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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte TODD D. GINSBERG
and KEITH SIBSON¹

Appeal 2018-003126
Application 11/830,585
Technology Center 3600

Before EDWARD A. BROWN, JAMES P. CALVE, and LISA M. GUIJT,
Administrative Patent Judges.

CALVE, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Office Action rejecting claims 1, 3, 4, 7, 9–16, 18–22, 24, 27, 32, 33, 35, 36, 38, and 39. Appeal Br. 10. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ Appellants identify NetSpend Corporation as the real party in interest. Appeal Br. 3.

CLAIMED SUBJECT MATTER

Claims 1, 14, 19, 32, 33, 35, 36, 38, and 39 are independent. Claim 1 is reproduced below.

1. A method comprising:
 - receiving as input transactional data including a card identifier, merchant information, and a transaction amount from a point of sale;
 - determining, by a processor, at least one alert corresponding to the received transactional data, wherein a portion of the at least one alert is pre-generated and received from a memory;
 - identifying a mobile unit identifier associated with the card identifier, the mobile unit identifier associated with a mobile unit configured to receive the at least one alert;
 - configuring the at least one alert for presentation to mobile units; and
 - forwarding the at least one alert to the mobile unit associated with the mobile unit identifier;
 - wherein the at least one alert comprises an educational alert including information related to the transactional data; and
 - wherein the educational alert comprises a pre-authorized amount different from the transaction amount and a message containing information related to a future release of the difference between the transaction amount and the pre-authorized amount.

Appeal Br. 17 (Claims App.).

REJECTION

Claims 1, 3, 4, 7, 9–16, 18–22, 24, 27, 32, 33, 35, 36, 38, and 39 are rejected as directed to patent-ineligible subject matter under a judicial exception to 35 U.S.C. § 101.

ANALYSIS

The patent laws provide that “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” 35 U.S.C. § 101. However, “this provision contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable.” *Alice Corp. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014) (citation omitted).

Mayo Collaborative Services set forth a framework to distinguish patents that claim laws of nature, natural phenomena, and abstract ideas from those that claim patent-eligible applications of those concepts. *Alice*, 573 U.S. at 217 (citing *Mayo Collaborative Servs v. Prometheus Labs, Inc.*, 566 U.S. 66, 77 (2012)). First, we determine whether the claims are directed to a patent-ineligible concept. *Id.* If so, we next consider the claim elements individually and as an ordered combination to determine whether additional elements transform the claims into a patent-eligible application. *Id.* This search for an inventive concept seeks an element or combination of elements “sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.” *Id.* at 217–218.

Recently, the PTO published guidance for evaluating subject matter eligibility. See *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (“Revised Guidance”). Under Step One, a determination is made whether the claims are in a statutory category of patentable subject matter, i.e., do they recite a process, machine, manufacture, or a composition of matter, identified in 35 U.S.C. § 101. Revised Guidance, 84 Fed. Reg. 50, 53–54; See *Alice*, 573 U.S. at 216; *Mayo*, 566 U.S. at 70.

Next, at Revised Step 2A, Prong One, an evaluation is made whether a claim recites a judicial exception, i.e., an abstract idea set forth in Section I of the Revised Guidance, a law of nature, or a natural phenomenon. *Id.* at 54. To determine if a claim recites an abstract idea, specific limitations that recite an abstract idea must be identified (individually or in combination), and a determination made whether the limitation(s) falls within one or more of the subject matter groupings in Section I of the Revised Guidance. *Id.* (III.A. Revised Step 2A). The three groupings are (1) mathematical concepts, relationships, formulas, or calculations, (2) certain methods of organizing human activity, fundamental economic principles and practices, commercial interactions, managing personal behavior, relationships, or interactions and (3) mental processes and concepts formed in the human mind. *Id.* at 52.

If a claim recites a judicial exception, Prong Two of Revised Step 2A requires a determination to be made whether the claim as a whole integrates the judicial exception into a practical application. *Id.* “A claim that integrates a judicial exception into a practical application will 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 judicial exception.” *Id.* If a judicial exception is integrated, the claim is patent eligible. *See id.* at 54–55.

