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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte DOUGLAS D. FUSCO and TRAVIS A. DIAMOND

_____

Appeal 2017-009237
Application 13/670,266
Technology Center 3600

_____

Before JOHN A. EVANS, JASON J. CHUNG, and JASON M. REPKO, *Administrative Patent Judges.*

EVANS, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants[1] seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of Claims 1–51. App. Br. 2. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.[2]

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[1] Appellants state the real party in interest is DealerSafeGuard Solutions LLC. App. Br. 1.

[2] Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed December 21, 2016, "App. Br."), the Reply Brief (filed June 13, 2017, "Reply Br."), the Examiner's Answer (mailed April 13, 2017, "Ans."), the Final Action (mailed March 2, 2016, "Final

STATEMENT OF THE CASE

The claims relate to a system and method for customer credit information acquisition, aggregation, and maintenance. *See* Abstract.

Invention

Claims 2, 26, and 49 are independent. An understanding of the invention can be derived from a reading of Claim 2, which is reproduced below with some formatting added:

> 2. A computer implemented system in a client-server environment, for customer credit information acquisition, aggregation, and maintenance by an automobile seller, during an automobile sales, financing and non-public information lifecycle, the system comprising:
>
> > a server including:
> >
> > > an identification (ID) module configured to capture and associate customer identification data with an electronic customer file;
> > >
> > > a credit application module configured to capture and associate a customer credit application with the electronic customer file;
> > >
> > > a dashboard module configured to generate an electronic dashboard configured to track and selectively display status of the electronic customer file;
> > >
> > > an enforcement module configured to selectively permit and prevent acquisition of a credit report for the customer in accordance with the status of the electronic customer file, wherein:

Act."), and the Specification (filed November 6, 2012, "Spec.") for their respective details.

if the ID module has captured and associated customer
identification data with the electronic customer file, and the
credit application module has captured and associated a
customer credit application with the electronic customer file,
then acquisition of a credit report for the customer is permitted
by the system, by enabling a Run Credit button; and

if the credit application module has not captured and
associated a customer credit application with the electronic
customer file, then acquisition of a credit report for the
customer is prevented by the system, by disabling the Run
Credit button;

a credit report module configured to, upon permission by
the enforcement module, acquire and associate a credit report
for the customer with the electronic customer file;

and a processor configured to process the modules.

References and Rejections[3]

Braverman	US 2002/0052812 A1	May 2, 2002
Huber	US 7,908,210 B2	Filed Apr. 20, 2007
Fuchs	US 2007/0265928 A1	Nov. 15, 2007
Mac Innis	US 8,392,294 B2	Mar. 5, 2013

Robert McLuhan, *Evaluation is Key to Roadshow Success*, Marketing (Aug.
22. 2002).[4]

1. Claims 1–51 stand rejected under 35 U.S.C. § 101 as directed to non-
   statutory subject matter without significantly more. Final Act. 2–4.

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[3] The present application was examined under the pre-AIA first to invent
provisions. Final Act. 2.

[4] The McLuhan document indicates "Last updated: 2013-04-30," i.e., after
the priority date of the present application.

2. Claims 2, 3, 6–9, 12–14, 18, 21, 26, 27, 30–33, 36–38, 42, 45, and 49 stand rejected under 35 U.S.C. § 103 as unpatentable over Huber and Fuchs. Final Act. 4–10.

3. Claims 1, 4, 5, 10, 11, 19, 20, 24, 25, 28, 29, 34, 35, 43, 44, 48, 50, and 51 stand rejected under 35 U.S.C. § 103 as unpatentable over Huber, Fuchs, and Mac Innis. Final Act. 10–19.

4. Claims 15–17 and 39–41 stand rejected under 35 U.S.C. § 103 as unpatentable over Huber, Fuchs, and Braverman. Final Act. 19–20.

5. Claims 15–17 and 39–41 stand rejected under 35 U.S.C. § 103 as unpatentable over Huber, Fuchs, and Braverman. Final Act. 19–20.

