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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JOHN REGEP II

Appeal 2018-002372
Application 13/772,428¹
Technology Center 3600

Before JEAN R. HOMERE, HUNG H. BUI, and JON M. JURGOVAN,
Administrative Patent Judges.

BUI, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 17, 18, and 21–24, all of the pending claims. Claims 1–16 are withdrawn. App. Br. 11–15 (Claims App.). We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.²

¹ According to Appellant, the real party in interest is MoneyGram International, Inc. App. Br. 3.

² Our Decision refers to Appellant’s Appeal Brief filed August 31, 2017 (“App. Br.”); Reply Brief filed January 3, 2018 (“Reply Br.”); Examiner’s Answer mailed November 3, 2017 (“Ans.”); Final Office Action mailed December 1, 2016 (“Final Act.”); and original Specification filed February 21, 2013 (“Spec.”).

STATEMENT OF THE CASE

Appellant's invention is directed to "systems and methods for purchasing and redeeming virtual traveler's checks." Spec. ¶¶ 2, 5. Independent claim 17, reproduced below, is exemplary of the subject matter on appeal.

17. A system for managing the purchase and redemption of virtual traveler's checks, the system comprising:

a server that communicates with a plurality of computers, the plurality of computers including a purchase computer and a redemption computer, the server operable to:

store, in a database, fraudulent customer identification information;

receive, from the purchase computer, an electronic purchase request, the electronic purchase request including purchasing customer identification information, a request for one or more virtual traveler's checks, each of the one or more virtual traveler's checks having one of a predetermined set of fixed denominations and a respective redemption delay period for each of the one or more virtual traveler's checks;

record, in a database, the purchasing customer identification information;

compare the purchasing customer identification information to the stored fraudulent customer identification information;

record, in a database, a check number for each of the one or more virtual traveler's checks when the purchasing customer identification information does not match the stored fraudulent customer identification information;

associate the recorded check number for each of the one or more virtual traveler's checks with the purchasing customer identification information;

provide, to the purchase computer, a record including the check number for each of the one or more virtual traveler's checks;

receive, from the redemption computer, an electronic redemption request including redeeming customer identification

information and a request to redeem at least one of the one or more virtual traveler's checks;

store, in a database, the redeeming customer identification information;

compare the purchasing customer identification information to the stored redeeming customer identification information;

determine a time difference between a time associated with the received electronic purchase request and a time associated with the received electronic redemption request;

transmit, to the redemption computer, an electronic release approval to release funds in an amount equal to the denominations of the requested redemption of the at least one of the one or more virtual traveler's checks when the stored redeeming customer identification information matches the purchasing customer identification information and the respective redemption delay period for the at least one of the one or more virtual traveler's check is greater than the time difference; and

record, in a database, data representative of the electronic release approval.

App. Br. 13–14 (Claims App.).

REJECTION

The Examiner rejected claims 17, 18, and 21–24 under 35 U.S.C. § 101 because the claimed invention is directed to an abstract idea without significantly more. Final Act. 4–8.

ANALYSIS

In support of the § 101 rejection of claims 17, 18, and 21–24, the Examiner determines these claims are directed to “managing the purchase

and redemption of virtual travelers checks” which is considered as “a fundamental economic practice”—a certain “method of organizing human activity (managing the purchase and redemption).” Final Act. 4–7; Ans. 3. The Examiner also determines the claims fail to amount to “significantly more” than the abstract idea or contain an “inventive concept” because (1) the additional elements recited are generic computer components (e.g., server, purchase computer, redemption computer, and database) used to apply the abstract idea (“managing the purchase and redemption of virtual travelers checks”); and (2) “there is no improvement to another technology or technical field, no improvements to the functioning of a computer itself, and no meaningful limitations beyond generally linking the use of an abstract idea to a particular technical environment.” Final Act. 7–8; Ans. 6–7.