If a claim does not “integrate” a recited judicial exception, the claim is directed to the judicial exception and further analysis is required under Step 2B to determine whether the claim contains additional elements, considered individually or in combination, that provide an inventive concept, such that the additional elements amount to significantly more than the exception itself. *Id.* at 56.

Step One: Does Claim 1 Fall within a Statutory Category of § 101?

The Examiner finds that the claims are directed to methods and systems for providing an alert to a mobile device based on received message and/or transaction data. Non-Final Act. 3. Appellants agree with this determination. *See* Appeal Br. 4–9 (asserting that independent claims 1, 14, 32, 33, 35, and 36 recite methods and independent claims 19, 38, and 39 recite systems) (Summary of the Claimed Subject Matter). We agree with the parties that the claims fall within statutory categories of 35 U.S.C. § 101.

Step 2A, Prong One: Does Claim 1 Recite a Judicial Exception?

Appellants argue independent and dependent claims as separate groups. Br. 10–15. We select claim 1 as a representative independent claim (37 C.F.R. § 41.37(c)(1)(iv)) and address the dependent claims separately.

The Examiner determines claim 1 recites a method for providing an alert to a mobile device based on a received message and/or transaction data, which is an abstract idea. Non-final Act. 3, 4, 5. The Examiner determines that claim 1 recites the method as a series of steps of receiving, identifying, comparing, formatting, and transmitting data to include an alert, and courts have held steps like these to be abstract ideas. *Id.* at 3–4 (citations omitted).

The Examiner’s determination corresponds to the Revised Guidance’s abstract ideas of a certain method of organizing human activity as 1) sales activity of commercial interactions and (2) fundamental economic practices of risk mitigation. *See* Non-Final Act. 3–5; *see* Revised Guidance 52 (“(b) Certain methods of organizing human activity—fundamental economic principles or practices . . .”). The Examiner determines this method also involves generic steps of receiving, identifying, comparing, formatting, and transmitting data that do not transform these abstract ideas. *Id.*

Appellants' argument that "it is unclear from the Office Action what the Examiner contends is the abstract idea" (Appeal Br. 11) is not persuasive because Appellants restate the Examiner's determination that claim 1 recites the "abstract idea of 'providing an alert to a mobile device based on received message and/or transaction data'" (*Id.*). We agree claim 1 recites a method involving the abstract idea of organizing the human activity involved in a commercial sales interaction and the fundamental economic practice of mitigating risk by providing a credit (education) alert to a mobile device.

Claim 1 recites the human activity involved in a commercial sale as "receiving as input transactional data including a card identifier, merchant information, and a transaction amount from a point of sale." The step of "determining, by a processor, at least one alert corresponding to the received transactional data" of the sale recites a fundamental risk mitigation feature. This feature identifies a remaining or current available balance on the card account. Spec. 6:28–31. "Identifying a mobile unit associated with the card identifier . . . to receive the at least one alert" is part of this risk mitigation.

Claim 1 also mitigates risk by "configuring the at least one alert for presentation to mobile units; and forwarding the at least one alert to the mobile unit." Claim 1 further organizes the activity of the commercial sale and mitigates risk by reciting that "the educational alert comprises a pre-authorized amount different from the transaction amount and a message containing information related to a future release of the difference between the transaction amount and the pre-authorized amount." The educational alert informs the card holder that sufficient funds are available for the sale, and the card user may engage in transactions at a greater pre-authorized amount without risk of exceeding the account's credit limit. *Id.* at 7:9–19.

