UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JANA H. JENKINS, DAVID C. STEINMETZ, and
WLODEK W. ZADROZNY[1]

Appeal 2018-003354
Application 13/660,711
Technology Center 3700

Before JENNIFER D. BAHR, JEFFREY A. STEPHENS, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

BAHR, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's
decision rejecting claims 1–25 under 35 U.S.C. § 101 as being directed to
non-statutory subject matter because they are directed to a judicial exception
(an abstract idea) without significantly more.[2] Final Act. 3. We have
jurisdiction under 35 U.S.C. § 6(b). We AFFIRM.

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[1] International Business Machines Corporation (Appellant) is the applicant
as provided in 37 C.F.R. § 1.46 and is identified as the real party in interest.
Appeal Br. 2.
[2] The Examiner withdrew a rejection of claims 1–25 under 35 U.S.C. § 112,
first paragraph. Ans. 7; *see* Final Act. 7.

THE CLAIMED SUBJECT MATTER

Claim 1, reproduced below, is illustrative of the claimed subject matter.

1. A method, in a data processing system comprising at least one processor and at least one memory, for identifying information gaps in electronic content, wherein the at least one processor implements a Question and Answer Creation (QAC) system, the method comprising:

receiving, by the QAC system of the data processing system, the electronic content to be analyzed;

analyzing, by the QAC system, the electronic content to identify at least one of topics or questions within the electronic content to produce a collection of at least one of topics or questions associated with the electronic content, wherein the analysis comprises performing natural language processing of the electronic content to produce the collection of the at least one of topics or questions;

comparing, by the QAC system, the collection to the electronic content, and to a corpus of previously analyzed electronic content, to produce a set of information gaps in the electronic content, wherein the comparison of the collection to the electronic content and to the corpus of previously analyzed electronic content identifies an actual information coverage of the electronic content and an expected information coverage of the electronic content, and the set of information gaps is determined based on a difference between the actual information coverage of the electronic content and the expected information coverage of the electronic content; and

outputting, by the QAC system, a notification of the set of information gaps to a computing device of a user associated with the electronic content.

PRINCIPLES OF LAW

An invention is patent-eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101.

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

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

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as "molding rubber products" (*Diamond v. Diehr*, 450 U.S. 175, 192 (1981)); "tanning, dyeing, making waterproof-cloth, vulcanizing India rubber, smelting ores" (*id.* at 184 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

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

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

The PTO recently published revised guidance on the application of § 101. *See* USPTO's January 7, 2019 Memorandum, *2019 Revised Patent*

Subject Matter Eligibility Guidance ("2019 Eligibility Guidance"). Under that guidance, we first look to whether the claim recites:

> (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities, such as a fundamental economic practice, or mental processes); and
>
> (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h)).

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

> (3) adds a specific limitation beyond the judicial exception that are not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or
>
> (4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See 2019 Eligibility Guidance.

DISCUSSION

Appellant relies on the arguments presented for claim 1 in contesting the rejection of independent claim 13. Appeal Br. 16. Appellant presents additional argument contesting the rejection of independent claim 25. *Id.* Appellant does not present any separate arguments for the dependent claims. *See id.* at 28–29. The statements on pages 28–29 of the Appeal Brief do not constitute separate arguments for patentability of the dependent claims pursuant to 37 C.F.R. § 41.37(c)(1)(iv). *See In re Lovin*, 652 F.3d 1349,

1357 (Fed. Cir. 2011) (holding that the Board had reasonably interpreted 37 C.F.R. § 41.37(c)(1)(vii) (the predecessor to § 41.37(c)(1)(iv)) as requiring "more substantive arguments in an appeal brief than a mere recitation of the claim elements and a naked assertion that the corresponding elements were not found in the prior art"). Appellant has waived any argument for separate patentability of these dependent claims. *See id.* We decide this appeal on the basis of claim 1, and claims 2–25 stand or fall with claim 1.

(1) Do the claims recite a judicial exception?