6. Claims 22, 23, 46, and 47 stand rejected under 35 U.S.C. § 103 as unpatentable over Huber, Fuchs, and McLuhan. Final Act. 20–21.

ANALYSIS

We have reviewed the rejections of Claims 1–51 in light of Appellants' arguments that the Examiner erred. We have considered in this decision only those arguments Appellants actually raised in the Briefs. Any other arguments which Appellants could have made but chose not to make in the Briefs are deemed to be waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). We are not persuaded that Appellants identify reversible error. Upon consideration of the arguments presented in the Appeal Brief and Reply Brief, we agree with the Examiner that all the pending claims are unpatentable. We adopt as our own the findings and reasons set forth in the rejection from which this appeal is taken and in the Examiner's Answer, to the extent consistent with our analysis below. We provide the following

explanation to highlight and address specific arguments and findings primarily for emphasis. We consider Appellants' arguments *seriatim*, as they are presented in the Appeal Brief, pages 8–30.

CLAIMS 1–51: INELIGIBLE SUBJECT MATTER

Appellants argue all claims as a group in view of the limitations of independent Claims 2, 26, and 49 and further in view of dependent claims 1, 3, 4, 25, 27, and 28. App. Br. 6. Therefore, we decide the appeal of the § 101 rejections with reference to Claim 2, and refer to the rejected claims collectively herein as "the claims." *See* 37 C.F.R. § 41.37(c)(1)(iv); *In re King*, 801 F.2d 1324, 1325 (Fed. Cir. 1986).

Preemption.

Appellants contend the claims do not seek to preempt or monopolize a fundamental economic practice. App. Br. 9, 10.

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. In response to Supreme Court and Federal Circuit opinions, the USPTO has issued updated guidance. We review this appeal

within the framework of the Revised Guidance[5] which specifies and particularizes the *Mayo/Alice* framework.

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. Prometheus Labs., Inc.*, 566 U.S.66, 72–78 (2012); *Diamond v. Diehr*, 450 U.S. 175, 185 (1981).

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

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[5] USPTO, 2019 Revised Patent Subject Matter Eligibility Guidance, 84(4) Fed. Reg. 50–57 (January 7, 2019) ("Revised Guidance," "Rev. Guid.").

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.

1. 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
as such in a claim limitation(s) (that is, when recited on their own or *per se*):
(a) mathematical concepts,[6] i.e., mathematical relationships, mathematical
formulas, equations,[7] and mathematical calculations[8]; (b) certain methods of

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

[7] *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.").

[8] *SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018)

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 instructions)[9]; and (c) mental processes[10]—concepts performed in the human mind (including observation, evaluation, judgment, opinion).[11]

The Examiner's finding that Claims 1–51 "are directed to the abstract idea of managing credit information associated with a customer" (*see* Final

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(holding that claims to a "series of mathematical calculations based on selected information" are directed to abstract ideas).

[9] *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 be abstract ideas.

[10] 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.").

[11] *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))).

Act. 2–4) and Appellants' traversal (*see* App. Br. 8 ff.) were conducted prior to the issuance of the 2019 Revised Guidance. We therefore, review the claims in light of that Guidance.

We compare the recitations of Claim 2 against the abstract idea categories as set forth in the revised Guidance. Claim 2 recites a "computer implemented system in a client-server environment, for customer credit information acquisition, aggregation, and maintenance by an automobile seller, during an automobile sales, financing and non-public information lifecycle, the system comprising: a server including:

Claim 2	Abstract Idea (Rev. Guid. 52)
[a][12] an identification (ID) module configured to capture and associate customer identification data with an electronic customer file;	Certain methods of organizing human activity.
[b] a credit application module configured to capture and associate a customer credit application with the electronic customer file;	Certain methods of organizing human activity.
[c] a dashboard module configured to generate an electronic dashboard configured to track and selectively display status of the electronic customer file;	(a) Mathematical concepts.[13]

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[12] Indicia, e.g., "[a]" were added to facilitate discussion of the limitations.
[13] *See Digitech Image Techs., LLC v. Elecs. for Imaging, Inc.*, 758 F.3d 1344, 1350 (Fed. Cir. 2014) (holding that claims to a ''process of organizing information through mathematical correlations'' are directed to an abstract idea). Rev. Guid., n. 12.

[d] an enforcement module configured to selectively permit and prevent acquisition of a credit report for the customer in accordance with the status of the electronic customer file,	
[e] if the ID module has captured and associated customer identification data with the electronic customer file, and the credit application module has captured and associated a customer credit application with the electronic customer file, then acquisition of a credit report for the customer is permitted by the system, by enabling a Run Credit button;	(c) Mental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion).
[f] if the credit application module has not captured and associated a customer credit application with the electronic customer file, then acquisition of a credit report for the customer is prevented by the system, by disabling the Run Credit button;	(c) Mental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion). (except for the Run Credit button, which is addressed below).
[g] a credit report module configured to, upon permission by the enforcement module, acquire and associate a credit report for the customer with the electronic customer file;	Certain methods of organizing human activity.
[h] and a processor configured to process the modules.	Data processing is insignificant extra-solution activity.

Thus, in accordance with the Revised Guidance, we find Steps [a], [b], and [g] recite certain methods of organizing human activity. The Revised Guidance defines Certain methods of organizing human activity as comprising 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 instructions). Rev. Guid., 52. For example, Limitation [a] recites: "an identification (ID) module configured to capture and associate customer identification data with an electronic customer file." Appellants disclose:

> When a prospective customer walks in to a dealership and says "I would like to buy a car", the sales representative typically starts to collect various items of non-public information. For example, the sales representative will collect driver[']s license information, and in some states, the customer's automobile insurance information and/or social security card in some parts of the country for immigration purposes. The sales representative will then either photocopy it, swipe it into a customer relationship management (CRM) system, or put it on their desk while they go get keys and complete a test drive. The customer is typically told that this information is required for verification of a valid driver[']s license and insurance, but more often, this information is captured simply for future prospecting.

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Spec., 3, ll. 1–10. Appellants thus disclose a typical method by which an automobile dealership organizes human activities. Thus, we find Claim 2 recites at least one judicial exception.

2. Integration of the judicial exception into a practical application.

Where, as here, we determine the claims recite a judicial exception, we next 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 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.[14] Revised Guidance, at 55.

Appellants contend that similarly to "the claims in *Enfish*, the claims at issue here do not merely add computer functionality post-hoc to a fundamental economic or mathematical equation, or to an otherwise longstanding conventional practice, but instead, as discussed in detail herein, are directed towards computerizing an underlying process which simply is not fundamental to any other field." App. Br. 15. Appellants argue that an:

_____

[14] The Revised Guidance also finds integration into a practical application where the judicial exception is used in medical treatment or to transform an article to a different state. Revised Guidance, at 55. Such considerations are not before us.

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"improvement in computer-related technology" is not limited to improvement in operation of a computer or computer network per se, but may also be claimed as a set of "rules" (basically mathematical relationships) that improve computer-related technology by allowing computer performance of a function not previously performable by a computer.

Id.

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).

As evidence of an alleged "improvement in computer-related technology," Appellants assert:

the claims each include an enforcement module configured to automatically 'selectively permit and prevent acquisition of a credit report,' including preventing the acquisition 'if the credit application module has not captured ... a customer credit application ... by the system/computer/processor disabling the Run Credit button.'

App. Br. 16. Appellants further argue that as in *McRO*, the claims are directed towards an improvement over existing techniques using limited rules, "and it is the claimed rules, not the use of the computer, that provides

an improved technological result to otherwise conventional industry practice." Reply Br. 6; *see* App. Br. 15–16.

