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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SALMAN SIDDIQUI

Appeal 2018-000388
Application 13/466,362
Technology Center 3600

Before MAHSHID D. SAADAT, ST. JOHN COURTENAY III, and
LARRY J. HUME, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1–3, 5–19 and 21–26, which are all the claims pending in this application.¹ Claims 4 and 20 are canceled. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We affirm.

¹ The real party in interest is Cerner Innovation, Inc. Appeal Br. 3.

STATEMENT OF THE CASE

Introduction

Appellant's claimed invention relates to "a medication ordering system, involving compiling a list of medication orders, by finding and collating order items to provide a compiled list with itemized hierarchical priority." Spec. ¶ 1.

Exemplary Claim

1. A medication ordering system, comprising:
at least one repository configured to store medication orders received from a plurality of users, each medication order having medication information identifying:

- (1) a medication,
- (2) one or more parameters relevant to the medication order and the medication, and
- (3) information identifying a user having placed the medication order; and

an order processor configured to, in response to a user input identifying a user of the user input and including text identifying a first medication for a patient, compile a list of medication orders for the patient, the compiling comprising:

- (1) searching the medication orders stored in the at least one repository,
- (2) *identifying one or more phase-one medication orders by matching at least one of the medication orders stored in the at least one repository to the first medication, based on the text,*
- (3) *identifying one or more phase-two medication orders by matching a user associated with at least one of the medication orders stored in the at least one repository to the identified user, based on the user input, and further matching the at least one medication*

order matching the identified user to the first medication, based on the text,

wherein the list compiled by the order processor comprises a priority-based hierarchy of medication orders including:

(1) *at least one of the one or more phase-one medication orders, wherein the at least one phase-one medication order is determined to be a medication order most frequently placed system-wide by the plurality of users of the ordering system,*

(2) *at least one of the one or more phase-two medication orders, wherein the at least one phase-two medication order is a medication order previously placed by the identified user and is determined to be a medication order most frequently placed by the identified user, and*

(3) *at least one other medication order placed by the plurality of users of the ordering system,*

wherein the at least one phase-two medication order is prioritized over the at least one phase-one medication order, and the at least one phase-one medication order is prioritized over the at least one other medication order; and

a display processor configured for initiating generation of a display image including the compiled list and enabling the user to select one or more medication orders from the-compiled list.

Appeal Br. 25–26, “Claims Appendix.” (Emphasis added regarding limitations contested under 35 U.S.C. § 103).

Rejections

A. Claims 1–3, 5–19 and 21–26 are rejected under 35 U.S.C. § 101, as being directed to a judicial exception, without significantly more.

B. Claims 1–3, 5–19 and 21–26 are rejected under pre-AIA 35 U.S.C. § 103(a) as being obvious over the combined teachings and suggestions of Brandt et al. (US 2006/0143093 A1, published June 29, 2006) (hereinafter “Brandt”), and Joao et al. (US 2002/0032583 A1; published Mar. 14, 2002) (hereinafter “Joao”).

ANALYSIS

We have considered all of Appellant’s arguments and any evidence presented. To the extent Appellant has not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Subject Matter Eligibility — 2019 Revised Guidance

The USPTO recently published revised guidance on the application of 35 U.S.C. § 101. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“2019 Revised Guidance”). *This new guidance is applied in this opinion.* Under the 2019 Revised Guidance, we first look to whether the claim recites:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, mental processes, or certain methods of organizing human activity such as a fundamental economic practice or managing personal behavior or relationships or interactions between people); and

(2) additional elements that integrate the judicial exception into a practical application (*see* Manual of Patent Examining Procedure (“MPEP”) §§ 2106.05(a)–(c), (e)–(h)).² *See* 2019 Revised Guidance, 84 Fed. Reg. at 51–52, 55.

A claim that integrates a judicial exception into a practical application applies, relies on, or uses the judicial exception in a manner that imposes a meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception. *See* 2019 Revised Guidance, 84 Fed. Reg. at 54. When the judicial exception is so integrated, then the claim is not directed to a judicial exception and is patent eligible under § 101. *Id.*

Only if a claim: (1) recites a judicial exception and (2) does not integrate that exception into a practical application, do we then evaluate whether the claim provides an inventive concept. *See* 2019 Revised Guidance at 56; *Alice*, 573 U.S. at 217–18.

