



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/789,510	03/07/2013	Jeffrey S. Cotton	AUTLT.001C7	5397

20995 7590 01/31/2019
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

MADAMBA, CLIFFORD B

ART UNIT	PAPER NUMBER
----------	--------------

3692

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/31/2019

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jayna.cartee@knobbe.com
efiling@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JEFFREY S. COTTON

Appeal 2017-007868
Application 13/789,510
Technology Center 3600

Before ERIC S. FRAHM, JOHN A. EVANS, and CARL L. SILVERMAN,
Administrative Patent Judges.

EVANS, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant¹ seeks our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of Claims 1–48. Br. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.²

¹ Appellant states the real party in interest is the inventor, AutoAlert, LLC. Br. 4.

² Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed October 31, 2016, "App. Br."), the Examiner's Answer (mailed February 9, 2017, "Ans."), the Final Action (mailed March 21, 2016, "Final Act."), and the Specification (filed

STATEMENT OF THE CASE

The claims relate to a financial terms alert generation system. *See* Abstract.

INVENTION

Claims 1, 9, 17, 25, 33, and 41 are independent. An understanding of the invention can be derived from a reading of Claim 1, which is reproduced below with some formatting added:

1. A method for a user to determine potential customers of a vehicle to contact, the method comprising:

determining, using a computing device, a customer whose vehicle is either scheduled for vehicle service or that is currently at a location for vehicle service;

determining one or more first vehicles that are existing and currently available to the user that the user can offer to potential customers;

identifying, using a computing device, one of the first vehicles that is a similar make and model as the customer vehicle;

receiving, by a computing device, customer information and market information wherein said market information includes an estimated market value for the customer vehicle and at least one of an interest rate, a manufacturer's incentive that is available for the first vehicle, and a sales price of the first vehicle;

generating, by a computing device, a report if the first vehicle is of the similar make and model as the customer vehicle, such report including the customer information and an estimated proposal for the first vehicle based at least in part on

September 10, 2013, "Spec.") for their respective details.

Appeal 2017-007868
Application 13/789,510

said estimated market value of the customer vehicle and the market information; and

determining that the customer is a potential customer to contact regarding the first vehicle based on said report.

Rejection.

Claims 1–48 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Final Act. 7–10.

ANALYSIS

We have reviewed the rejections of Claims 1–48 in light of Appellant’s arguments that the Examiner erred. We consider Appellant’s arguments *seriatim*, as they are presented in the Brief, pages 16–69.

We disagree with Appellants’ arguments, and agree with and adopt the Examiner’s findings and conclusions in (i) the action from which this appeal is taken (Final Act. 10–12) and (ii) the Answer (Ans. 5–17) to the extent they are consistent with our analysis below.

The Examiner rejects the claims under 35 U.S.C. § 101 because they are directed to patent-ineligible subject matter. *See* Final Act. 3–10; Ans. 3–7. The Examiner finds the claims describe steps to determine potential customers to whom to market particular products in an automated manner. Final Act. 5. The Examiner finds the concept to which the claims are directed is similar to other concepts that have been identified by the courts as abstract, such as a fundamental economic practice, such as the performance of a financial transaction, as well as an idea of itself, such as mental processes or thinking which can be performed in the human mind, or by manual means. *Id.* (citing *Alice Corporation Pty. Ltd. v. CLS Bank*

Appeal 2017-007868
Application 13/789,510

International, 134 S.Ct. 2347 (2014)). The Examiner finds the claims are also directed to collecting and comparing known information and computing mathematical relationships and formulas, such as generating a financial analysis output. *Id.*

The Examiner finds the claims do not identify an inventive concept to transform the nature of the claims into a patent-eligible application. *See* Final Act. 6–7. Appellants argue the Examiner erred. *See* Br. 16–69. Appellant does not file a Reply Br. Appellant has not persuaded us of error.³

CLAIMS 1–48: NON-STATUTORY SUBJECT MATTER.

Prima Facie Case.

We conclude that the Examiner did initially set forth a *prima facie* case of patent-ineligibility, i.e., the Examiner’s reasons are sufficient to set forth the basis for the rejection so as to put the patent applicant on notice of the reasons why the applicant is not entitled to a patent. *Cf. In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).