The Examiner correctly finds that these and other steps recite generic data receiving, data comparing (“determining” and “identifying” steps), data formatting (“configuring” step), and data transmitting (“forwarding” step) of the human activity of a commercial sale and risk mitigation. Non-Final Act. 3. *Elec. Power Grp. LLC v. Alstom SA*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016). Claim 1 thus recites a method of organizing the human activity of a commercial sales transaction and mitigating risk by providing an educational alert to a mobile unit with a pre-authorized amount for a transaction. This method organizes the human activity of a sales transaction and mitigates risk by providing account information to a mobile unit for cashless consumer transactions. Spec. 1:9–12; 2:2–32. An “educational alert” provides up-to-date, real-time account information to mitigate risk. *Id.* at 2:2–32, 3:2–3.

We determine that claim 1’s method of providing an alert to a mobile device based on a received message and/or transaction data to provide up-to-date, real-time account information to the mobile device recites the abstract idea of organizing human activity of a commercial sale and mitigating risk (a fundamental economic practice) by obtaining updated account (credit) information to ensure a transaction is within pre-authorized credit limits.

We agree with the Examiner that the dependent claims recite similar aspects of these abstract ideas. Claim 9 recites receiving as input a message from a user via the mobile unit, determining at least one alert corresponding to the message from the user, and forwarding one or more alerts to the mobile unit. Appeal Br. 18 (Claims App.). Claim 3 recites generic mobile units such as a cell phone, a PDA, a pocket computer, and pager. *Id.* at 17. Claim 4 recites that the alert is an activity alert that includes a transaction amount and a balance. *Id.* These steps involve aspects of mitigating risk.

Claims 10–12 recite generic features of the forwarding step. Claim 10 recites forwarding the at least one alert by sending a text message via a short message service over a short message peer to peer infrastructure. Claim 11 recites forwarding the at least one alert by sending an electronic mail over a simple mail transfer protocol to one of a PDA, portable computer, and stationary computer. Claim 12 recites sending a text message via a short message service over a simple mail transfer protocol. *See id.* at 18.

We agree with the Examiner that the dependent claims recite generic features of the environment for performing these abstract ideas and involve additional steps of receiving, processing, and transmitting data for the sales activity and risk mitigation steps recited in claim 1. Non-Final Act. 5. Therefore, we disagree with the argument that the Office Action fails to address the dependent claims. Nor do Appellants explain how the elements in the dependent claims recite more than the abstract ideas. Appeal Br. 14; Reply Br. 6. The Examiner’s findings may be less detailed than Appellants prefer, but the Examiner correctly analyzes the dependent claims. Notably, Appellants do not address the findings that the Examiner does make for the dependent claims and therefore do not apprise us of Examiner error.

Step 2A, Prong Two: Is There an Integrated Practical Application?

Appellants’ other arguments essentially raise the issue of whether claim 1 recites additional elements that integrate these abstract ideas into a practical application that makes claim 1 patent eligible. Appellants argue that cases relied on by the Examiner to show that claim 1 is directed to an abstract idea are distinguishable from the facts of this case and the ability to format and send alerts to a mobile device is an improvement to alert technology that is embodied in the claims. Appeal Br. 11–12.

Providing an alert to a mobile unit, without more, does not integrate the abstract ideas into a practical application. *See Affinity Labs of Texas, LLC v. Amazon.com Inc.*, 838 F.3d 1266, 1269 (Fed. Cir. 2016); *see also Affinity Labs of Texas, LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1258 (Fed. Cir. 2016) (conveying regional content to out-of-region electronic devices is insufficient as it lacks a particular way of performing that claimed function).

Providing content related to a financial transaction and risk does not recite an additional element sufficient to integrate the abstract ideas into a practical application. *See Alice*, 573 U.S. at 208 (holding that a method of exchanging financial obligations between parties to mitigate the settlement risk was an abstract idea). Similar to such a fundamental economic practice, claim 1 provides an up-to-date account balance for a sales transaction via an “educational alert” that mitigates the risk of a user exceeding a credit limit.

