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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ALAN J. BERKELHAMER, CHARLES GOODALL, and GOWRI SELKA

Appeal 2017-011510[1]
Application 13/215,364[2]
Technology Center 3600

Before CARL W. WHITEHEAD, JR., JASON V. MORGAN, and JAMES B. ARPIN, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1–3, 5–8, 11, 12, and 14–22. App. Br. 2. Claims 4, 9,

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[1] In this Decision, we refer to Appellants' Appeal Brief ("App. Br.," filed March 6, 2017); the Final Office Action ("Final Act.," mailed October 11, 2016) and the Advisory Action ("Adv. Act.," mailed December 23, 2016); the Examiner's Answer ("Ans.," mailed June 22, 2017); and the originally-filed Specification ("Spec.," filed August 23, 2011). Rather than repeat the Examiner's findings and determinations and Appellants' contentions in their entirety, we refer to these documents.

[2] Appellants assert Walgreen Company is the real party in interest. App. Br. 2.

10, and 13 are canceled. *Id.* We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

STATEMENT OF THE CASE

Appellants' recited methods and computers "relate[] to a process for managing prescription order workflow in a pharmacy network." Spec. ¶ 2; *see id.* ¶¶ 4–7.

As noted above, claims 1–3, 5–8, 11, 12, and 14–22 are pending. Claims 1, 7, and 12 are independent. App. Br. 17–18, 19–20, 21–22 (Claims App.). Claims 2, 3, 5, 6, 17, and 18 depend directly or indirectly from claim 1; claims 8, 11, 19, and 20 depend directly or indirectly from claim 7; and claims 14, 15, 21, and 22 depend directly or indirectly from claim 12. *Id.* at 18–24.

Claim 1, reproduced below, is representative.

1. A method of processing prescription orders, comprising:

evaluating, by a processor-implemented rules engine, data corresponding to a prescription order to identify that a drug for a client specified in the prescription order requires clinical data corresponding to health information based on an observation of the client;

evaluating, by the processor-implemented rules engine, the clinical data associated with the client in view of the drug to identify (i) hard edit values, and (ii) soft edit values contained in the clinical data associated with the client, the hard edit values being critical to dispensing the drug from a retail pharmacy to the client, and the soft edit values not being critical to dispensing the drug from the retail pharmacy to the client;

comparing, by the processor-implemented rules engine, the hard edit values to expected values associated with the use of the drug to identify whether any hard edit values are missing or out-of-range based upon the expected values;

> flagging, by the processor-implemented rules engine, any hard edit values that are missing or out-of-range as flagged hard edit values;
>
> routing, by the processor-implemented rules engine when flagged hard edit values are identified with the prescription order, such that the prescription order cannot be filled at the retail pharmacy until differences between the flagged hard edit values and the expected values are resolved via the computing device associated with the pharmacy processing resource;
>
> marking, by the processor-implemented rules engine, soft edit values resulting from the evaluation of the clinical data associated with the client such that verification of the soft edit values is deferred until after the differences between any flagged hard edit values and their respective expected values are resolved via the computing device associated with the pharmacy processing resource such that the verification of soft edit values does not change the routing of the prescription order,
>
> wherein the computing device associated with the pharmacy processing resource and the computing device associated with the pharmacy fulfillment resource are connected via a computer network, and
>
> wherein the routing of the prescription order to the computing device associated with the pharmacy processing resource causes a distribution of processing among different portions of the computer network that increases computer network efficiency when compared to processing the prescription order entirely via only the computing device associated with the pharmacy processing resource or only the computing device associated with the pharmacy fulfillment resource.

Id. at 17–18.

REJECTION

The Examiner rejects the claims 1–3, 5–8, 11, 12, and 14–22 as unpatentable under 35 U.S.C. § 101 as directed to patent ineligible subject matter. Final Act. 3–5.

We review the appealed rejection for error based upon the issues identified by Appellants, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). Arguments not made are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv). Unless otherwise indicated, we adopt the Examiner's findings in the Answer as our own and add any additional findings of fact appearing below for emphasis. We address the rejection below.

ANALYSIS

Patent Ineligible Claims

A. Section 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. However, the U.S. Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: "[l]aws of nature, natural phenomena, and abstract ideas" are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014).