³ Appellant refers to a prior Appeal Brief, filed December 22, 2015 and states that “to the extent not included herein, Appellant incorporates those prior arguments by reference.” Br. 18. R. 58. In order for arguments to be considered by the Board, our rules require that they be included in the Briefs. 37 C.F.R. § 41.37(c)(1)(vii) (“Any arguments or authorities not included in the brief or a reply brief . . . will be refused consideration by the Board, unless good cause is shown.”); *see also* MPEP 1205.02 (“It is essential that the Board be provided with a brief fully stating the position of the appellant with respect to each ground of rejection presented for review in the appeal so that no search of the Record is required in order to determine that position. Thus, the brief should not incorporate or reference previous responses. Here, Appellant attempts to incorporate by reference prior responses. This does not comply with our rules and we will not consider such previous responses.

Preemption.

Appellant contends the claims do not seek to preempt or monopolize a fundamental economic practice. Br. 26.

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 “are fully addressed and made moot” by an analysis under the *Mayo/Alice* framework. *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015). We conduct such an analysis below.

Improper Examination.

Throughout the Brief, Appellant argues the Examiner has improperly applied various USPTO examination guidance documents. *See e.g.*, Br. 54. The Director of the United States Patent and Trademark Office, not the Board, supervises examination and examiners.⁴ If an examiner has procedurally erred, the remedy lies exclusively in petitioning the Director for supervisory review.⁵ The Director has not delegated this supervisory authority to the Board.⁶

The Colson Claims.

⁴ 35 U.S.C. 3(a)(2)(A) & 132(a).

⁵ 37 C.F.R. § 1.181; *cf.* 35 U.S.C. 6(b) (giving substantive review powers directly to the board).

⁶ *Cf.* 37 C.F.R. § 41.3 (delegating some petition authority to the Chief Administrative Patent Judge, not the board) and § 41.50(b) (delegating to the board the discretion to enter a new ground, propose a curative amendment or order additional briefing).

Appellant contends Claims 1–24 of the present application were identically copied from an application by Colson which issued as US 8,527,349. Br. 18. Appellant contends instant Claims 25–48 were substantially copied from Colson. *Id.* Appellant contends the priority date of the present application is five years prior to Colson and the claims find written description support in the Specification. *Id.* Appellant argues the Examiner makes no finding as to why the identical claims that were found allowable in the '349 patent should now be rejected in the present application. *Id.*

The USPTO did not have the benefit of the *Alice* decision during the examination of the '349 patent. The '349 patent issued August 14, 2013, about a year later, June 19, 2014, the Supreme Court promulgated its decision in *Alice*. Appellant's arguments are unpersuasive because the state of the law has changed subsequent to the issuance of the Colson patent.

35 U.S.C. § 101

Section 101 provides that a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” 35 U.S.C. § 101. The Supreme Court has long recognized, however, that § 101 implicitly excludes “[l]aws of nature, natural phenomena, and abstract ideas” from the realm of patent-eligible subject matter, as monopolization of these “basic tools of scientific and technological work” would stifle the very innovation that the patent system aims to promote. *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014) (quoting *Ass'n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013)); *see also Mayo Collaborative Servs. v.*

Appeal 2017-007868
Application 13/789,510

Prometheus Labs., Inc., 566 U.S.66, 72–78 (2012); *Diamond v. Diehr*, 450 U.S. 175, 185 (1981). In view of the 2019 Revised Guidance,⁷ we conduct a full analysis, including each step.

Under the mandatory Revised Guidance, we reconsider whether Appellants’ claims recite:

1. any **judicial exceptions**, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human interactions such as a fundamental economic practice, or mental processes), and
2. **additional elements** that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h)).

Only if a claim, (1) recites a judicial exception, and (2) does not integrate that exception into a practical application, do we then reach the issue of whether the claim:

3. adds a specific limitation beyond the judicial exception that is not “**well-understood, routine, conventional**” in the field (*see* MPEP § 2106.05(d)); or
4. simply appends well-understood, routine, conventional activities previously known to the industry, **specified at a high level of generality**, to the judicial exception.

Judicial Exceptions.

The Revised Guidance extracts and synthesizes key concepts identified by the courts as abstract ideas to explain that the abstract idea exception includes the following groupings of subject matter, when recited

⁷ USPTO, 2019 Revised Patent Subject Matter Eligibility Guidance, 84(4) Fed. Reg. 50–57 (January 7, 2019) (“Revised Guidance”).