Legal Framework

To determine whether claims are patent eligible under § 101, we apply the U.S. Supreme Court’s two-step framework articulated in *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208 (2014). First, we determine whether the claims are directed to a patent-ineligible concept: laws of nature, natural phenomena, and abstract ideas. *Id.* at 216–17. If so, we then proceed to the second step to consider the elements of the claims “individually and ‘as an ordered combination’” to determine whether there are additional elements that “‘transform the nature of the claim’ into a patent-eligible application.” *Id.* at 217 (citation omitted). In other words, the second step is to “search for an ‘inventive concept’—*i.e.*, an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more

than a patent upon the [ineligible concept] itself.” *Id.* at 217–218 (alteration in original).

The Federal Circuit has described the *Alice* step-one inquiry as looking at the “focus” of the claims, their “character as a whole,” and the *Alice* step-two inquiry as looking more precisely at what the claim elements add—whether they identify an “inventive concept” in the application of the ineligible matter to which the claim is directed. *See Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016); *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016); *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015).

Because there is no single definition of an “abstract idea” under *Alice* step 1, the Federal Circuit has adopted the common law, analogy-driven approach (i.e., the “analogous claim” test) to determine whether a claim is directed to an abstract idea, and has instructed us “to examine earlier cases in which a similar or parallel descriptive nature can be seen—what prior cases were about, and which way they were decided.” *Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288, 1294 (Fed. Cir. 2016) (citing *Elec. Power Grp.*, 830 F.3d at 1353–54).

The Office sought to apply the Federal Circuit’s common law “analogous claim” test in the aftermath of *Alice* (see USPTO Memorandum, *July 2015 Update: Subject Matter Eligibility 3* (July 30, 2015), <https://www.uspto.gov/sites/default/files/documents/ieg-july-2015-update.pdf> (“a claimed concept is not identified as an abstract idea unless it is similar to at least one concept that the courts have identified as an abstract idea”)). But recently, the Office concluded that having examiners seek analogous claims had since become impractical and unpredictable in light of the growing body of

Federal Circuit precedent. Thus, the Office recently published revised guidance interpreting governing case law and establishing a framework to govern all patent-eligibility analysis under *Alice* and § 101 effective as of January 7, 2019. 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50–57 (Jan. 7, 2019) (“Revised Guidance”).

Revised Guidance

Under the Revised Guidance, we first look under *Alice* step 1 or “Step 2A” to whether the claim recites:

- (1) Prong One: any judicial exceptions, including certain groupings of abstract ideas (i.e., [i] mathematical concepts, [ii] mental processes, or [iii] certain methods of organizing human activity such as a fundamental economic practice or managing personal behavior or relationships or interactions between people); and
- (2) Prong Two: additional elements that integrate the judicial exception into a practical application (*see* Manual of Patent Examining Procedure (“MPEP”) §§ 2106.05(a)–(c), (e)–(h)).³

See Revised Guidance, 84 Fed. Reg. at 51–52, 55, Revised Step 2A, Prong One (Abstract Idea) and Prong Two (Integration into A Practical Application).

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* Revised Guidance, 84 Fed. Reg. at 54. When the judicial exception is so integrated,

³ All references to the MPEP are to the Ninth Edition, Revision 08–2017 (rev. Jan. 2018).

then the claim is not directed to a judicial exception and is patent eligible under § 101. *Id.* “Integration into a practical application” requires an additional element or a combination of additional elements in the claim to apply, rely on, or use 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 exception. *Id.* at 53, 55.

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 mere instructions to implement an abstract idea on a computer, or merely uses 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 Revised Guidance, 84 Fed. Reg. at 54–55 (“Prong Two”).

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” under *Alice* step 2 or “Step 2B.” *See* Revised Guidance at 56; *Alice*, 573 U.S. at 217–18. For example, we look to whether the claim:

- 1) adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)); or
- 2) 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 Revised Guidance, 84 Fed. Reg. at 56.