In determining whether a claim falls within an excluded category, we are guided by the Court's two-step framework, described in *Alice* and *Mayo*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is "directed to." *See Alice*, 573 U.S. at 219 ("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.,* the use of a third party to mitigate settlement risk."); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk.").

Concepts determined to be abstract ideas and, thus, patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as "molding rubber products" (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); "tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores" (*id.* at 183 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Court held that "[a] claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula." *Diehr*, 450 U.S. at 176; *see also id.* at 191 ("We view respondents' claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula."). Having said that, the Court also indicated that a claim "seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, []and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological environment." *Id.* (citing *Benson* and *Flook*); *see, e.g.*, *id.* at 187 ("It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.").

If the claim is "directed to" an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, in which "we must examine the

elements of the claim to determine whether it contains an 'inventive concept' sufficient to 'transform' the claimed abstract idea into a patent-eligible application." *Alice*, 573 U.S. at 221 (quotation marks omitted). "A claim that recites an abstract idea must include 'additional features' to ensure 'that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].'" *Id.* (quoting *Mayo*, 566 U.S. at 77). "[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention." *Id.*

B. Office Patent Eligibility Guidance

The Office recently published revised guidance on the application of § 101. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019).[3] Under that guidance, we first look to whether the claim recites:

> (1) Step 2A — Prong One: any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activity, such as a fundamental economic practice, or mental processes); and
>
> (2) Step 2A — Prong Two: additional elements that integrate the judicial exception into a practical application (*see* MPEP[4] § 2106.05(a)–(c), (e)–(h)).[5]

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[3] This guidance supersedes previous guidance memoranda. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. at 51 ("All USPTO personnel are, as a matter of internal agency management, expected to follow the guidance."); *but see* App. Br. 11–12, 13–14 (relying on superseded guidance).

[4] All Manual of Patent Examining Procedure ("MPEP") citations herein are to MPEP, Rev. 08.2017, January 2018.

[5] We acknowledge that some of the considerations at Step 2A, Prong Two, properly may be evaluated under Step 2 of *Alice* (Step 2B of the Office

See 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. at 54–55 ("Revised Step 2A").

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then look to 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.

See id. at 56 ("*Step 2B: If the Claim Is Directed to a Judicial Exception, Evaluate Whether the Claim Provides an Inventive Concept*.").

C. Statutory Categories

As an initial matter, each of the pending claims must be directed to at least one of four recognized statutory categories, namely, apparatus, process, article of manufacture, or composition of matter. MPEP § 2106(I). Here, independent claims 1, 8, and 15 are directed to computers, i.e., "machines," and methods, i.e., "processes." *See* 35 U.S.C. § 101. Thus, the pending claims are directed to recognized statutory categories. *See Accenture Global Servs. GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1341 (Fed. Cir. 2013) ("Although *CLS Bank* issued as a plurality opinion, in that case a majority of the court held that system claims that closely track method

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guidance). For purposes of maintaining consistent treatment within the Office, we evaluate them under Step 1 of *Alice* (Step 2A of the Office guidance). *See 2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. at 55 n.25, 27–32.

claims and are grounded by the same meaningful limitations will generally rise and fall together.") (citation omitted).

D. Two-Step Alice/Mayo Analysis

1. Step 2A – Prong One

Applying the first step of the *Alice/Mayo* analysis, the Examiner concludes the pending claims are directed to the abstract idea of "evaluating clinical data to determine tasks and route a task." Final Act. 3. As the Specification explains:

> This system enables flexible pharmacy organization planning and allows for implementation of different workflows for different types of work orders. *While the specific method and system will be described to apply to a pharmacy retail network embodiment, it is emphasized that this process may be applied to other retail network systems that require original order data to be referenced during the processing of a work order.* Other network systems may include those for various technical products, legal document processing, and/or forensic processing.

