸

CONCLUSION

The Examiner did not err in rejecting claims 1–5, 7, 10–14, 16, and 20, under 35 U.S.C. § 101, as being directed to patent-ineligible subject matter.

DECISION

We affirm the Examiner’s decision rejecting claims 1–5, 7, 10–14, 16, and 20 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

⁸ To the extent Appellants have not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).