The Examiner found that the claims

> are directed to the abstract idea of a method, computer program product and apparatus as that relates to the comparing new and stored information about electronic content of a data processing system and using Question and Answer Creation (QAC) logic determines or identify sets of information gaps between actual and expected coverage of electronic document. These are activities that involve comparison of data as received in an electronic content format to be analyzed with respect to a previously reported data also stored in an electronic content format. The resultant set of information gaps of actual and expected values are compared under instructions to implement the idea under a QAC logical algorithm or rules. The options are like observed in the case of *Cybersource Corp. v. Retail Decisions Inc.*[, 654 F.3d 1366] (Fed. Cir. 2011)[.] The claims therein simply require[] one to obtain and compare intangible data pertinent to business risks, and mere collection and organization of data regarding credit card numbers and internet addresses is insufficient to meet "transformation" prong, since language of [the] claim does not require [the] method to be performed by [a] particular machine. It calls on a computer to do nothing that is even arguably an advance in physical implementations of routine mental information.

Final Act. 3–4 (italics added). The Examiner analogizes the claims in the present application to the claims in *CyberSource*, which recite obtaining intangible data and comparison of results from data gathering activities, and were held to be directed to an abstract idea, and to *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016), in which a "machine is used for automation and efficient computation but not found patent eligible though the data manipulation was done in an environment of determining electric grid performance." Ans. 11–12.

Claim 1 recites analyzing electronic content to identify at least one of topics or questions to produce a collection of at least one of topics or questions associated with the electronic content. Appeal Br. 35 (Claims App.). This analysis is an evaluation that can be performed in the human mind, which is a mental process, which is one of the groupings of abstract ideas enumerated in the 2019 Eligibility Guidance. *See also Content Extraction and Transmission LLC v. Wells Fargo Bank, Nat. Ass'n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014) (holding ineligible claims "drawn to the abstract idea of 1) collecting data, 2) recognizing certain data within the collected data set, and 3) storing that recognized data in a memory" and stating: "The concept of data collection, recognition, and storage is undisputedly well-known. Indeed, humans have always performed these functions. And banks have, for some time, reviewed checks, recognized relevant data such as the amount, account number, and identity of account holder, and stored that information in their records.").

Claim 1 also recites comparing the collection to the electronic content and to a corpus of previously analyzed content to produce a set of information gaps in the electronic content, wherein the comparison identifies

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an actual information coverage of the electronic content and an expected information coverage of the electronic content, and the set of information gaps is determined based on a difference between the actual information coverage and the expected information coverage. Appeal Br. 35 (Claims App.). This comparison is an evaluation that can be performed in the human mind, which is a mental process, which is one of the groupings of abstract ideas enumerated in the 2019 Eligibility Guidance. *See also In re BRCA1 & BRCA2-Based Hereditary Cancer Test Patent Litig.*, 774 F.3d 755, 763 (Fed. Cir. 2014) (concluding that the concept of "comparing BRCA sequences and determining the existence of alterations" is an "abstract mental process").

Independent claim 25 recites "a processor comprising content gap checking (CGC) logic" configured to perform the aforementioned analyzing and comparing steps recited in claim 1. Appeal Br. 44–45. Thus, claim 25 also recites evaluations that can be performed in the human mind, which are mental processes, which is one of the grouping of abstract ideas enumerated in the 2019 Eligibility Guidance.

Accordingly, the Examiner correctly found that independent claims 1 and 25 recite an abstract idea (mental processes).

(2) *Do the claims recite additional elements that integrate the judicial exception into a practical application?*

Following our Office guidance, having found that claims 1 and 25 recite a judicial exception, namely, mental processes, we are instructed next to determine whether the claim recites "additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c),

(e)–(h))." *See* 2019 Eligibility Guidance. This evaluation requires us to determine whether an additional element or a combination of additional elements in the claim 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 exception. If the recited judicial exception is integrated into a practical application, the claim is not "directed to" the judicial exception.