Spec. ¶ 7 (emphasis added); *see id.* ¶ 3. The Examiner considered the limitations of the pending claims both individually and as an ordered combination. *See* Final Act. 3–4. The Examiner concludes that "[t]he concept described in claim[s] 1, 7 and 12 is not meaningfully different than *those economic concepts* found by the courts to be abstract ideas. As such, the description in claims 1, 7 and 12 of evaluating clinical data to determine tasks and route a task is an abstract idea." *Id.* at 4 (emphasis added); *see also* Ans. 4 ("An improvement to the operation of physical businesses to 'increase the speed and efficiency in which prescriptions are filled' is not a technical problem, *rather a business problem*.") (emphasis added). Further, the Examiner finds that this abstract idea is similar to abstract ideas

previously identified by courts, "such as using categories to organize store and transmit information in [*Cyberfone Sys., LLC v. CNN Interactive Grp, Inc.*, 558 F. App'x 988 (Fed. Cir. 2014)], and comparing new and stored information and using rules to identify options in [*SmartGene, Inc. v. Advanced Biological Labs., SA*, 555 F. App'x 950 (Fed. Cir. 2014)]." Final Act. 4; *see also Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016) ("The focus of the asserted claims . . . is on collecting information, analyzing it, and displaying certain results of the collection and analysis. We need not define the outer limits of 'abstract idea,' or at this stage exclude the possibility that any particular inventive means are to be found somewhere in the claims, to conclude that these claims focus on an abstract idea—and hence require stage-two analysis under § 101."). *See* Ans. 3. Appellants disagree.

Appellants assert

> the claims are directed to managing prescription order processing within a network of pharmacy computing devices. The network of pharmacy computing devices may include pharmacies or specialized centers that are physically separated from one another so that the receipt of a prescription order, the verification of the prescription order, the filling of the prescription, and the dispensing or shipment of the prescription may take place at separate facilities. Prescription orders need to be properly routed among each of these facilities to ensure that prescription orders are filled or, if an issue arises during the process, that this issue is rectified in an efficient manner.

App. Br. 10. Appellants conclude that

> [the] independent claims recite features that conditionally route prescription orders such that the verification of certain types of clinical data may be prioritized over others. This prevents bottlenecking of prescription orders in a rectification queue by re-routing only those prescription orders that require it, and in

> doing so allows the network of pharmacy computers to function more efficiently.

Id. at 10–11. Thus, as discussed below with respect to our Prong Two analysis, Appellants contend that, like *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016), the pending claims are directed to improvements in computer functionality. App. Br. 11. We are not persuaded by Appellants' contentions.

Although the claims recite use of a network in the dispensing of drugs to clients based on the evaluation of "hard edit values being critical to dispensing the drug from a retail pharmacy to the client, and the soft edit values not being critical to dispensing the drug from the retail pharmacy to the client" (App. Br. 17 (Claims App.)), the claims do not recite that the elements of the network operate in any way different from any similar network (*see* Spec. ¶¶ 23, 29). As the Examiner states, "the claims are directed to the processing of prescription orders, *not networking*, and the features directed to distributing tasks among a network of computers is not an inventive concept and performs routine functions of assigning tasks among networked computers." Adv. Act. 2 (emphasis added). Instead, the claims recite improvements to evaluating clinical data and assigning tasks in the context of processing and filling prescriptions, i.e., dispensing drugs. The use of a network, even a novel and non-obvious network arrangement (*see* Final Act. 5), to accomplish this abstract idea does not necessarily make the claims patent eligible. *See Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 89–90 (2012); *see also Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) ("[A] claim for a new abstract idea is still an abstract idea. The search for a § 101 inventive concept is thus distinct from demonstrating § 102 novelty."); *Intellectual*

Ventures I LLC v. Symantec Corp., 838 F.3d 1307, 1315 (Fed. Cir. 2016) (same for obviousness).

Considered individually or as an ordered combination, the independent claims are directed to evaluating clinical data and assigning tasks in the context of processing and fulfilling a prescription. *See* Spec. ¶ 7. Referring to independent claim 1, the recited method includes: (1) determining whether a prescribed drug requires client observation ("evaluating . . . data corresponding to a prescription order to identify that a drug for a client specified in the prescription order requires clinical data corresponding to health information based on an observation of the client"); (2) determining whether the client's clinical data contains values critical to dispensing the drug and values not critical to dispensing the drug ("evaluating . . . the clinical data associated with the client in view of the drug to identify (i) hard edit values, and (ii) soft edit values contained in the clinical data associated with the client, the hard edit values being critical to dispensing the drug from a retail pharmacy to the client, and the soft edit values not being critical to dispensing the drug from the retail pharmacy to the client"); (3) determining whether any of the dispensing critical values are missing or out-of-range ("comparing . . . the hard edit values to expected values associated with the use of the drug to identify whether any hard edit values are missing or out-of-range based upon the expected values"); (4) identifying the missing or out-of-range values ("flagging . . . any hard edit values that are missing or out-of-range as flagged hard edit values"); (5) associating the identified values with the prescription, so that the prescription is not filled until the status of the missing or out-of-range values is resolved ("routing . . . when flagged hard edit values are identified with