Appellants appear to argue the "improved technological result to otherwise conventional industry practice" is a set of computerized rules to allow the system/computer/processor to enable or disable a "Run Credit button" to prevent its use by a human user. However, we find that conventional computer systems enforce rules to enable or disable human access to various computer functions, i.e., a function button may be selectively "greyed out." We are not persuaded denying access to a "Run Credit button" represents an advance over a conventional technology.

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

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more than a judicial exception. However, Appellants admit the claims automate an "otherwise conventional industry practice." Reply Br. 6. *See, e.g., Versata Development Group v. SAP America*, 793 F.3d 1306, 1335 (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 solely as an obvious mechanism for permitting a solution to be achieved more quickly").

We find 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 and analyze certain electronic data, i.e., customer credit-application data. The selection of electronic data is not a "transformation or reduction of an *article* into a different state or thing constituting patent-eligible subject matter[.]" *See In re Bilski*, 545 F.3d 943, 962 (Fed. Cir. 2008) (emphasis added). *See also CyberSource Corp. v.*

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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 (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. 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. 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, 110 USPQ2d 1976 (2014). In
> particular, the Court 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.*

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.

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

The claims operate to capture and process data which we find to be a classic example of insignificant extra-solution activity. *See, e.g., Bilski*, 545 F.3d at 963 (en banc), *aff'd sub nom, Bilski v. Kappos*, 561 U.S. 593 (2010).

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.

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Ultramercial, Inc. v. Hulu, LLC, 722 F.3d 1335, 1346 (Fed. Cir. 2013). We find the "system" and "server" limitations are simply a field of use that attempts to limit the abstract idea to a particular technological environment.

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.

3.   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 specification discloses the implementation of the invention on a generic computer because the "above systems are implemented in various computing environments. For example, the present invention may be implemented on a conventional IBM PC or equivalent." Ans. 6 (quoting Spec., 32, ll. 17–24).

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

4.   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.

Appellants contend:

> [i]f the elements or functions are beyond those recognized in
> the art or by the courts as being well-understood, routine or
> conventional, then the elements or functions will in most cases
> amount to significantly more (Step 2B: YES). (July 2015
> Update, page 7.).

App. Br. 17. Appellants further argue:

> Applicant is not taking the position that the "significantly
> more" of its claims are limited to generic computer
> components. The instant claims, unlike those in *Alice* and
> *Dealertrack*, are directed to a computerized version of an
> approach that is not a longstanding analog practice, as
> discussed above. This distinction should be given considerable
> weight in the consideration of Step 2B, since much, if not the
> entirety of Applicant's "significantly more" is found in the
> specific, limited rules listed in the claims, which have not been
> practiced previously.

Id., 19.

However, Appellants' claims recite rules for computerization of a
conventional process. *See* Reply Br. 6 ("and it is the claimed rules, not the
use of the computer, that provides an improved technological result to

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otherwise conventional industry practice."). Nor do the claims require a specialized computing environment. *See* Spec., 8, ll. 20–24 ("As used herein, the terms 'computer' and 'end-user device' are meant to encompass a workstation, personal computer, personal digital assistant (PDA), wireless telephone, or any other suitable computing device including a processor, a computer readable medium upon which computer readable program code (including instructions and/or data) may be disposed, and a user interface."). Moreover, Appellants fail to direct our attention to Specification disclosure of other than "well-understood, routine, conventional activities."

Appellants further contend the: "claims include 'significantly more' than the abstract idea by virtue of the lack of applicable Section 102 and 103 art." App. Br. 20. However, we note that novelty and nonobviousness are separate requirements from eligibility.[15]

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).

DEPENDENT CLAIMS 1, 3, 4, 25, 27, AND 28.

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[15] The claims must also satisfy the other conditions and requirements for patentability, for example, under section 102 (novelty), 103 (nonobviousness), or 112 (enablement, written description, definiteness). *Bilski*, 561 U.S. at 602. Examiners should take care not to confuse or intermingle patentability requirements of these separate sections with patent eligibility analysis under section 101. Rev. Guid., 54, n. 21.