Appeal 2017-007868
Application 13/789,510

as such in a claim limitation(s) (that is, when recited on their own or *per se*):
(a) mathematical concepts,⁸ i.e., mathematical relationships, mathematical formulas, equations,⁹ and mathematical calculations¹⁰; (b) certain methods of organizing human activity—fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations); managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or

⁸ *Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“The concept of hedging . . . reduced to a mathematical formula . . . is an unpatentable abstract idea.”).

⁹ *Diehr*, 450 U.S. at 191 (“A mathematical formula as such is not accorded the protection of our patent laws”); *Parker v. Flook*, 437 U.S. 584, 594 (1978) (“[T]he discovery of [a mathematical formula] cannot support a patent unless there is some other inventive concept in its application.”).

¹⁰ *SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018) (holding that claims to a “series of mathematical calculations based on selected information” are directed to abstract ideas).

instructions)¹¹; and (c) mental processes¹²—concepts performed in the human mind (including observation, evaluation, judgment, opinion).¹³

Claim 1, a method, recites, *inter alia*, a plurality of “determining” and “identifying” steps. According to appellant, the claims improve search algorithms by using tailored search-terms. *See* Br. 21. In accordance with the Revised Guidance, we conclude these “determining” and “identifying” steps are mental processes which are recited as such in the claims. Thus, Claim 1 recites a judicial exception.

Integration of the judicial exception into a practical application.

Where, as here, we determine the claims recite a judicial exception, we look to determine the presence of additional elements that integrate the judicial exception into a practical application. The Revised Guidance is “designed to more accurately and consistently identify claims that recite a

¹¹ *Alice*, 573 U.S. at 219–20 (concluding that use of a third party to mediate settlement risk is a “fundamental economic practice” and thus an abstract idea); *see* Revised Guidance, p. 52, n.13 for a more extensive listing of “certain methods of organizing human activity” that have been found to abstract ideas.

¹² If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind. *See* Revised Guidance, p. 52, n. 14; *see Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) (“[W]ith the exception of generic computer-implemented steps, there is nothing in the claims themselves that foreclose them from being performed by a human, mentally or with pen and paper.”).

¹³ *Mayo*, 566 U.S. at 71 (“[M]ental processes[] and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work” (quoting *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972))).

Appeal 2017-007868
Application 13/789,510

practical application of a judicial exception [] and thus are not ‘directed to’ a judicial exception.” Revised Guidance, at 53.

The claims recite a practical application where an additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field. Revised Guidance, at 55.

For the reasons which follow, we conclude that Appellants’ claims do not integrate the judicial exception into a practical application. See MPEP §§ 2106.05(a)-(c) and (e)-(h). We address these “practical application” MPEP sections seriatim:

MPEP § 2106.05(a) “Improvements to the Functioning of a Computer or To Any Other Technology or Technical Field.”

“In determining patent eligibility, examiners should consider whether the claim ‘purport(s) to improve the functioning of the computer itself’” or “any other technology or technical field.” MPEP § 2106.05(a).

Appellant contends the claims provide “unique solutions to problems that specifically arise in the realm of computer networks,” citing generally *DDR Holdings*.¹⁴ Br. 20. According to Appellant, computer searches of automotive databases have become unwieldy because of the large number of search results and because lesser candidate matches are not filtered yielding an overinclusion of prospective results. *Id.* Appellant argues such overinclusion is a problem arising specifically in the computer context. *Id.*

¹⁴ *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014).

Appeal 2017-007868
Application 13/789,510

According to appellant, the claims improve search algorithms by using tailored search-terms. *See* Br. 21. In particular, Appellant argues the improvement arises because the search-terms are tailored to the specific customer. *See* Br. 38–9.

We are not persuaded. As Appellant characterizes his claims, we find they are similar to those discussed in *Intellectual Ventures I*. “At step one of the *Alice* framework, it is often useful to determine the breadth of the claims in order to determine whether the claims extend to cover a ‘fundamental . . . practice long prevalent in our system’ *Alice*, 134 S. Ct. at 2356. As noted, the claim relates to customizing information based on (1) information known about the user and (2) navigation data [T]ailoring is ‘a fundamental . . . practice long prevalent in our system’ *Id.* There is no dispute that newspaper inserts had often been tailored based on information known about the customer—for example, a newspaper might advertise based on the customer’s location. Providing this minimal tailoring—e.g., providing different newspaper inserts based upon the location of the individual—is an abstract idea. *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1369 (Fed. Cir. 2015). We further find the specification describes, and the claims recite, “a desired function or outcome, without providing any limiting detail that confines the claim to a particular solution to an identified problem.” *Affinity Labs. Of Tex. LLC v. Amazon.com Inc.*, 838 F.3d 1266, 1269 (Fed. Cir. 2016). Contrary to Appellants’ arguments on appeal, we find the present claims are not directed to a specific improvement to computer functionality. Rather, similar to those of *TLI*, “they are directed to the use of conventional or generic technology in a nascent but well-known environment, without any claim that

Appeal 2017-007868
Application 13/789,510

the invention reflects an inventive solution to any problem presented by combining the two.” *TLI Commc’ns LLC v. AV Auto., L.L.C.*, 823 F.3d 607, 612 (Fed. Cir. 2016). Therefore, we conclude all claims on appeal are directed to a patent-ineligible abstract idea, i.e., a fundamental economic practice, as found by the Examiner (Final Act. 3–10; Ans. 3–7).

MPEP § 2106.05(b) Particular Machine.

At the outset, we note that the *Bilski* machine-or-transformation test is only applicable to the method (process) claims on appeal. This section of the MPEP guides: “When determining whether a claim recites significantly more than a judicial exception, examiners should consider whether the judicial exception is applied with, or by use of, a particular machine.” See *Bilski v. Kappos*, 561 U.S. 593, 604 (2010) (“[T]he machine-or-transformation test is a useful an important clue, and investigative tool” for determining whether a claim is patent eligible under § 101). MPEP § 2106.05(b).

MPEP § 2106.05(b) provides further guidance regarding what constitutes a particular machine:

[A]s described in MPEP §2106.05(f), additional elements that invoke computers or other machinery merely as a tool to perform an existing process will generally not amount to significantly more than a judicial exception. See, e.g., *Versata Development Group v. SAP America*, 793 F.3d 1306, 1335, 115 USPQ2d 1681, 1702 (Fed. Cir. 2015) (explaining that in order for a machine to add significantly more, it must “play a significant part in permitting the claimed method to be performed, rather than function

Appeal 2017-007868
Application 13/789,510

solely as an obvious mechanism for permitting a solution to be achieved more quickly”).

We find the claims on appeal are silent regarding specific limitations directed to an improved computer system, processor, memory, network, database, or Internet, nor do Appellants direct our attention to such specific limitations. “[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.” *Alice*, 573 U.S. at 223; 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”). Applying this reasoning here, we conclude Appellants’ claims are not directed to a particular machine, but rather merely implement an abstract idea using generic computer components. Thus, we conclude Appellants’ method claims fail to satisfy the “tied to a particular machine” prong of the *Bilski* machine-or-transformation test.

MPEP § 2106.05(c) Particular Transformation.

This section of the MPEP guides: “Another consideration when determining whether a claim recites significantly more is whether the claim effects a transformation or reduction of a particular article to a different state or thing.” “[T]ransformation and reduction of an article ‘to a different state or thing’ is the clue to patentability of a process claim that does not include particular machines.” *Bilski v. Kappos*, 561 U.S. at 658 (quoting *Benson*, 409 U.S. at 70).

The claims operate to select certain electronic data, i.e., data about various automobiles. The selection of electronic data is not a “transformation or reduction of an article into a different state or thing

Appeal 2017-007868
Application 13/789,510

constituting patent-eligible subject matter[.]” See *In re Bilski*, 545 F.3d 943, 962 (Fed. Cir. 2008) (emphasis added). See also *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011) (“The mere manipulation or reorganization of data . . . does not satisfy the transformation prong.”). Applying this guidance here, we conclude Appellants’ method claims fail to satisfy the transformation prong of the *Bilski* machine-or-transformation test.

MPEP § 2106.05(e) Other Meaningful Limitations.

This section of the MPEP guides:

Diamond v. Diehr provides an example of a claim that recited meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment. 450 U.S. 175, 209 USPQ 1 (1981). In *Diehr*, the claim was directed to the use of the Arrhenius equation (an abstract idea or law of nature) in an automated process for operating a rubber-molding press. 450 U.S. at 177-78, 209 USPQ at 4. The Court evaluated additional elements such as the steps of installing rubber in a press, closing the mold, constantly measuring the temperature in the mold, and automatically opening the press at the proper time, and found them to be meaningful because they sufficiently limited the use of the mathematical equation to the practical application of molding rubber products. 450 U.S. at 184, 187, 209 USPQ at 7, 8. In contrast, the claims in *Alice Corp. v. CLS Bank International* did not meaningfully limit the abstract idea of mitigating settlement risk. 573 U.S. ___, 134 S. Ct. 2347 (2014). In particular, the Court

Appeal 2017-007868
Application 13/789,510

concluded that the additional elements such as the data processing system and communications controllers recited in the system claims did not meaningfully limit the abstract idea because they merely linked the use of the abstract idea to a particular technological environment (i.e., “implementation via computers”) or were well-understood, routine, conventional activity.

MPEP § 2106.05(e).

“[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. Similarly as for *Alice*, we find that “[t]aking the claim elements separately, the function performed by the computer at each step of the process is ‘[p]urely conventional.’” *Id.* “In short, each step does no more than require a generic computer to perform generic computer functions.” *Id.*

We agree with the Examiner’s conclusion that Appellants’ claims do not add meaningful limitations beyond generally linking the use of the judicial exception to a particular technological environment. “Furthermore, there are no actual improvements to another technology or technical field, no improvements to the functioning of the computer itself, and there are no meaningful limitations beyond generally linking the use of the abstract idea to a particular technological environment evident in the claims.” Ans. 4.

MPEP § 2106.05(f) Mere Instructions To Apply An Exception.

Appellants are not persuasive that their claims do any more than to merely invoke generic computer components merely as a tool in which the computer instructions apply the judicial exception.

Appeal 2017-007868
Application 13/789,510

MPEP § 2106.05(g) Insignificant Extra-Solution Activity.

The claimed method concludes by “determining that the customer is a potential customer to contact regarding the first vehicle based on said report.” But, having so determined, the claims provide for no, not merely insignificant, extra-solution activity.

MPEP § 2106.05(h) Field of Use and Technological Environment.

[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.

Ultramercial, Inc. v. Hulu, LLC, 722 F.3d 1335, 1346 (Fed. Cir. 2013). We find the claims simply attempt to the abstract idea to a field of use, i.e., customers of an autodealership.

We do not find Appellants’ argument to be persuasive because “[t]he courts have also identified examples in which a judicial exception has not been integrated into a practical application.” Revised Guidance, at 55. The claims fail to recite a practical application where the additional element does no more than generally link the use of a judicial exception to a particular technological environment or field of use. *Id.* The mere application of an abstract idea in a particular field is not sufficient to integrate the judicial exception into a practical application. See *id.* at n. 32. In view of the foregoing, we conclude the claims are “directed to” a judicial exception.

Well-understood, routine, conventional.

Because the claims recite a judicial exception and does not integrate that exception into a practical application, we must then reach the issue of whether the claim adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field. Revised Guidance, at 56. The Examiner finds the further limitations are “well-understood, routine, conventional.” “The claims require no more than a generic computer to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry.” Ans. 4.

Appellant describes the computer and communications system environment of their invention consistent with its being “well-understood, routine, [and] conventional”:

However, a skilled artisan will appreciate, in light of this disclosure, that any module that can be implemented using software to be executed on a *general purpose computer* can also be implemented using a different combination of hardware, software, or firmware.

Spec., ¶ 27 (emphasis added).

We find such “well-understood, routine, [and] conventional” limitations fail to indicate the presence of an inventive concept.

Specified at a high level of generality.

It is indicative of the absence of an inventive concept where the claims simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. Revised Guidance, at 56.

Appeal 2017-007868
Application 13/789,510

Appellant contends “some of the technological benefits provided by the present system, such as the system’s unique advances in data mining and in generating, analyzing, and presenting information to automotive dealers from their databases.” App. Br. 31.

However, claim 1 fails to recite any specific steps that may provide “unique advances in data mining,” nor does Appellant cite to the Specification disclosure for the required specificity.

We find the limitations are specified at such a high level of generality consistent with the absence of an inventive concept. Therefore, 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. See *Alice*, 573 U.S. at 217 (internal quotations omitted) (quoting *Mayo*, 566 U.S. at 79).

In view of the foregoing, we sustain the rejection of Claims 1–48 under 35 U.S.C. § 101.

DECISION

The rejection of Claims 1–48 under 35 U.S.C. § 101 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)(1)(iv). See 37 C.F.R. § 41.50(f).

AFFIRMED