the prescription order, such that the prescription order cannot be filled at the retail pharmacy until differences between the flagged hard edit values and the expected values are resolved . . ."); and (6) identifying the non-dispensing critical values for resolution *after* the dispensing critical values ("marking . . . soft edit values resulting from the evaluation of the clinical data associated with the client such that verification of the soft edit values is deferred until after the differences between any flagged hard edit values and their respective expected values are resolved . . ."). *See* App. Br. 17 (Claim App.). This method does not differ substantively from known methods (*see* Spec. ¶¶ 3, 65, 66) and the use of "a processor-implemented rules network" and a network-linked "computing device" in performing known functions does not alter that the method is directed to an abstract idea (*see id.* ¶¶ 23, 24, 26, 29, 32, 47). Thus, we are persuaded that "evaluating clinical data to determine tasks and route a task" in the context of processing and filling a drug prescription at a retail pharmacy is a fundamental economic principle or practice, i.e., providing medical services, including processing and filling of drug prescriptions; a commercial interaction that merely manages relationships, e.g., between a pharmacist and a patient; *or* an interaction between people, including following rules or instructions, i.e., dispensing drugs in a manner so as to avoid adverse results. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. at 52; *see* Final Act. 3–4; Adv. Act 2; Ans. 4. Referring to independent claim 1, the method of evaluating clinical data and identifying and routing tasks associated with dispensing drugs is similar to the situations in which a human could achieve substantially the process with or without the described devices. Final Act. 3–4. Neither the generic devices *used* to perform the particular steps

nor the environment in which these communications are intended to occur elevate the recited methods (claim 1 and 12), nor the corresponding computer (claim 7), having "computer executable programs" to perform the methods' steps, to more than the identified abstract idea. *See Digitech Image Tech. LLC v. Electronics for Imaging, Inc.*, 758 F.3d 1344, 1351 (Fed. Cir. 2014) (Intended use is not sufficient to render patent eligible a claim directed to an abstract idea.). Thus, we determine that the Examiner links the identified abstract idea to abstract ideas previously identified by the courts and persuasively argues that the pending claims are directed to "[c]ertain methods of organizing human activity," which are abstract. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. at 52.

2. Step 2A – Prong Two

Applying the second step of the *Alice/M*ayo analysis, the Examiner concludes:

> The claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception because the additional elements when considered both individually and as an ordered combination do not amount to significantly more than the abstract idea. The claims recite the additional limitations of a "processor implemented rules engine" and "network connection." The "processor implemented rules engine" and "network connection" is recited at a high level of generality and is recited as performing generic computer functions routinely used in computer applications. Generic computer components recited as performing generic computer functions that are well-understood, routine and conventional activities amount to no more than implementing the abstract idea with a computerized system.[6] Looking at the limitations as an ordered combination adds nothing that is not already present

[6] *See supra* note 5.

> when looking at the elements taken individually. There is no indication that the combination of elements improves the functioning of a computer or improves any other technology. Their collective functions merely provide conventional computer implementation.

Final Act. 4–5. Further, the Specification discloses that the recited components are generic. *See* Spec. ¶¶ 23, 24, 26, 29, 32; *see also id.* ¶¶ 41 (The recited steps may be accomplished by sending e-mails to be read by humans between computers.), 47 ("Consolidation of *certain common functions* such as fulfillment and mailing may also increase the speed at which prescriptions are processed. Thus, a mail fulfillment facility ('MFC') 1006 having both equipment and personnel focused solely on fulfillment and mailing may also increase network efficiency.") (emphasis added).

Neither the claims nor the Specification states that any of the described embodiments necessarily invokes particular hardware or software or, as discussed above, results in improvements in computer technology or functions. Thus, the claims rely on generic or known hardware and software techniques, and these do not provide meaningful limitations beyond generally linking the use of the identified abstract idea to a particular technological environment, i.e., a pharmacy network. *See* MPEP § 2106.05(h).