Alice/Mayo—Step 1 (Abstract Idea)

Step 2A—Prongs 1 and 2 identified in the Revised Guidance

Step 2A, Prong One

Turning to the first step of the *Alice* inquiry, Appellant argues “the claims are not directed to an abstract idea” because, according to Appellant, (1) “the threshold criterion as to whether claims are directed to an abstract idea is whether the claims recite features addressing a problem in manner that has not long existed in the art” (App. Br. 6 (footnote omitted) (citing *Trading Techs., Int’l, Inc. v. CQG, Inc.*, 675 F. App’x. 1001, 1004 (Fed. Cir. 2017))); and (2) similar to the claims in *Trading Techs.*, their claims “recite features addressing a problem in the art in a manner that has not long existed,” i.e., “conventional form of payment ‘are inherently subject to loss or theft’” whereas Appellant’s invention would make it difficult to redeem “[the] lost or stolen virtual traveler’s check.” App. Br. 7.

Appellant’s arguments are not persuasive. First, Appellant’s Specification and claims describe “systems [shown in Figure 1] and methods for purchasing and redeeming virtual traveler’s checks.” Spec. ¶¶ 2, 5.

Appellant’s Figure 1 is reproduced below:

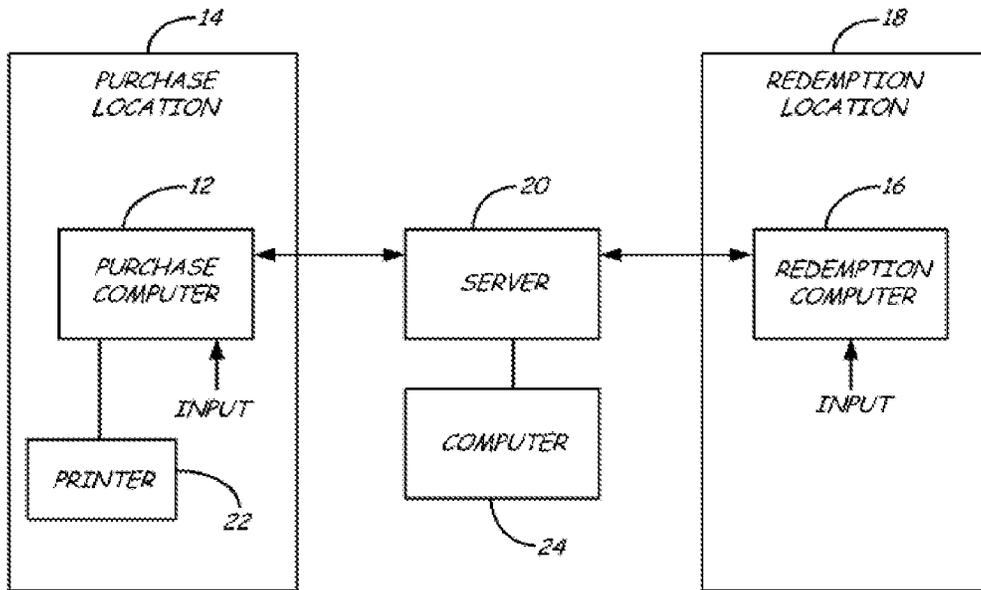


Figure 1 shows a system for managing the purchase and redemption of virtual traveler's checks.

As shown in Figure 1, purchase computer 12 at purchase location 14 is used by a purchaser to make a purchase request for one or more virtual traveler's checks of certain denomination. Server 20 receives the purchase request and issues a check number for each of the one or more virtual traveler's checks and associates the check numbers with the purchasing customer identification information. Redemption computer (e.g., bank) 16 at redemption location 18 is used to redeem the purchase request, including redeeming (1) customer identification information and (2) at least one of the one or more virtual traveler's checks. Server 20 then approves release of funds at redemption computer 16 if the redeeming customer identification information matches the purchasing customer identification information.

Abstract.