The additional limitations of claim 1 are steps of receiving, by the QAC system of a data processing system, electronic content and outputting, by the QAC system, a notification of the set of information gaps produced in the comparing step. Appeal Br. 35 (Claims App.). Claim 25 recites a processor comprising content gap checking (CGC) logic and a structure/coverage information storage device coupled to the processor, wherein the CGC logic is configured to perform the aforementioned analyzing and comparing steps, as well as steps of receiving electronic content and outputting a notification of the set of information gaps produced in the comparing step. *Id.* at 44–45.

The processor and information storage device are simply generic computer components. Simply reciting a generic computer component that performs in a generic manner does not integrate an abstract idea into a practical application. *See, e.g., Alice*, 573 U.S. at 223 ("[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention."); *see also* 2019 Eligibility Guidance (identifying "merely us[ing] a computer as a tool to perform an abstract idea" as an example of when an abstract idea has not been integrated into a practical application). The CGC logic is software provided in the processor

to perform the analysis and comparing steps to determine if there are information gaps in the content as set forth in claim 1, and "may be configured with algorithms and logic for performing such analysis on unstructured content using pattern matching, keyword matching, image analysis, or any known analysis techniques for extracting information from unstructured content." *See* Spec. ¶¶ 59–62. We find no indication in the Specification, nor does Appellant direct us to any indication, that the operations recited in claims 1 and 25 invoke any assertedly inventive programming, require any specialized computer hardware or other inventive computer components, i.e., a particular machine, or that the claimed invention is implemented using other than generic computer components to perform generic computer functions. *See* Final Act. 5 (pointing out that the machine (i.e., the computer) is recited only nominally and generically, such that the claims cover "any machine capable of performing the claimed steps when proper instructions are provided"); *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir. 2014) ("[A]fter *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible.").

The receiving step is simply a generic step of data collection, which is insignificant extra-solution activity. *See, e.g., CyberSource*, 654 F.3d at 1370 ("We have held that mere '[data-gathering] step[s] cannot make an otherwise nonstatutory claim statutory.'" (alterations in original) (quoting *In re Grams*, 888 F.2d 835, 840 (Fed. Cir. 1989))); *see also* 2019 Eligibility Guidance (identifying "add[ing] insignificant extra-solution activity to the" abstract idea as an example of when an abstract idea has not been integrated into a practical application). Likewise, the step of outputting a notification

of the set of information gaps (the result of the comparing step) is simply
insignificant post-solution activity. *See Elec. Power Grp.*, 830 F.3d at 1353
(pointing out "that merely presenting the results of abstract processes of
collecting and analyzing information, without more (such as identifying a
particular tool for presentation), is abstract as an ancillary part of such
collection and analysis").

Further, we find no indication in the Specification that the claimed
invention effects a transformation or reduction of a particular article to a
different state or thing. Nor do we find anything of record, short of attorney
argument, that attributes any improvement in computer technology and/or
functionality to the claimed invention or that otherwise indicates that the
claimed invention integrates the abstract idea into a "practical application,"
as that phrase is used in the 2019 Eligibility Guidance. *See* Final Act. 5
(finding that, "[v]iewed as a whole, the claims do not purport to improve the
functioning of the computer itself, or improve any other technology or
technical field").

Appellant argues that "the claimed invention is specifically directed to
improvements rooted in computer technology and directed to solving a
problem in the software arts with regard to processing electronic content for
purposes of question and answer creation." Appeal Br. 19; *see also id.* at 5
(arguing that the present invention provides a technological solution,
namely, "computer mechanisms specifically configured to operate on
electronic content and identify information gaps when a QA system is
searching electronic documents for answers to questions, and to notify
content providers of these information gaps" so they can be corrected).
Appellant adds that "the claimed invention may be used to identify a variety

of different types of information gaps," as described in the Specification, thereby offering "clear advantages" as described in the Specification. *Id.* at 19 (citing Spec. ¶¶ 64–70). The information gaps described in paragraphs 64–70 of the Specification are not unique to software or electronic content, but, rather, may reside in any information content, whether stored electronically or in any other form. Moreover, the analysis and reasoning used to identify such gaps can be performed in the human mind, with pen and paper. Accordingly, we do not agree with Appellant that the claimed invention is directed to improvements rooted in computer technology or to solving a problem specific to the software arts.

Appellant argues that the claims on appeal are like the claims in *Finjan, Inc. v. Blue Coat Systems, Inc.*, 879 F.3d 1299 (Fed. Cir. 2018), which were held to be patent eligible. Reply Br. 8–10. According to Appellant, "the present claims are 'directed to a non-abstract improvement in computer functionality,' rather than any alleged generic abstract idea of comparing new and stored information." *Id.* at 10. Appellant's reliance on *Finjan* is misplaced. In *Finjan*, the claims were directed to an improvement in computer functionality. The *Finjan* claims employed "a new kind of file that enables a computer security system to do things it could not do before," namely, tailoring access for different users and identifying threats before a file reaches a user's computer. *Finjan*, 879 F.3d at 1305. Claims 1 and 25 before us, on the other hand, use generic computer components and generic computer functionality to analyze electronic content (i.e., data) to draw conclusions about that content, namely, information gaps in the content, and output notification of any such information gaps.

Appellant contends that "the claimed invention does not merely receive data and compare it to stored data, but rather performs a complex, and computer specific, operation of performing natural language processing on electronic content to obtain the collection of topics and/or questions which is the basis for the comparisons with the electronic content and the corpus." Appeal Br. 8. The Examiner finds that natural language processing "is a pre-computer era technique," and Appellant does not specifically contest this finding. *See* Ans. 10 (citing Dictionary.com); Reply Br. 10–11. Instead, Appellant argues that "[t]he recitation of natural language processing in the present claims . . . is clearly directed to the technological computer-based process of performing natural language processing on natural language content." Reply Br. 10–11. This argument is not persuasive because merely implementing mental processes, including natural language techniques, on a computer does not integrate the mental processes into a practical application. *See Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1055 (Fed. Cir. 2017) ("mere automation of manual processes using generic computers does not constitute a patentable improvement in computer technology."). As explained in the 2019 Eligibility Guidance, "[i]f a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind."

Appellant attempts to distinguish the claims on appeal before us from the claims in *CyberSource*. Appeal Br. 9. Appellant contends that the *CyberSource* claims recited individual steps that could be performed in the human mind in such a manner that "the machine did not play a significant

part in permitting the claimed method to be performed" while, in contrast, the operations recited in Appellant's claims "cannot be performed in the human mind and . . . the specifically recited QAC system, specifically configured to perform natural language processing to generate" the collection of topics and/or questions, compare the collection to a corpus of previously analyzed electronic content to identify actual and expected information coverage and generate a set of information gaps based on this comparison, and output a notification of the information gaps, "is required for the method." *Id.* at 9–10.

Appellant does not persuasively explain why the analyzing and comparing steps recited in claim 1 could not be performed in the human mind. Analyzing content and generating a collection of topics and/or questions associated with the content, and identifying information gaps in the content by comparing an expected information coverage to an actual information coverage are nothing more than fundamental editorial functions performed by humans for centuries using the human mind and pen and paper. Merely implementing such editorial functions on a generic computer does not transform the judicial exception (the mental processes) into a practical application.

For the above reasons, we determine that no additional element or combination of additional elements in claim 1 or claim 25 applies, relies on, or uses the judicial exception (mental processes) 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. In other words, claims 1 and 25 are "directed to" an abstract idea.

(3) Do the claims add any specific limitations beyond the judicial exception that are not "well-understood, routine, and conventional" in the field?

Because we determine that claims 1 and 25 fail to recite additional elements that integrate the judicial exception into a practical application, in accordance with the 2019 Eligibility Guidance we next consider whether the claims add a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field or instead "simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception." *See* 2019 Eligibility Guidance.

The Examiner found that the additional elements or combination of elements other than the abstract idea amount "to no more than mere instructions to implement the idea on a computer, and/or are generic computer functions that are well-understood, routine, and conventional activities previously known to the pertinent industry." Final Act. 4. According to the Examiner, "[t]he incorporation of natural language processing" does not add significantly more because this is well understood technology known for use in the industry. *Id.* The Examiner cites evidence that computer-implemented natural language processing (NLP) was a well-understood and conventional technique prior to Appellant's invention, and that "theory and algorithms needed for building NLP tools allowing students and researchers to construct their own computer implementations for collocation finding, word sense disambiguation, probabilistic parsing, information retrieval etc." were readily available well before Appellant's invention. Ans. 10.

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Aside from asserting baldly that natural language processing "is not" "a generic or 'routine' computer function" (Appeal Br. 11), Appellant does not specifically refute the Examiner's finding that the steps recited in claims 1 and 25 are "well-understood, routine, and conventional activities previously known to the pertinent industry" (Final Act. 4), much less proffer any evidence or technical reasoning to counter the Examiner's proffered evidence showing that theory and algorithms for building NLP tools for constructing computer implementations for the types of functions used in analyzing the electronic content as recited in claims 1 and 25 were well understood and readily available before Appellant's invention. *See* Reply Br. 10–11. Thus, Appellant does not apprise us of error in the Examiner's finding that the computer components and computer functions recited in claims 1 and 25 are well-understood, routine, and conventional.

Appellant argues that

> everything in the claims and the present [S]pecification clearly demonstrates that [Appellant is] claiming a new and non-obvious computer tool for identifying information gaps in electronic content that specifically implements the ordered combination of operations set forth in the claims performed by the specifically configured computing device and technological environment recited in the claims.

Appeal Br. 7.

As the Supreme Court has stated, "[t]he '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." *Diehr*, 450 U.S. at 188–89. In other words, to the extent Appellant is arguing that the claimed invention is not directed to an abstract idea because it is novel and

nonobvious, we are not persuaded because a novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible. *See Mayo*, 566 U.S. at 90; *see also Ass'n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 591 (2013) ("Groundbreaking, innovative, or even brilliant discovery does not by itself satisfy the § 101 inquiry.") and *Genetic Techs. Ltd. v. Merial L.L.C.*, 818 F.3d 1369, 1376 (Fed. Cir. 2016) ("[U]nder the *Mayo/Alice* framework, a claim directed to a newly discovered law of nature (or natural phenomenon or abstract idea) cannot rely on the novelty of that discovery for the inventive concept necessary for patent eligibility.").

Appellant argues that the claims "are not preempting any alleged abstract idea of comparing new and stored information to identify sets of information gaps" and contends that "the claimed invention is instead directed to a specific Question and Answer Creation system" that performs "specific non-generic operations to determine information gaps in electronic content based on analysis of [actual and expected coverage] as determined through comparison of topics and/or questions with a corpus of previously analyzed electronic content." Appeal Br. 14. Appellant misapprehends the controlling precedent to the extent Appellant maintains that the claims are patent-eligible because there is no risk of preemption. Although the Supreme Court has described "the concern that drives [the exclusion of abstract ideas from patent eligible subject matter] as one of pre-emption," *Alice*, 573 U.S. at 216, characterizing preemption as a driving concern for patent eligibility is not the same as characterizing preemption as the sole test for patent eligibility. "The Supreme Court has made clear that the principle of preemption is the basis for the judicial exceptions to patentability" and

"[f]or this reason, questions on preemption are inherent in and resolved by the § 101 analysis." *Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379 (Fed. Cir. 2015) (citing *Alice Corp.*, 134 S. Ct. at 2354). "[P]reemption may signal patent ineligible subject matter, [but] the absence of complete preemption does not demonstrate patent eligibility." *Id.*

For the reasons discussed above, we find no element or combination of elements recited in claim 1 or claim 25 beyond the judicial exception that is not "well-understood, routine, conventional" in the field or 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 221. Accordingly, we sustain the rejection of claims 1 and 25, as well as claims 2–24, which fall with claim 1, under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

DECISION

The Examiner's decision rejecting claims 1–25 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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED