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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ROBERT GILL, JEFF MACCARRON, MANGESH RISBUD, and RICHARD TERBRACK[1]

Appeal 2017-008943
Application 14/020,132
Technology Center 3600

Before ANTON W. FETTING, BIBHU R. MOHANTY, and CYNTHIA L. MURPHY, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 of the final rejection of claims 1–4, 7, and 21–26 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We AFFIRM.

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[1] According to Appellants, the real party in interest is CoreLogic Solutions, LLC. Appeal Br. 3.

THE INVENTION

The Appellants' claimed invention is directed to methods for automatically identifying data items, such as taxes, for real estate properties (Spec., para. 18). Claim 1, reproduced below, is representative of the subject matter on appeal.

> 1. A computer-implemented process comprising:
>
> (a) receiving, through a network channel, an input associated with a real estate property, said input comprising multiple elements of information;
>
> (b) performing, by one or more data processors, validation of the received input, wherein performing the validation comprises executing a matching algorithm that compares the elements of information to data obtained from a plurality of property data sources, wherein the matching algorithm generates matching scores for each of a plurality of properties and uses the matching scores to attempt to identify a single real estate property corresponding to the input;
>
> (c) searching, by the one or more data processors, property data, aggregated public assessor data, and historical transaction data to identify one or more tax agencies that are associated with the received input and have assessed and will assess taxes, wherein the property data, the aggregated public assessor data and the historical transaction data are obtained from different respective data sources;
>
> (d) determining, by the one or more data processors, a respective confidence score for each of the one or more identified tax agencies;
>
> (e) storing, by the one or more data processors, information specifying the one or more identified tax agencies and each respective confidence score in a data repository; and
>
> (f) outputting, by the one or more data processors, the information identifying the one or more tax agencies associated with the received input and the respective confidence score for each of the one or more tax agencies;
>
> wherein steps (a)-(f) are performed by a computerized analytics system that comprises one or more computing devices.

THE REJECTION

The following rejection is before us for review:

Claims 1–4, 7, and 21–26 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

FINDINGS OF FACT

We have determined that the findings of fact in the Analysis section below are supported at least by a preponderance of the evidence[2].

ANALYSIS

Rejection under 35 U.S.C. § 101

The Appellants argue that the rejection of claim 1 is improper because the claim is not directed to an abstract idea and also argue that the claim is "significantly more" than the alleged abstract idea (Appeal Br. 4–8, Reply Br. 2–6).

In contrast, the Examiner has determined that the rejection of record is proper (Final Act. 2–8, Ans. 3–8).

We agree with the Examiner. Under 35 U.S.C. § 101, an invention is patent-eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101. The Supreme Court, however, has long interpreted § 101 to include an 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).

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[2] *See Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

In judging whether claim 1 falls within the excluded category of abstract ideas, we are guided in our analysis by the Supreme Court's two-step framework, described in *Mayo* and *Alice*. *Id.* at 2355 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289, 1296–97 (2012)). In accordance with that framework, we first determine whether the claim is "directed to" a patent-ineligible abstract idea. If so, we then consider the elements of the 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 of the abstract idea. *Id.* This is a search for an "inventive concept" an element or combination of elements sufficient to ensure that the claim amounts to "significantly more" than the abstract idea itself. *Id.* The Court also stated that "the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention." *Id.* at 2358.

Here, we determine that the claim is directed to the concept of determining for a real estate property which tax agencies are associated with it. This is a method of organizing human activities or a fundamental economic practice long prevalent in our system of commerce, and is an abstract idea beyond the scope of § 101. *See Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016) (where collecting information, analyzing it, and displaying results from certain results of the collection and analysis was held to be an abstract idea).

We next consider whether additional elements of the claim, both individually and as an ordered combination, transform the nature of the claim into a patent-eligible application of the abstract idea, e.g., whether the claim does more than simply instruct the practitioner to implement the

abstract idea using generic computer components. We conclude that it does not. The Specification at Paragraph 60 for example describes using generic computer components for their known functions.

Considering each of the claim elements in turn, the function performed by the computer system at each step of the process is purely conventional. Each step of the claimed method does no more than require a generic computer to perform a generic computer function.

The Appellants have also cited to *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016) to show that the claim is not abstract but the claims in that case were not similar in scope to those here in contrast and were in contrast directed to a self-referential data table.

The Appellants have also cited to *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) but the claims in that case are distinguished from this case in being directed to rules for lip sync and facial expression animation.

The Appellants cite to *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014) and argue that the claim solves a problem in a particular technological environment (App. Br. 6). We disagree as the Appellants have not shown how the claimed subject matter is rooted in technology given that the Specification describes only the use of generic computer equipment used in routine, conventional, and generic manner.

We reach the same conclusion as to independent system claim 26. Here, as in *Alice*, "the system claims are no different in substance from the method claims. 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." *Alice*, 134 S. Ct. at

2351. "[T]he 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 not enough for patent eligibility." *Id.* at 2358 (quoting *Mayo*, 132 S. Ct. at 1294).

CONCLUSIONS OF LAW

We conclude that Appellants have not shown that the Examiner erred in rejecting claims 1–4, 7, and 21–26 under 35 U.S.C. § 101.

DECISION

The Examiner's rejection of claims 1–4, 7, and 21–26 is sustained.

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