Instead of integrating the abstract ideas into a practical application in a particular machine or manner, claim 1 recites generic components (“point of sale,” “processor” “memory,” and “mobile unit”) that perform generic functions. Non-Final Act. 4–5. Claim 1 recites a generic environment for carrying out the abstract ideas of organizing human activity in a sale and mitigating risk by providing an alert to a mobile device with updated credit account information. *See Affinity Labs*, 838 F.3d at 1269 (citing *In re TLI Communications LLC Patent Litigation*, 823 F.3d 607, 611 (Fed. Cir. 2016)). Similar to the decision in *Alice*, “the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible concept,” and merely implementing the abstract ideas on generic components or limiting the ideas to a technological environment does not integrate them into a practical application. *See Alice*, 573 U.S. at 223.

Here, claim 1 merely adds generic computer components to abstract ideas identified in Step 2A, Prong One with no meaningful integration of the ideas into particular functionality or technology. Merely conveying data is insufficient to integrate the abstract idea into a practical application. Non-Final Act. 3; *see buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1354–55 (Fed. Cir. 2014) (holding that claims to a transaction performance guarantee that creates a contractual relationship and dependent claims that narrow the idea to particular types of relationships are insufficient while the use of a generic computer to perform generic functions of receiving and sending information over a network connecting the intermediary to other institutions involved in the transaction was insufficient to integrate the concept).

In *CyberSource Corporation v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011), the Federal Circuit held that a method of credit card fraud detection that collected and organized data for credit card numbers and Internet addresses to obtain data pertinent to business risks was not tied to a particular machine sufficient to integrate it into a patent eligible application where the Internet was merely a source of data gathering which cannot make otherwise nonstatutory subject matter statutory. *CyberSource*, 654 F.3d at 1370. The steps of obtaining information about transactions, mapping credit card numbers, and using a map to determine the validity of a transaction were unpatentable (i.e., unintegrated) mental processes. *Id.* at 1371; Ans. 7.

Claim 1 is akin to a budgeting method that stores a user profile with pre-set spending limits in a database, receives transaction summary data over a communication medium, and determines if a transaction exceeds a pre-set limit. Such steps lack a meaningful integration. *See Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1367–68 (Fed. Cir. 2015).

The dependent claims also recite generic components that perform generic functions, which are insufficient to integrate the abstract ideas into a practical application or impose a meaningful limit on the judicial exception. Nor do Appellants explain how such the generic components and functions integrate the abstract ideas into a meaningful practical application.

The claimed method provides a pre-authorized credit amount for a particular sales transaction. This information is delivered as an “educational alert” and a message about the future release of the difference to reduce risk in cashless sales or financial transactions at point of sale devices and create upsell opportunities. Such generic risk and sales management activities by a third party does not integrate the abstract ideas into a practical application. *See Alice*, 573 U.S. at 223; *CyberSource*, 654 F.3d at 1371.

Implementing the abstract ideas on generic components that perform generic functions fails to integrate the abstract ideas into practical, patent-eligible applications. We also determine that claim 1’s additional generic information processing steps of receiving transactional data (collecting), determining at least one alert and identifying a mobile unit identifier (analysis/calculation), and configuring and forwarding at least one alert (transmitting) do not integrate the abstract ideas into practical applications or impose meaningful limitations on them. *See Elec. Power Grp.*, 830 F.3d at 1353–54 (holding that claims directed to collecting information, even when limited to particular content, without changing its character as information, and analyzing information by steps people go through in their minds or mathematical algorithms are not patent eligible); *CyberSource*, 654 F.3d at 1370–71 (holding that steps of obtaining transaction information and mapping card numbers are patent-ineligible mental processes).

Nor are we persuaded by Appellants' argument that formatting and sending an alert to a mobile device cannot be a mental process (or, in this context, a certain method of organizing human activity or risk mitigation), because it is intertwined inextricably as an improvement to alert technology embodied in the claims. Reply Br. 3–4; Appeal Br. 12. Claim 1 just recites sending an education alert to a mobile device of a user making a cashless transaction as a pre-authorized credit amount for that card account. “Simply requiring computer implementation of an otherwise abstract-idea process, as FairWarning would require of the claim, does not make the claims patent eligible.” *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1098 (Fed. Cir. 2016). It does not integrate the idea into a practical application.

The Specification supports this determination that claim 1 and the dependent claims do not integrate the abstract idea of risk management by sending pre-authorized credit card account information to a mobile device of a user involved in a cashless card transaction into a practical application. As discussed above, the Specification discloses the invention as providing real-time account information to a generic mobile unit. Spec. 1:9–12, 3:3–4. The Specification also describes alert system 100 as including a transaction processor 102 coupled to outgoing alert server 104 with point of sale device 106 and mobile unit 108. *Id.* at 6:9–17. Education alerts merely provide information such as the transaction amount, remaining or current balance on a cashless card. *Id.* at 6:19–7:5. In claim 1, they provide a pre-authorized amount of credit on a card account and an amount to be “released” for future transactions, i.e., additional credit is available on the card. *Id.* at 7:9–19. Merely reciting this fundamental practice of risk management in a generic computer environment does not impose meaningful limitations on it.

Instead, messages are sent in a generic format receivable by a generic mobile unit. If the mobile unit is a cell phone, a text message (SMS) is sent over a mobile carrier's simple mail transfer protocol (SMTP) gateway. *Id.* at 13:4–14:12. If the mobile device is a portable computer, the message may be sent as email over SMTP. *Id.* We find no integration in these steps.

No other details are disclosed or claimed for the computer hardware or software that implements the transaction alert system and pre-authorized account alert information. The Specification thus discloses the components as generic computer technology that is used to perform generic computing functions. In claim 1, the transactional data is received from a point of sale. A processor determines at least one alert corresponding to the received transactional data and identifies a mobile unit identifier associated with the card identifier that is sent as transactional data. These steps are similar to the non-integrated mental process steps in *CyberSource*. Configuring and forwarding the alert is specified at a high level of generality that does not provide an integration into a practical application, e.g., one involving a particular machine or process, beyond merely transmitting information that has a particular content unrelated to any hardware or software improvement.

Reciting different types of mobile units as a generic cell phone, PDA, pocket computer, and pager merely recites a particular environment that implements the abstract ideas. Claim 4 recites different alert information pertaining to the transaction amount and “a balance.” Claim 7 recites that the card identifier identifies a post-pay card or a prepaid card. In claim 9, a user can input a message at the mobile unit, which sends the message so an alert corresponding to the message can be determined. Claims 10–11 recite generic network communications protocols such as SMS, SMPP, and SMTP.

Based on the foregoing analysis, we find no integration of the abstract ideas into a practical application sufficient to make the abstract ideas patent-eligible. *See Two-Way Media Ltd. v. Comcast Cable Commc'ns, LLC*, 874 F.3d 1329, 1337–38 (Fed. Cir. 2017) (holding that claim 1's recital of the functions of “converting,” “routing,” “controlling,” “monitoring,” and “accumulating records” does not describe sufficiently how to achieve these results in a non-abstract way, and thus the claims are directed to an abstract idea where physical components merely provide a generic environment in which to carry out the abstract idea); *see* Ans. 6–9.

Step 2B: Does Claim 1 Recite an Inventive Concept

We next consider whether claim 1 recites any elements, individually or as an ordered combination, that transforms the abstract idea into a patent-eligible application, e.g., by providing an inventive concept. *Alice*, 573 U.S. at 217–18. Appellants do not identify any inventive concept in their claims, except to assert that the claims “specify how transactional data is received, how the alerts are generated, how the destination for the alerts is determined, how the alerts are formatted, and what is sent to the alert.” *See* Appeal Br. 13–15; Reply Br. 5–6. Appellants argue that the Examiner admits that the claims recite new and novel methods and systems for providing alerts to mobile users because the novelty rejections have been withdrawn. Reply Br. 3. Appellants also argue that the claims cannot be performed exclusively by the human mind.² *Id.* at 3–4. These arguments are not persuasive, however.

² Notably, we understand the Examiner's rejection as assigning the claimed abstract idea to the subject matter grouping of “a certain method of organizing human activity,” and not to the subject matter grouping of “a mental process.” Revised Guidance 51–52. Thus, Appellant's arguments regarding the performance of claim limitations in the human mind are moot.

First, generalized references to unspecified features in unspecified dependent claims does not present effective argument for the separate patentability of those claims. *See* 37 C.F.R. § 41.37(c)(1)(iv); *In re Lovin*, 652 F.3d 1349, 1356–57 (Fed. Cir. 2011) (more substantive argument is required in an appeal brief than a mere recitation of claim elements and a bare assertion that they establish patentability). Here, the claimed generic components perform basic data collecting, analysis, and transmission with no indication that these functions are inventive concepts, individually or in combination, that “provide[] ‘significantly more’ than the recited judicial exception (*e.g.*, because the additional elements are unconventional in combination). Revised Guidance 56.

“The ‘novelty’ of any element or steps in a process, or even of the process itself, is of no relevance in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter.” *Diamond v. Diehr*, 450 U.S. 175, 188–89 (1981); *see also Mayo*, 566 U.S. at 88–90 (holding that patent eligibility of an abstract idea does not depend on its alleged novelty or non-obviousness); *SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018) (“No matter how much of an advance in the finance field the claims recite, the advance lies entirely in the realm of abstract ideas, with no plausibly alleged innovation in the non-abstract application realm.”); *Two-Way Media*, 874 F.3d at 1340 (“Eligibility and novelty are separate inquiries.”); *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016) (“But, a claim for a *new* abstract idea is still an abstract idea.”); *Versata Develop. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306, 1335 (Fed. Cir. 2015) (holding claims that improved an abstract idea, but not a computer’s performance unpatentable).

In sum, the recitation of such generic computer components in claim 1 and dependent claims also is insufficient to add an inventive concept to an otherwise abstract idea. *See TLI*, 823 F.3d at 614; *see also* Ans. 9–11.

Furthermore, Appellants have to do more than simply restate claim limitations and assert the claims are directed to a technological improvement without explaining the nature of that improvement. *See Voit Techs., LLC v. Del-Ton, Inc.*, No. 2018-1536, 2019 WL 495163, at 3 (Fed. Cir. 2019) (non-precedential); *Move, Inc. v. Real Estate Alliance Ltd.*, 721 F. App'x 950, 957 (Fed. Cir. 2018) (non-precedential) (holding “[w]here ‘[t]he claim language does not provide any specific showing of what is inventive about the [limitation in question] or about the technology used to generate and process it,’ we have concluded that the claims do not satisfy *Alice*’s second step.”).

Whether its limitations are considered individually or as an ordered combination, claim 1 lacks an inventive concept that renders claim 1 patent eligible. Individual limitations recite steps of providing real-time account information for a cashless sales transaction at a point of sale as generic data processing steps. As an ordered combination, the steps lack an inventive concept because they do not transform this method into significantly more than the abstract ideas. Instead, they involve receiving information about a sales transaction and sending the information about the card account and credit limit to a mobile unit—steps that are not innovations in computer or network technology. Arguments about preemption (Appeal Br. 14–15) are resolved by our § 101 analysis. *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015); *see also Two-Way Media*, 874 F.3d 1329 at 1339 (where patent claims are deemed patent ineligible, “preemption concerns are fully addressed and made moot”).

Appellants also take issue with the Examiner's finding that claim 1 does not recite additional elements that are significantly more than the abstract idea because the claimed components perform generic computer functions that are well-understood, routine, and conventional activities that merely implement the abstract with a computerized system. Appeal Br. 13; Reply Br. 4. These arguments are not persuasive for several reasons.

The Examiner correctly finds that claim 1 recites generic computers and components such as “a point of sale,” “a processor,” “a memory,” and “a mobile unit” that perform generic functions. Non-Final Act. 4; Ans. 8. The point of sale thus receives transactional data, card identifier, merchant information, and a transaction amount and forwards that data, presumably to a processor. The processor processes the transactional data and determines at least one alert corresponding to the transactional data, part of which may be stored in the memory. The mobile unit receives the configured and forwarded alert.

The Examiner reasons correctly that the courts have held such generic computers and components that perform such generalized functions do not provide an inventive concept to an abstract idea. Ans. 7–8, 10–11; *see Alice*, 573 U.S. at 223 (“These cases demonstrate that the mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.”); *TLI Commc'ns*, 823 F.3d at 614 (“It is well-settled that mere recitation of concrete, tangible components is insufficient to confer patent eligibility to an otherwise abstract idea. . . . We agree with the district court that the claims’ recitation of a ‘telephone unit,’ a ‘server,’ an ‘image analysis unit,’ and a ‘control unit’ fail to add an inventive concept sufficient to bring the abstract idea into the realm of patentability.”).

The Specification confirms these findings and analysis. The alert system 100 includes transaction processor 102, alert server 104, point of sale device 106, and mobile unit 108 as illustrated in Figure 1 reproduced below.

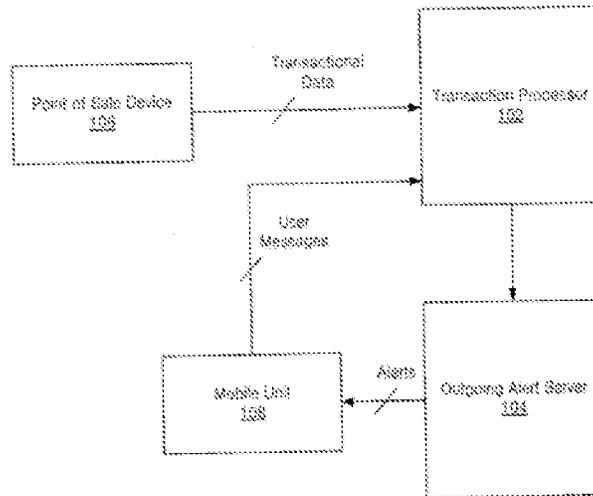


Figure 1

Figure 1 illustrates alert system 100. No other details are provided about these components beyond that disclosed above. Nor do Appellants argue that these components embody any innovative additional elements or features. If these components or their functionality are unconventional or innovative, such features are not claimed or disclosed.

The dependent claims recite similar generic components to implement the abstract idea and its data collection, analysis, and transmission steps with routine functionality. These include a mobile unit comprising a cell phone, a PDA, a pocket computer, and a pager (claim 3), card identifier for a post-pay card or a prepaid card (claim 7), alert formats as a text message on short message service (SMS), or email over simple mail transfer protocol (SMTP) (claims 11 and 12). *See Non-Final Act. 5.*

The ordered combination of elements implements the abstract ideas on generic computers and other generic components performing generic functions and data processing. Nor does the claimed method represent a patent-eligible improvement to alert technology as Appellants assert; rather, we agree with the Examiner that the claims recite an abstract idea that is implemented in a conventional computing environment, which does not provide significantly more than the recited judicial exception because these additional elements are conventional in combination. *See* Appeal Br. 12, 14–15; Reply Br. 6. Appellants argue that the claims specify transactional data being received, alerts being generated, destinations for the alerts are determined, and the alerts are formatted and sent as an ordered combination of elements that provides an inventive concept. Reply Br. 6. However, as discussed above, merely combining different aspects of an abstract idea with data processing steps is not sufficient to elevate the abstract idea to a patent eligible application. The claimed educational alert merely conveys current account information, e.g., a pre-authorized credit limit, to a mobile unit, which is a certain method of organizing human activity and risk mitigation.

For the foregoing reasons, we sustain the rejection of claims 1, 3, 4, 7, 9–16, 18–22, 24, 27, 32, 33, 35, 36, 38, and 39.

DECISION

We affirm the rejection of claims 1, 3, 4, 7, 9–16, 18–22, 24, 27, 32, 33, 35, 36, 38, and 39 as directed to patent-ineligible subject matter.

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