Appellants advance additional arguments for the separate eligibility of dependent claims 1, 3, 4, 25, 27, and 28. App. Br. 13.

Dependent Claim 1 recites, *inter alia*, "a time-stamp module configured to apply time-stamps to the items associated with the electronic customer file; [and] a data integrity module configured to maintain the items associated with the electronic customer file for a predetermined time period subsequent to the timestamps."

Appellants contend "[t]hese claims recite a computer-implemented approach to transform data in a particular manner - in this case, e.g., by inserting an electronic date stamp to create formatted data, to enable a particular type of computer file to be located for the purpose of maintaining items in the electronic customer file for a predetermined time period." App. Br. 16. In view of the claimed "time-stamp," Appellants analogize the claims to those held to be not directed to an abstract idea in *PNC Bank, v. Secure Axcess, LLC.*, CBM 2014-00100, p.23 (PTAB, Sept. 9, 2014) (the claim "relates to a computer-implemented method to transform data in a particular manner – by inserting an authenticity key to create formatted data, enabling a particular type of computer file to be located and from which an authenticity stamp is retrieved."). App. Br. 13.

We note that "time-stamping" data is conventional in the prior art. For example, Huber discloses entering a "Decision Date" into a spreadsheet of an automobile sales database. Huber, Figure 4 (cited by the Examiner). Moreover, Appellants do not persuasively argue that the claimed "time-stamp" is anything other than a conventional spreadsheet data field upon which a conventional sort may be performed.

In view of the foregoing, we sustain the rejection of Claims 1–51 under 35 U.S.C. § 101.

INDEPENDENT CLAIMS 2, 26, AND 49: OBVIOUSNESS OVER

HUBER AND FUCHS.

Run Credit Button.

Independent Claim 2 recites, *inter alia*:

> if the ID module has captured and associated customer identification data with the electronic customer file, and the credit application module has captured and associated a customer credit application with the electronic customer file, then acquisition of a credit report for the customer is permitted by the system, by enabling a Run Credit button;

Independent Claims 26 and 49 contain commensurate recitations.

Appellants contend the claims require the system to enable and disable the button, but that Fuchs teaches that it is the dealer personnel who actuate the button. App. Br. 25.

The Examiner finds Fuchs discloses:

> the computing system performs the check rating check process . . . and at "Step 404 determines if a credit rating check is to be performed on the customer listed in the header of the sales order record 126. The BP record for the customer is examined to see if the credit rating check has been enabled using the configuration process 300 as described in Fig. 3. If it has not been enabled, a credit rating check on the customer will not be performed.

Ans. 8 (citing Fuchs, ¶¶ 43, 44, 46; Fig. 4, element 404).

Fuchs discloses:

> The BP [business partner master data database] record for the customer is examined to see if the credit rating check has been enabled during the configuration process 300 as described in FIG. 3.

Fuchs, ¶ 46 (cited by the Examiner). With respect to Step 308 of Figure 3,

Fuchs discloses:

> The administrator, for example, may select "sales" as the business transaction type and customize the BP record for the customer, Adam, for this particular business transaction type to enable the credit rating check process to occur. This may be done, for example, by a user selecting a check box on a user interface display.

Fuchs, ¶ 40.

Thus, contrary to limitations, explicitly recited in the independent claims, Fuchs discloses that a person, an administrator, enables the credit check process. Thus, the prior art fails to teach at least one limitation claimed in each independent claim. Therefore, we decline to sustain the rejections of Claims 1–51 under 35 U.S.C. § 103.[16]

DECISION

The rejection of Claims 1–51 under 35 U.S.C. § 101 is AFFIRMED.

The rejection of Claims 1–51 under 35 U.S.C. § 103 is REVERSED.

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[16] Because we do not sustain the Examiner's rejection for the reasons discussed herein, we need not address Appellants' further arguments. See *Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984) (finding an administrative agency is at liberty to reach a decision based on "a single dispositive issue.").

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. § 41.50(f).

<u>AFFIRMED</u>