As correctly recognized by the Examiner, "managing the purchase and redemption of virtual travelers checks" is descriptive of "a fundamental

economic practice”—a certain “method of organizing human activity (managing the purchase and redemption)” (Final Act. 4–7; Ans. 3), as set forth in the Revised Guidance because “managing the purchase and redemption of virtual travelers checks,” according to Appellant’s Specification, is intended to facilitate commerce (payment or cash withdraw) for travelers’ convenience while avoiding the need of carrying various forms of payment such as cash, checks, credit cards, or ATM cards. ¶¶ 3–4; Abstract. Such activities are squarely within the realm of abstract ideas, like (1) the risk hedging in *Bilski v. Kappos*, 561 U.S. 593 (2010); (2) the intermediated settlement in *Alice*, 573 U.S. at 219–22; (3) verifying credit card transactions in *CyberSource Corp., v. Retail Decisions, Inc.*, 654 F.3d 1366, 1370 (Fed. Cir. 2011); (4) guaranteeing transactions in *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1354 (Fed. Cir. 2014); (5) distributing products over the Internet in *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709 (Fed. Cir. 2014); (6) determining a price of a product offered to a purchasing organization in *Versata Development. Group., Inc. v. SAP America, Inc.*, 793 F.3d 1306 (Fed. Cir. 2015); and (7) pricing a product for sale in *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359 (Fed. Cir. 2015). “[M]anaging the purchase and redemption of virtual travelers checks” is also a building block of a market economy and, like risk hedging and intermediated settlement, is an “abstract idea” beyond the scope of § 101. *See Alice*, 573 U.S. at 219–20.

Second, Appellant misapprehended the Federal Circuit’s non-precedential decision in *Trading Techs.* The “threshold criterion as to whether claims are directed to an abstract idea” is not “whether the claims recite features addressing a problem in manner that has not long existed in

the art,” as Appellant argues. App. Br. 6–7 (footnote omitted). Rather, as the Federal Circuit panel interpreted *Alice* step 1 as asking “whether the claims are directed to an improvement to computer functionality versus being directed to an abstract idea.” *Enfish*, 822 F.3d at 1335 (citing *Alice*, 134 S. Ct at 2357). According to the panel, “the focus of the [*Enfish*’s] claims is on the specific asserted improvement in computer capabilities (i.e., the self-referential table for a computer database).” *Id.* at 1335–36. Based on the “plain focus of the claims,” the panel reached the conclusion that *Enfish*’s claims are directed to “a specific improvement to the way computers operate, embodied in the self-referential table,” i.e., “an improvement of an existing technology [that] is bolstered by the specification’s teachings that the claimed invention achieves other benefits over conventional databases, such as increased flexibility, faster search times, and smaller memory requirement,” and, as such, are more than a mere abstract idea. *Id.* However, the *Enfish* panel also recognized that “in other cases involving computer-related claims, there may be close calls about how to characterize what the claims are directed to.” In such cases, an analysis of whether there are arguably concrete improvements in the recited computer technology could take place under [*Alice*] step two.” *Id.* at 1339.

Because the question of whether the claims are directed to “a specific improvement to the way computers operate” or “concrete improvements in the recited computer technology” could take place under *Alice* step 1 or *Alice* step 2, the Revised Guidance requires us to address that question in the context of Step 2A, Prong Two, i.e., whether the claims’ additional elements integrate the judicial exception (abstract idea) into a practical application.

See MPEP §§ 2106.05(a)–(c), (e)–(h)), which we address herein below, including the Federal Circuit’s decision in *Trading Techs.*

Nevertheless, under Step 2A, Prong One, we agree with the Examiner the claims fall within judicial exceptions listed in the Revised Guidance.

Step 2A, Prong Two (Integration into a Practical Application)

Under Prong Two of the Revised Guidance, we must determine if the claims (i.e., additional limitations beyond the judicial exception) integrate the judicial exception into a practical application. However, we discern no additional elements (or combination of elements) recited in Appellant’s claim 1 (e.g., a processor and storage device) that integrate the judicial exceptions into a practical application. See 2019 Revised Guidance, *Revised Step 2A, Prong Two*. For example, Appellant’s claimed additional elements (e.g., input device, microprocessor, output device, and memory) recited in claim 1 do not: (1) improve the functioning of a computer or other technology; (2) are not applied with any particular machine (except for a generic computer); (3) do not effect a transformation of a particular article to a different state; and (4) are not applied in any 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(a)–(c), (e)–(h).

Appellant’s reliance on *Trading Techs.*, is misplaced. In *Trading Techs.*, the patents, U.S. Patent No. 6,772,132 (“’132 patent”) and No. 6,766,304 (“’304 patent”) describe “[a] method and system for reducing the time it takes for a trader to place a trade when electronically trading on an exchange, thus increasing the likelihood that the trader will have orders

filled at desirable prices and quantities.” ’132 patent, Abstract; ’304 patent, Abstract. In particular, the *Trading Techs.*, patents describe a trading system in which a graphical user interface “display[s] the market depth of a commodity traded in a market, including a dynamic display for a plurality of bids and for a plurality of asks in the market for the commodity and a static display of prices corresponding to the plurality of bids and asks.” ’132 patent, 3:11–16; ’304 patent, 3:15–20. “The claims require a specific, structured graphical user interface paired with a prescribed functionality directly related to the graphical user interface’s structure that is addressed to and resolves a specifically identified problem in the prior state of the art.” *Trading Techs.*, 675 F.App’x. at 1004. As such, the panel found *Trading Techs.*’ “claimed subject matter is ‘directed to a specific improvement to the way computers operate,’ (*id.*), for the claimed graphical user interface method imparts a specific functionality to a trading system ‘directed to a specific implementation of a solution to a problem in the software arts.’” *Id.* at 1006.

In contrast to *Trading Techs.*, Appellant’s Specification and claims describe nothing more than plain “systems and methods for purchasing and redeeming virtual traveler’s checks” intended to replace conventional traveler’s checks. Spec. ¶¶ 2–3, 5. As correctly recognized by the Examiner,

human operators (representatives at financial institutions) are capable of addressing the problem without the aide [sic] of technology. In fact, the machines (i.e., “server”, “plurality of computers including a purchase computer and a redemption computer”) as claimed are just a proxy/ stand-in for human operators (e.g., representatives of financial institutions, customer, merchant/ third party). Thus, the problem is not

brought about by technology and does not require technology for resolution. In the instant case, appellant's claimed invention does not "improve the functioning of a known system" similar to the "interface" improvements that occurred in Trading Technologies.

Ans. 9–10.

In the Reply, Appellant further argues claim 17's additional limitations, i.e.,

an electronic release approval to release funds in an amount equal to the denominations of the requested redemption of the at least one of the one or more virtual traveler's checks *when . . . the respective redemption delay period for the at least one of the one or more virtual traveler's check is greater than the time difference*

provide a solution to a problem with conventional forms of virtual traveler's checks because "if a purchaser loses the virtual traveler's check before the redemption period elapses, the server would not transmit a release of funds."

Reply Br. 3.

We disagree. The problem identified by Appellant is a business problem, and the solution proposed by Appellant is a business solution implemented with a general purpose computer, rather than a technological solution to "a technological problem" as required by the Federal Circuit's precedential decisions in (1) *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014) and (2) *Amdocs (Isr.) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288 (Fed. Cir. 2016). See MPEP § 2106.05(a). As correctly recognized by the Examiner, "[a]ny alleged 'improvements' are to the underlying business process not, the computer itself or its operation/function." Ans. 10.

Thus, under Step 2A, Prong Two, we determine the claims do not integrate the judicial exception into a practical application under the Revised Guidance

Alice/Mayo—Step 2 (Inventive Concept)
Step 2B identified in the Revised Guidance

In the second step of the *Alice* inquiry, Appellant argues (1) the Examiner “has not provided any analysis of the specific language of the claims”; (2) similar to the claims in *Bascom Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1350, 1352 (Fed. Cir. 2016) “claim 17 recites specific features that differ from the routine and conventional”; and (3) “claim 17 does not preempt all ways of ‘managing the purchase and redemption of virtual traveler’s checks.’” App. Br. 8–9. In the Reply, Appellant also argue the Examiner fails to “analyze the features of the claims as an ordered combination.” Reply Br. 4–5.