For example, we 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, and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. *See* 2019 Revised Guidance, 84 Fed. Reg. at 56.

Because there is no single definition of an “abstract idea” under *Alice* step 1, the PTO has recently synthesized, for purposes of clarity, predictability, and consistency, key concepts identified by the courts as

² All references to the MPEP are to the Ninth Edition, Revision 08–2017 (rev. Jan. 2018).

abstract ideas to explain that the “abstract idea” exception includes the following three groupings:

1. Mathematical concepts—mathematical relationships, mathematical formulas or equations, mathematical calculations;
2. Mental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion); and
3. 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 instructions).

See 2019 Revised Guidance, 84 Fed. Reg. at 52.

According to the 2019 Revised Guidance, “[c]laims that do not recite [subject] matter that falls within these enumerated groupings of abstract ideas should not be treated as reciting abstract ideas,” except in rare circumstances. Even if the claims recite any one of these three groupings of abstract ideas, these claims are still not “directed to” a judicial exception (abstract idea), and thus are patent eligible, if “the claim as a whole integrates the recited judicial exception into a practical application of that exception.” *See* 2019 Revised Guidance, 84 Fed. Reg. at 53.

For example, limitations that **are** indicative of “integration into a practical application” include:

1. Improvements to the functioning of a computer, or to any other technology or technical field – *see* MPEP § 2106.05(a);
2. Applying the judicial exception with, or by use of, a particular machine – *see* MPEP § 2106.05(b);
3. Effecting a transformation or reduction of a particular article to a different state or thing – *see* MPEP § 2106.05(c); and
4. Applying or using the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception – *see* MPEP § 2106.05(e).

In contrast, limitations that are **not** indicative of “integration into a practical application,” include:

1. Adding the words “apply it” (or an equivalent) with the judicial exception, or merely include instructions to implement an abstract idea on a computer, or merely using a computer as a tool to perform an abstract idea – *see* MPEP § 2106.05(f);
2. Adding insignificant extra-solution activity to the judicial exception – *see* MPEP § 2106.05(g); and
3. Generally linking the use of the judicial exception to a particular technological environment or field of use – *see* MPEP 2106.05(h).

See 2019 Revised Guidance, 84 Fed. Reg. at 54–55 (“Prong Two”).

Rejection A of claims 1–3, 5–19 and 21–26 under 35 U.S.C. § 101

The Examiner identifies the specific claim 1 language that recites the abstract idea:

While the claims may not explicitly recite, “comparing new and stored information and using rules to identify options”, the concept of “comparing new and stored information and using rules to identify options” is described, for example, by the

receiving, determining, determining, selecting, receiving, and executing steps as recited in currently amended independent Claim 1.

Final Act. 3 (emphasis added).

The Examiner finds the claims do not include additional elements that amount to significantly more than the judicial exception, because:

the additional elements or combination of elements in the claims in conjunction with the abstract idea per se amount[] to no more than mere instructions to implement the idea on a computer, and/or the recitation of generic computer structure that serves to perform generic computer functions that are well-understood, routine, and conventional activities previously known to the pertinent industry.

Final Act. 3

For the aforementioned reasons, the Examiner concludes that all claims 1–3, 5–19 and 21–26 are not patent eligible under 35 U.S.C. § 101.³

*2019 Revised Guidance, Step 2A, Prong One*⁴
The Judicial Exception

Under the 2019 Revised Guidance (1), we consider whether the claims recite any judicial exceptions, including certain groupings of abstract ideas, in particular: (a) mathematical concepts, (b) mental steps, and (c) certain methods of organizing human activities.

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

⁴ Throughout this opinion, we give the claim limitations the broadest reasonable interpretation consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997).

We agree with the Examiner that an abstract idea is recited in claim 1 as a whole, and particularly by the two “identifying” functions and the two functions that determine whether a medication order is a phase-one medication order, or a phase-two medication order. We conclude at least these “identifying” and “determining” functions could be performed alternatively as mental steps.⁵

2019 Revised Guidance, Step 2A, Prong Two

Integration of the Judicial Exception into a Practical Application

As noted above, we conclude the “identifying” and “determining” functions of claim 1 each recite an abstract idea that could be performed as a mental step. Under MPEP § 2106.05(a) (“Improvements to the Functioning of a Computer or to Any Other Technology or Technical Field”), Appellant contends:

Each claim, when viewed as a whole and viewed in light of the Specification, directly provides for specific improvements to the existing process of computerized search technology. For example, with regard to the above-quoted independent claim 1, user input including text of a first medication and user-

⁵ If a method can be performed by human thought alone, or by a human using pen and paper, it is merely an abstract idea and is not patent eligible under § 101. *CyberSource Corp.*, 654 F.3d at 1372–73; *see also Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1146–47 (Fed. Cir. 2016) (“While the Supreme Court has altered the § 101 analysis since *CyberSource* in cases like *Mayo* and *Alice*, we continue to ‘treat[] analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, as essentially mental processes within the abstract-idea category.’” (brackets in original) (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016)); *CyberSource*, 654 F.3d at 1375 (“That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in *Gottschalk v. Benson*.”)).

identifying information are used to conduct a search of a repository of medication orders, to identify phase specific medication orders as described in detail within the claim, and to display a list of user selectable medication orders that is presented in a particular manner reflecting a phase-based prioritized hierarchy.

Appeal Br. 14 (footnotes omitted).

However, we do not consider the recited “identifying” and “determining” functions of claim 1 as improving the functioning of the computer itself. We agree with the Examiner that, without more, “[t]here 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.” Ans. 15.

Appellant advances no arguments pertaining to the *Bilski* “Machine or Transformation” (MoT) test. Arguments not made are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Nor do we conclude that the recited “identifying” and “determining” functions of claim 1 provide a meaningful limitation beyond generally linking the use of the judicial exception to a particular technological environment. We conclude Appellant’s “identifying” and “determining” functions of claim 1 are unlike the case in *Diehr*, in which the claim was directed to the use of the Arrhenius equation (an abstract idea or law of nature) for use in an automated process for operating a rubber-molding press. *See* 450 U.S. at 177–78. *See* MPEP § 2106.05(e) “Other Meaningful Limitations.”

The remaining elements of claim 1 merely specify the informational content of the medication orders (including the phase-one and phase-two medication orders), or involve functions which perform insignificant extra-

solution or post-solution activity, such as searching, list compiling, and displaying information. *See* MPEP § 2106.05(g) “Insignificant Extra-Solution Activity.” Thus, under *Step 2A, Prong Two* (MPEP §§ 2106.05(a)–(c) and (e)–(h)), we conclude claims 1–3, 5–19 and 21–26 do not integrate the judicial exception into a practical application. Therefore, we proceed to *Step 2B, The Inventive Concept*.

The Inventive Concept – Step 2B
Berkheimer v. HP Inc., 881 F.3d 1360 (Fed. Cir. 2018)

Under the 2019 Revised Guidance, 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 adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); **or**, simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

We note *Berkheimer* was decided by the Federal Circuit on February 8, 2018. Appellant’s Reply Brief was filed almost four months earlier, on October 10, 2017. On April 19, 2018, the PTO issued the Memorandum titled: “Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*)” (hereinafter “*Berkheimer* Memorandum”).⁶

The *Berkheimer* Memorandum provided specific requirements for an Examiner to support with evidence any finding that *claim elements* (or a

⁶ Available at <https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF>.

combination of elements) are well-understood, routine, or conventional. In reviewing the prosecution history, we recognize that the Appellant has not yet had an opportunity to advance arguments based upon the change in the law effected by *Berkheimer*. Thus, *Berkheimer* (881 F.3d at 1369) and the USPTO *Berkheimer* Memorandum are intervening authorities.

However, regarding the use of the recited generic “order processor” and “display processor” as recited Appellant’s claims, the Supreme Court has held “the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.” *Alice*, 573 U.S. 208, 223. Our reviewing court provides additional guidance, including in *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016) (“the use of generic computer elements like a microprocessor or user interface do not alone transform an otherwise abstract idea into patent-eligible subject matter”), and *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015) (claims reciting, *inter alia*, sending messages over a network, gathering statistics, using a computerized system to automatically determine an estimated outcome, and presenting offers to potential customers found to merely recite “well-understood, routine conventional activit[ies]” by either requiring conventional computer activities or routine data-gathering steps (alteration in original, internal citation omitted)).

Accordingly, on the record before us, the Appellant has not shown that claims 1–3, 5–19 and 21–26 add a specific limitation, beyond the judicial exception, that is more than what was “well-understood, routine, and conventional” in the field (*see* MPEP § 2106.05(d)).

In light of the foregoing, we conclude, under the 2019 Revised Guidance, that each of Appellant's claims 1–3, 5–19 and 21–26, considered as a whole, is directed to a patent-ineligible abstract idea that is not integrated into a practical application and does not include an inventive concept. Accordingly, for the reasons discussed above, we sustain the Examiner's Rejection A under 35 U.S.C. § 101 of claims 1–3, 5–19, and 21–26.⁷

*Rejection B of Claims 1–3, 5–19 and 21–26
under 35 U.S.C. § 103(a)*

We have reviewed Appellant's arguments in the Briefs, the Examiner's obviousness rejections, and the Examiner's responses to the Appellant's arguments. Appellant does not proffer sufficient argument or evidence to persuade us of error regarding the Examiner's underlying factual findings and ultimate legal conclusion of obviousness. *See Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). For at least the reasons discussed below, we agree with and adopt the Examiner's findings and legal conclusions in the Final Action and Answer.

Regarding Rejection B, the Examiner finds the proffered combination of Brandt and Joao teaches or suggests all limitations of independent claims 1, 16, and 17, and dependent claims 2, 3, 5–15, 18, 19, and 21–26. (Final Act. 4–15).

⁷ To the extent the Appellant has not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. *See* 37 C.F.R. § 41.37(c)(1)(iv).

Issue: Under 35 U.S.C. § 103, did the Examiner err by finding Brandt and Joao collectively teach or suggest the contested limitation:

wherein the at least *one phase-two medication order is prioritized over the at least one phase-one medication order*, and the at least one phase-one medication order is prioritized over the at least one other medication order[.]

within the meaning of representative claim 1? ⁸ (Emphasis added).

The Examiner finds Brandt (¶¶ 49–56, 64–69) teaches hierarchical priority. *See* Final Act. 5.⁹

Regarding the disputed limitation of claim 1, Appellant contends:

Importantly, Brandt’s nested decision tree is different and distinguishable from the phase-based *prioritized* hierarchy list compiled by an order processor, both in appearance and generation, as recited in Appellant’s independent claim 1. Compare *Brandt* at FIG. 6 to *Appellant’s as-filed Specification* at FIG. 2. The Brandt reference generates the nested decision tree by employing complex heuristic mechanisms. See, e.g., *Brandt* at ¶¶ [0049] – [0056] (heuristics), ¶¶ [0064] – [0069], [0074], [0086] – [0087] (value prediction). The Brandt reference does not make statements that teach or suggest the specific operations of the order processor and the compilation of the phase-based prioritization hierarchy list, as recited in Appellant’s independent claim 1, however.

App. Br. 21.

⁸ *See supra* n.4. (We give the contested claim limitations the broadest reasonable interpretation consistent with the Specification).

⁹ As referenced by the Examiner in the Final Action, we refer to paragraph numbers in Appellant’s Specification: U.S. Patent Application Publication US 2013/0304482 A1; Pub. Nov. 14, 2013.

Appellant further argues:

Joao does not cure the deficiency of Brandt in this regard. Generally, Joao discusses a device which is used to edit information in an electronic patient record and is used to produce a diagnostic report. See, e.g., *Joao* at Abstract, ¶¶ [0220], [0224] – [0227]. But like Brandt, Joao is silent with regard to the above-cited features of independent claim 1 and cannot cure the deficiency of Brandt. Thus, Brandt and Joao, whether taken alone or in combination, do not teach the aforementioned feature of claim 1.

App. Br. 22.

In response, the Examiner further explains the basis for the rejection:

the Examiner notes that Brandt in view of Joao discloses: “...complete candidate orders are derived using the repository and based on user ordering history.” [¶0020 of Brandt], Brandt in view of Joao also discloses: “...system uses heuristics to determine which combination of menu items should be represented...” [¶0049 of Brandt], Brandt in view of Joao further discloses: “...heuristics takes into account the likelihood that a particular combination of menu items is selected...to open multiple menus and locate and select desired items...” [¶0053 of Brandt], Brandt in view of Joao still further discloses: “...the attribute values are represented as a hierarchical decision tree, it is possible to still fix attribute values in any order, and at any level...system may employ various methods of presenting the attribute values and is not limited to a hierarchical decision tree.” [¶0087 of Brandt], Brandt in view of Joao still further discloses: “...engine retrieves a hierarchical decision tree that embeds multiple attributes and their associated values for construction of an order...” [¶0102 of Brandt]. As such, the Examiner respectfully submits that Brandt in view of Joao seemingly suggest[s], “the at least one phase-two medication order is prioritized over the at least one other medication order”, as claimed by the Appellant.

Ans. 15 – 16.

Claim Construction

We begin our analysis with claim construction.¹⁰ We turn to the Specification for *context*. Applying a broad but reasonable interpretation to the language of claim 1, we construe “wherein the at least one *phase-two medication order* is prioritized over the at least one *phase-one medication order*, and the at least one *phase-one medication order* is prioritized over the at least one *other medication order*” as being based upon frequently placed orders, consistent with the supporting description found in the Specification:

“The hierarchical priority comprises, (1) *orders most frequently placed by the user* for a patient with a particular hospital admission department, (2) *orders most frequently placed by multiple different users* of the ordering system, and (3) other orders placed by users of the ordering system.” Spec. 4, ¶¶ 18, 19; Fig. 2.¹¹ (emphasis added).

¹⁰ Claim construction is an important step in a patentability determination. A legal conclusion that a claim is obvious involves two analytical steps, assuming the references have been properly combined under § 103. *See Medichem, S.A. v. Rolabo, S.L.*, 353 F.3d 928, 933 (Fed. Cir. 2003) (“Both anticipation under § 102 and obviousness under § 103 are two-step inquiries. The first step in both analyses is a proper construction of the claims. . . . The second step in the analyses requires a comparison of the properly construed claim to the prior art.” (internal citations omitted)). Under the second step, the Board must compare the construed claim to one or more prior art references and make factual findings regarding the limitations contested by Appellant. *See In re Crish*, 393 F.3d 1253, 1256 (Fed. Cir. 2004). Because the PTO is entitled to give claims their broadest reasonable interpretation, a court’s review of the Board’s claim construction is limited to determining whether it was reasonable. *See Morris*, 127 F.3d at 1055.

¹¹ *See* Spec. ¶ 19 (“FIG. 2 shows list of medication orders 203 ranked based on, *orders most frequently placed by a user* 205, *orders most frequently placed by multiple different users* 207 and other orders 209 placed by users of an ordering system. The other orders 209 encompass *orders most*

Given this construction (*id.*), we turn to the evidence relied upon by the Examiner (Final Act. 4–6; Ans. 15–16). We find the cited paragraphs of Brandt (¶¶ 20, 49–56, 60–69, 87, 102, and Fig. 1 and 2) collectively teach or suggest “a priority based hierarchy of medication orders” based upon the user order history, within the meaning of independent claim 1.¹² In particular, Brandt ¶ 54 teaches: “A node is assigned frequencies or probabilities, based upon global, group, and independent *historical ordering frequencies.*” (emphasis added).

Moreover, our reviewing court guides: “the question under 35 USC 103 is not merely what the references expressly teach but what they would have *suggested* to one of ordinary skill in the art at the time the invention was made.” *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807 (Fed. Cir. 1989) (quoting *In re Lamberti*, 545 F.2d 747, 750 (CCPA 1976)). (Emphasis added); *see also* MPEP § 2123.

We reproduce Figure 1 of Brandt, below:

frequently placed by multiple different users 207 which in turn encompass orders most frequently placed by an individual user 205.”); *See also* orders frequently placed 205 and 207, as depicted in Figure 2.

¹² “Combining two embodiments disclosed adjacent to each other in a prior art patent does not require a leap of inventiveness.” *Boston Scientific Scimed, Inc. v. Cordis Corp.*, 554 F.3d 982, 991 (Fed. Cir. 2009). Moreover, an obviousness inquiry is not limited to the prior art’s preferred embodiment. *See, e.g., Pfizer, Inc. v. Apotex, Inc.*, 480 F.3d 1348, 1370 (Fed. Cir. 2007).

Figure 1 of Brandt is reproduced below depicting element 142 “User Ordering History”

FIG. 1

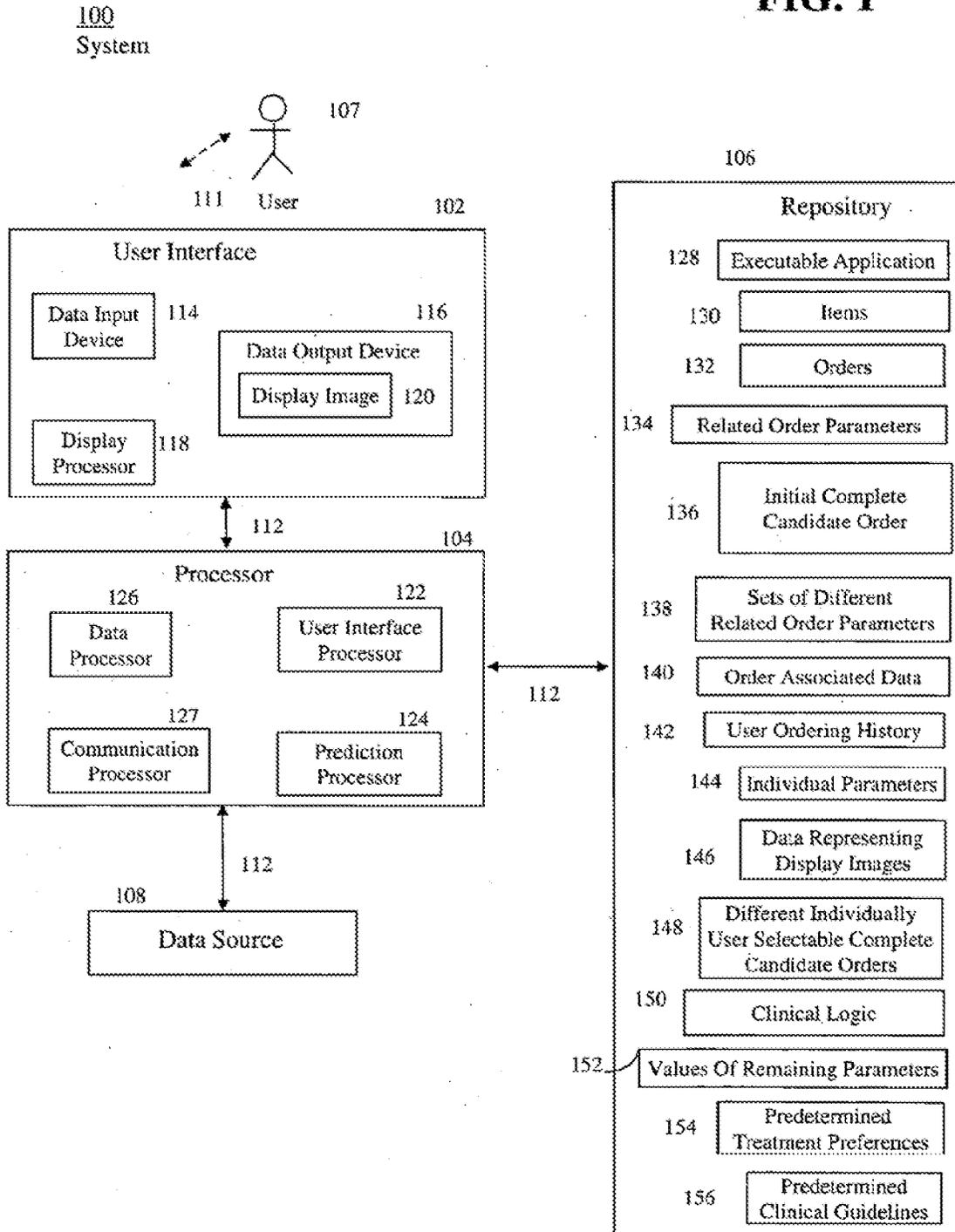


Figure 1 of Brandt is illustrated above, depicting Repository 106.

Therefore, on this record, and based upon a preponderance of the evidence, we are not persuaded the Examiner erred regarding Rejection B of claims 1–3, 5–19 and 21–26, under 35 U.S.C. § 103(a).

CONCLUSIONS

The Examiner did not err in rejecting claims 1–3, 5–19, and 21–26 under 35 U.S.C. § 101, as being directed to a judicial exception, without significantly more.

The Examiner did not err in rejecting claims 1–3, 5–19, and 21–26, as being obvious under 35 U.S.C. § 103(a).

DECISION

We affirm the Examiner’s decision rejecting claims 1–3, 5–19, and 21–26 under 35 U.S.C. § 101.

We affirm the Examiner’s decision rejecting claims 1–3, 5–19, and 21–26 under 35 U.S.C. § 103(a).

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