Moreover, as the Examiner explains, "Applicant argues that the claims are rooted in computer technology, however, processing prescription orders are a routine business function that pre-dates computers, Applicants invention only automates this process by performing specific analysis to flag or instructing a certain user to fill a prescription using networked computers." Adv. Act. 2. Claim limitations, which merely include instructions to implement an abstract idea on a computer or a network of

computers, or merely uses a computer or a network of computers as a tool to perform an abstract idea do not evidence the integration of an abstract idea into a practical application. *See* MPEP § 2016.05(f); *see also Credit Acceptance Corp. v. Westlake Services*, 859 F.3d 1044 (Fed. Cir. 2017) (using a computer as a tool to process an application for financing a purchase).

In view of Appellants' Specification, and consistent with the Examiner's determinations, we conclude the pending claims do not recite:

(i) an improvement to the functioning of a computer;
(ii) an improvement to another technology or technical field;
(iii) an application of the abstract idea with, or by use of, a particular machine;
(iv) a transformation or reduction of a particular article to a different state or thing; or
(v) other meaningful limitations beyond generally linking the use of the abstract idea to a particular technological environment.

See MPEP §§ 2106.05(a)–(c), (e)–(h). Thus, we conclude that the pending claims do not integrate the judicial exception into a practical application.

3. Step 2B

Further, as noted above, applying second step of the *Alice/M*ayo analysis, the Examiner concludes, the claims do not include additional elements that are sufficient to amount to significantly more than the judicial exception. Final Act. 4–5. In particular, the Examiner finds that:

> The "processor implemented rules engine" and "network connection" is recited at a high level of generality and is recited as performing generic computer functions routinely used in computer applications. Generic computer components recited as performing generic computer functions that are well-understood,

> routine and conventional activities amount to no more than implementing the abstract idea with a computerized system.

Id. As noted above, the Specification makes clear that only generic components performing known functions are used in Appellants' recited methods and computers.

The Specification also makes clear that the components and techniques recited in the pending claims are well-understood, routine, and conventional. For example, the Specification states:

> *The network 32 may be provided using a wide variety of techniques well known to those skilled in the art for the transfer of electronic data. For example, the network 32 may comprise dedicated access lines, plain ordinary telephone lines, satellite links, combinations of these, etc.* Additionally, the network 32 may include a plurality of network computers or server computers (not shown), each of which may be operatively interconnected in a known manner. Where the network 32 comprises the Internet, data communication may take place over the network 32 via an Internet communication protocol.
>
> *The network computer 30 may be a server computer of the type commonly employed in networking solutions.*

Spec. ¶¶ 23, 24, 26 ("It should be noted that, while not shown, additional databases may be linked to the controller 50 *in a known manner*."), 29 ("The network 84 may be a wide area network (WAN), a local area network (LAN), *or any other type of network readily known to those persons skilled in the art*."), 32 (describing what facility "typically" comprises) (emphasis added). Although Appellants assert, the "independent claims are directed to an ***overall process***, whereby redistributed processing resources is the ***end result*** of the interaction among different computing devices in a pharmacy computer network" (App. Br. 15), Appellants do not show that the recited combinations of these few components operate in any way unconventional

or non-generic (Ans. 4). *See Alice*, 573 U.S. at 222 ("In holding that the process was patent ineligible, we rejected the argument that 'implement[ing] a principle in some specific fashion' will 'automatically fal[l] within the patentable subject matter of § 101.'") (quoting *Flook*, 437 U.S. at 593).

On this record, we agree with the Examiner that the claims 1, 7, and 12 are directed to an abstract idea and fail to recite "significantly more" than the identified abstract idea. Therefore, we are not persuaded that the Examiner erred in determining that the independent claims are patent ineligible, and we sustain those rejections. Appellants do not argue the eligibility of the dependent claims separately, and we find that the dependent claims fall with their independent claims, respectively. App. Br. 15; *see* Final Act. 5. Thus, we sustain the rejections of the independent claims, as well as the dependent claims.

CONCLUSIONS

1. The Examiner did not err in rejecting claims 1–3, 5–8, 11, 12, and 14–22 under 35 U.S.C. § 101, as directed to patent-ineligible subject matter.
2. Claims 1–3, 5–8, 11, 12, and 14–22 are not patentable.

DECISION

We affirm the Examiner's rejections of claims 1–3, 5–8, 11, 12, and 14–22.

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).

AFFIRMED