Appellant’s arguments are not persuasive. As the *McRO* court explicitly recognized, “the absence of complete preemption does not demonstrate patent eligibility.” See *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1315 (Fed. Cir. 2016) (quoting *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015)). “Where a patent’s claims are deemed only to disclose patent ineligible subject matter” under the *Alice/Mayo* framework, “preemption concerns are fully addressed and made moot.” *Ariosa*, 788 F.3d at 1379.

Appellant’s reliance on *Bascom* is also misplaced. For example, the patent at issue in *Bascom* (U.S. Patent No. 5,987,606 (“*Bascom* ’606 patent”)), describes a particular arrangement of filtering software at a specific location, remote from the end-users, with customizable filtering features specific to each end user. The filtering software enables individually

customizable filtering at the remote ISP server by taking advantage of the technical ability of the ISP server to identify individual accounts and associate a request for Internet content with a specific individual account. *Bascom* '606 patent, 4:35–38.

The Federal Circuit recognized that *Bascom*'s installation of an Internet content filter at a particular network location is “a technical improvement over prior art ways of filtering such content” because such an arrangement advantageously allows the Internet content filter to have “both the benefits of a filter on a local computer and the benefits of a filter on the ISP server” and “give[s] users the ability to customize filtering for their individual network accounts.” *Bascom*, 827 F.3d at 1350, 1352. According to the panel, *Bascom*'s claims “do not preempt the use of the abstract idea of filtering content on the Internet or on generic computer components performing conventional activities.” *Id.* at 1352. Instead, *Bascom*'s claims “carve out a specific location for the filtering system (a remote ISP server) and require the filtering system to give users the ability to customize filtering for their individual network accounts.” *Id.* As such, “an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces.” *Id.* at 1350.

In contrast to *Bascom*, Appellant's claims and Specification are directed to “systems and methods for purchasing and redeeming virtual traveler's checks” intended to replace conventional traveler's checks. Spec. ¶¶ 2–3, 5. There is no evidence in the record to support the contention that Appellant's claimed system is provided with any non-conventional and non-generic arrangement of known, conventional components similar to *Bascom*.

As recognized by the Revised Guidance, an “inventive concept” under *Alice* step 2 can also be evaluated based on whether an additional element or combination of elements:

- (1) “add a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field, which is indicative that an inventive concept may be present (*see* MPEP § 2106.05(d)); or
- (2) “simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, which is indicative that an inventive concept may not be present.”

See Revised Guidance, 84 Fed. Reg. at 56.

In this case, however, we find no element or combination of elements recited in Appellant’s claim 1 that contains any “inventive concept” or adds anything “significantly more” to transform the abstract concept into a patent-eligible application. *Alice*, 573 U.S. at 217–218. For example, Appellant’s “calculating fraud risk associated with an insurance claim” is not rooted in computer technology; nor does it provide any technical solution to a technical problem. Instead, Appellant’s invention simply uses generic computer devices, shown, for example, in Figure 1, to manage “the purchase and redemption of virtual traveler’s checks.” (Spec. ¶¶ 2–5; Abstract). However, the use of a generic computer device does not alone transform an otherwise abstract idea into patent-eligible subject matter. As our reviewing court has observed, “after *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible.” *DDR*, 773 F.3d at 1256 (citing *Alice*, 573 U.S. at 222). Moreover, Appellant has not shown any specific limitations in claim 17

beyond the judicial exception that is not “well-understood, routine, and conventional” in the field (*see* MPEP § 2106.05(d)).

Because Appellant’s independent claim 17, when considered as a whole, is directed to a patent-ineligible abstract idea that does not integrated into a practical application under the first step of the *Alice* analysis or contains an “inventive concept” under the second step of the *Alice* analysis, we sustain the Examiner’s rejection of claims 17, 18, and 21–24 under 35 U.S.C. § 101.

DECISION

The Examiner’s decision rejecting claims 17, 18, and 21–24 under 35 U.S.C. § 101 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED