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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID LEE EDWARDS and RYAN ALAN BRUSH

Appeal 2018-003542
Application 13/663,732
Technology Center 3600

Before JOHN A. JEFFERY, LINZY T. McCARTNEY, and
JASON M. REPKO, *Administrative Patent Judges*.

REPKO, *Administrative Patent Judge*.

DECISION ON APPEAL
STATEMENT OF THE CASE

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Examiner’s rejection of claims 1–3, 5, and 7–20. App. Br. 1.² We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ According to Appellants, the real party in interest is Cerner Innovation, Inc., a corporation of the State of Delaware, United States of America. App. Br. 4.

² Throughout this opinion, we refer to the Non-Final Office Action (“Non-Final”) mailed January 23, 2017; the Appeal Brief (“App. Br.”) filed June 26, 2017; the Examiner’s Answer (“Ans.”) mailed December 14, 2017; and the Reply Brief (“Reply Br.”) filed February 14, 2018.

THE INVENTION

Appellants' invention recreates a time-ordered sequence of events. Abstract. In particular, the system collects time-stamped data elements. Spec. ¶ 3. In one embodiment, a clinical system stores data elements representing information about a patient's care. *See id.* ¶¶ 3–4. The invention recreates the clinical system's state and shows the user only the data that was available at a selected time. *Id.* ¶ 4. A comprehensive time-ordered view of the data elements is important in antibiotic or sepsis surveillance systems. *Id.* ¶ 5. But the invention is not limited to the medical field. *Id.* ¶ 89. For example, the invention can be used to recreate the state of an electronic-trading system for stocks and bonds. *Id.*

Claims 1, 10, and 15 are independent. Claim 15, reproduced below, is representative³:

1. A computer-implemented method executed by a computing device having one or more processors for recreating a time-ordered sequence of data elements useful in computer-driven disease surveillance systems, the method comprising:

at a first point in time, receiving from a clinical computing system a first set of data elements for a patient, the first set of data elements representing one of a clinical document, a lab value, a medication, a problem list, or a clinical order, wherein each data element in the first set of data elements represents a first state change associated with the one of the clinical document, the lab value, the medication, the problem list, or the clinical order, and wherein the each data element in the first set of data elements is associated with a time stamp embedded as metadata;

³ Appellants argue claims 1–3, 5, and 7–20 as a group. *See* App. Br 9–24. So we select independent claim 1 as representative of claims 1–3, 5, and 7–20. *See* 37 C.F.R. § 41.37(c)(1)(iv).

determining using the one or more processors a first data element in the first set of data elements that has a largest value of time stamp as compared to the remaining data elements in the first set of data elements;

at a second point in time, using the largest value of time stamp to identify in the clinical computing system a second set of data elements for the patient, the second set of data elements representing the one of the clinical document, the lab value, the medication, the problem list, or the clinical order, wherein each data element in the second set of data elements represents a second state change associated with the one of the clinical document, the lab value, the medication, the problem list, or the clinical order, and wherein the each data element in the second set of data elements has a respective time stamp after the time stamp of the first data element;

recreating a time-ordered sequence of data elements by concatenating the first and second sets of data elements and

communicating for display on a computer interface the time-ordered sequence of data elements.

THE REJECTION

Claims 1–20 stand rejected under 35 U.S.C. § 101 as directed to patent-ineligible subject matter. Non-Final 3–6; Ans. 3–6.

ANALYSIS

I. Principles of Law

Section 101 defines patent-eligible subject matter as “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” 35 U.S.C. § 101. But courts have long held that laws of nature, natural phenomena, and abstract ideas are not patentable. *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S.

66, 70–71 (2012) (citing *Diamond v. Diehr*, 450 U.S. 175, 185 (1981)). These ineligible concepts are implicit exceptions to the statutory categories. *Id.* at 71.

The Supreme Court articulated a two-step subject-matter eligibility test in *Mayo* and *Alice Corp. v. CLS Bank International*, 573 U.S. 208, 217–18 (2014). *Alice/Mayo* step one asks whether a claim is “directed to” a judicial exception. *Alice*, 573 U.S. at 217. In *Alice/Mayo* step two, we “consider the elements of each claim both individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Id.* (quoting *Mayo*, 566 U.S. at 79, 78). Step two is described as a search for an “inventive concept.” *Id.*

To determine whether a claim is “directed to” a judicial exception under *Alice/Mayo* step one, we first ask whether the claim (1) recites any judicial exceptions and (2) lacks additional elements that integrate the judicial exception into a practical application (*see* MPEP §§ 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 08.2017, Jan. 2018)). 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50, 51 (Jan. 7, 2019) (“Guidance”). Only if the claim is directed to the judicial exception, do we then look to whether the claim adds a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field (*see* MPEP § 2106.05(d)) or whether the claim simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. Guidance, 84 Fed. Reg. at 56.

II. The Examiner's Rejection

The Examiner determines that, although representative claim 15 is a process, the claim is directed to a judicial exception: an abstract idea. Non-Final 3. According to the Examiner, claim 15 is similar to claims that the Federal Circuit has determined are directed to mental processes. *Id.* at 4 (citing *SmartGene, Inc. v. Advanced Biological Labs., SA*, 555 F. App'x. 950 (Fed. Cir. 2014) (non-precedential); *Classen Immunotherapies, Inc. v. Biogen IDEC*, 659 F.3d 1057 (Fed. Cir. 2011)). In concluding that representative claim 15 is ineligible, the Examiner finds that the additional elements are well-understood, routine, and conventional in the field. *Id.* at 4–5 (citing Spec. ¶¶ 17, 27, 33, 41).

III. Appellants' Arguments

Appellants argue that claim 15 is not directed to an abstract idea. App. Br. 9–10, 13–14; Reply Br. 3–5. Rather, in Appellants' view, the claim is “directed to creating a time-ordered sequence of state changes to a data element, thus enabling state recreation in a clinical system.” App. Br. 16. Appellants argue that the claim improves an existing process and solves a problem rooted in computer technology. *Id.* at 15–17. Specifically, according to Appellants, the claims address the problem of “how to produce a time-ordered sequence of state changes to clinical data elements useful in healthcare computing applications.” *Id.* at 16. Appellants argue that the claim recites a useful application of an inventive concept and recites features to ensure that the claims amount to significantly more than the abstract idea itself under *Alice/Mayo* Step two. *Id.* at 17–24. For

example, Appellants argue that the claimed subject matter is useful in healthcare computing. Reply Br. 6.

IV. Does the claim recite a judicial exception?

Viewing the rejection and Appellants' arguments through the lens of the Guidance, we first consider whether the claim recites a judicial exception. Guidance, 84 Fed. Reg. at 51. The Guidance organizes the abstract-idea exception into the following subject-matter groupings: mathematical concepts, certain methods of organizing human activities (e.g., a fundamental economic practice), and mental processes. *Id.* at 52. For instance, the mental-processes grouping includes claims that can be “performed by a human, mentally or with pen and paper.” *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1335 (Fed. Cir. 2016), *cited in* Guidance, 84 Fed. Reg. at 52 n.14. For the reasons discussed below, claim 15 recites an abstract idea that falls in the Guidance's mental-processes grouping.

A. Overview of Claim 15

Claim 15 recites a method “for recreating a time-ordered sequence of data elements.” App. Br. 30. The method is implemented by a computer and is “executed by a computing device having one or more processors.” *Id.*

The method operates on data about a patient. Specifically, the claim recites data elements that are “for a patient” and that represent a clinical document, a lab value, a medication, a problem list, or a clinical order. *Id.* at 30–31. Each element represents a state change. *Id.* The elements are also associated with time stamps. *Id.* For example, a data element may

represent a physician's note. Spec. ¶ 90. The note's state changes may include when the physician adds the note to the clinical system and may also include each time the physician updates the note. *Id.*

In summary, the method (1) receives the first set of data elements at a first point in time, (2) determines a first data element with the largest time-stamp value in the set, (3) at a second point in time, identifies the second set of data elements with time stamps that are later than the largest time-stamp in the first set, (4) concatenates the first and second sets to recreate a time-order sequence, and (5) displays the result. App. Br. 30–31.

Under the broadest reasonable interpretation of claim 15, steps (2) through (4) can be practically performed in the mind. That is, these steps recite an abstract idea.

Next, we explain how each of steps (2) through (4) is an evaluation or judgment that can practically be performed in the mind.

B. “determining using the one or more processors a first data element in the first set of data elements that has a largest value of time stamp”

Claim 15 recites, in part, “determining using the one or more processors a first data element in the first set of data elements that has a largest value of time stamp as compared to the remaining data elements in the first set of data elements.” App. Br. 30.

Except for the recited processor use, the recited determination can practically be performed by mentally comparing the element's time stamps. Although the recited time stamp is metadata, the time stamp merely indicates a time. Spec. ¶ 45. For example, “given two data elements V_x and V_y , if time stamp (v_x) < time stamp (v_y), then V_x happens before V_y .” *Id.* ¶ 50. Notably, claim 15's set of data elements encompasses small sets.

For example, the data elements could represent some subset of the four alerts shown in Figure 3 for the patient John Doe. *Id.* ¶ 65. Thus, the record indicates that finding the largest time stamp can practically be performed in the mind.

C. *“using the largest value of time stamp to identify in the clinical computing system a second set of data elements for the patient”*

Claim 15 recites, in part,

at a second point in time, using the largest value of time stamp to identify in the clinical computing system a second set of data elements for the patient, the second set of data elements representing the one of the clinical document, the lab value, the medication, the problem list, or the clinical order, wherein each data element in the second set of data elements represents a second state change associated with the one of the clinical document, the lab value, the medication, the problem list, or the clinical order, and wherein the each data element in the second set of data elements has a respective time stamp after the time stamp of the first data element.

App. Br. 30–31.

Like the determining step, this step merely involves comparing times. Specifically, the latest time is used to identify the second set. For example, the maximum time stamp associated with a physician note may be the one associated with the most recent update. Spec. ¶ 92. Each identified element in the set has a respective time stamp after the time stamp of the first data element. For the same reasons discussed in the determining step, claim 15 encompasses a set of data elements small enough to allow the identification to practically be performed in the mind.

D. “recreating a time-ordered sequence of data elements”

Claim 15 recites, in part, “recreating a time-ordered sequence of data elements by concatenating the first and second sets of data elements.”

App. Br. 31.

This step involves simply ordering the elements—i.e., putting one set after another. Like the abstract idea in *Intellectual Ventures I*, this step can practically be performed “by a human, mentally or with pen and paper.”

838 F.3d at 1335; Guidance, 84 Fed. Reg. at 52 n.14.

As a whole, claim 15 recites a process that can practically be performed in the mind. Thus, claim 15 recites a concept that falls within the Guidance’s mental-processes grouping. Guidance, 84 Fed. Reg. at 52 nn.14 & 15.

For all the above reasons, claim 15 recites an abstract idea.

V. Is the claim “directed to” the recited judicial exception?

Because claim 15 recites an abstract idea, we now proceed to determine whether the recited judicial exception is integrated into a practical application. Guidance, 84 Fed. Reg. at 51. When a claim recites a judicial exception and fails to integrate the exception into a practical application, the claim is “directed to” the judicial exception. *Id.*

The claim may integrate the judicial exception, for example, when it reflects an improvement to technology or a technical field. *Id.* at 55. In Appellants’ view, the technical improvement is “creating a time-ordered sequence of state changes to a data element, thus enabling state recreation in a clinical system.” App. Br. 16; *see also* App. Br. 18 (discussing state recreation). According to Appellants, this improves “computer-driven

disease surveillance systems.” *Id.* at 16; *see also* Reply Br. 5–6 (discussing how the claims are useful in healthcare computing like the eligible claims in *Classen*). Appellants argue the claim is rooted in computers. Reply Br. 3.

But the Specification indicates that the claimed method merely uses the computer as a tool to perform the abstract idea. The invention does not purport to improve how the computer operates. Here, the Specification shows that the inventor’s focus was on “ways to recreate the state of a system as it existed at a prior point in time and ways to recreate a time-ordered sequence of data elements.” Spec. ¶ 2. But the disclosed “embodiments of the invention are applicable to *any computing system* for which it is desirable to enable recreation of a prior state.” *Id.* ¶ 18 (emphasis added). This broad focus demonstrates that the invention’s purpose is untethered to any particular technical implementation.

It is true that the claim recites “a clinical computing system”—e.g., a hospital’s electronic medical-record system. But claim 15 does not address a technical challenge specific to this system. For example, the invention can be used to recreate the state of an electronic trading system for stocks and bonds, insurance claims, or manufacturing. *See id.* ¶¶ 18, 89.

In this way, the recited clinical computing system is a mere field of use. Yet a claim may not integrate the abstract idea when it generally links the judicial exception to a particular technological environment or field. Guidance, 84 Fed. Reg. at 55 n.32 (citing MPEP § 2106.05(h)). For example, in *Parker v. Flook*, the claims used a mathematical formula to calculate a numerical limit on a process variable in the catalytic chemical conversion of hydrocarbons. 437 U.S. 584, 586–87 (1978), *cited in* MPEP § 2106.05(h). The Supreme Court rejected the argument that the

claim was made eligible through its limitations to the petrochemical field and oil refining. *Id.* at 589–91. The Court reasoned that holding otherwise would exalt form over substance. *Id.*

Appellants make a similar argument by characterizing the claim as limited to disease surveillance and healthcare computing. App. Br. 17; Reply Br. 6. But like *Flook*, the recited patient data and clinical data merely limit the idea to a particular field.

Claim 15 recites a processor and a clinical computing system as additional elements. We use the term “additional elements” for “claim features, limitations, and/or steps that are recited in the claim beyond the identified judicial exception.” *See* Guidance, 84 Fed. Reg. at 55 n.24. Particularly, claim 15 recites the additional elements of (1) “at a first point in time, receiving from a clinical computing system” the recited first set of data elements, (2) a clinical computing system, (3) a processor, and (4) “communicating for display on a computer interface the time-ordered sequence of data elements.” In the analysis below, we consider these additional elements—individually and in combination—and conclude that claim 15 as a whole does not integrate the recited judicial exception into a practical application. *See id.* at 55 nn.25 & 27–32 (citing MPEP §§ 2106.05(a)–(c), (e)–(h)).

A. *“receiving from a clinical computing system a first set of data elements”*

Claim 15 recites, in part,

at a first point in time, receiving from a clinical computing system a first set of data elements for a patient, the first set of data elements representing one of a clinical document, a lab value, a medication, a problem list, or a clinical order, wherein

each data element in the first set of data elements represents a first state change associated with the one of the clinical document, the lab value, the medication, the problem list, or the clinical order, and wherein the each data element in the first set of data elements is associated with a time stamp embedded as metadata.

App. Br. 30.

The mere presence of a data-collection step may not render a claim patent eligible. *In re Grams*, 888 F.2d 835, 840 (Fed. Cir. 1989). Here, claim 15 does not purport to improve how the clinical data is collected. Rather, the claimed invention merely receives data elements from a clinical computing system. In this way, claim 15's receiving step is similar to gathering statistics in *OIP Techs., Inc. v. Amazon.com, Inc.* 788 F.3d 1359, 1363–64 (Fed. Cir. 2015). In *OIP*, the Federal Circuit found that the recited data gathering did not meaningfully limit the abstract idea. *Id.*, cited in MPEP § 2106.05(g).

Appellants have not disclosed a technical improvement to a clinical computing system—e.g., an improvement to the way that the system stores or retrieves information. Instead, the recited clinical computing system contributes only nominally and insignificantly to the recited method, which indicates an absence of integration here. *See buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014) (explaining that sending and receiving information over a network without further specification may not be sufficient to render the claims patent eligible).

Thus, the receiving step, considered individually and in combination with the other limitations, does not indicate that the claim integrates the abstract idea into a practical application.

B. The Processor

A claim may integrate the exception, for example, by reciting a particular machine. Guidance, 84 Fed. Reg. at 55. For example, the invention may use additional elements with a particular machine or manufacture that is integral to the claim. *Id.*

Claim 15's processor and computing device, though, are not particular machines. The recited processor covers a general-purpose computer executing the mental process described above. *See* Spec. ¶ 34 (describing the computing environment). But a general-purpose processor that merely executes the judicial exception is not a particular machine. *Ulramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716–17 (Fed. Cir. 2014), *cited in* MPEP § 2106.05(b)(I).

The processor here is merely a token addition. It is true that the recited processor can perform the calculations faster than a human could mentally. Yet if a claimed machine functions “solely as an obvious mechanism for permitting a solution to be achieved more quickly, i.e., through the utilization of a computer for performing calculations,” the machine may not impose a meaningful limit on the claim's scope. *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1036, 1335 (Fed. Cir. 2015), *quoted in* MPEP § 2106.05(b)(II).

Claim 15's processor determines the largest-valued time stamp in the same way that a person would mentally—i.e., comparing the time-stamp values. *See, e.g.*, Spec. ¶ 50. And as discussed above, the data set can be small enough for a person to track. *See, e.g., id.* ¶ 65; Fig. 3. Thus, the recited processor is merely used to perform the calculations that, for the reasons discussed above, can practically be performed in the mind.

Thus, the claimed method does not use the processor in a way that indicates the judicial exception has been integrated into a practical application.

C. *“communicating for display on a computer interface the time-ordered sequence of data elements.”*

Displaying accessed data on a user’s device without more may not be sufficient to integrate the judicial exception into a practical application. *Interval Licensing, LLC v. AOL, Inc.*, 896 F.3d 1335, 1345 (Fed. Cir. 2018). Claim 15 does not recite a new way of communicating data to the display. Rather, in claim 15, the communicating step merely reports the results of the ordering. So the communicating step merely adds insignificant extra-solution activity to the recited mental process. In this way, the communicating step, considered individually and in combination with the other limitations, does not indicate that the claim integrates the abstract idea into a practical application.

D. *Other Indicia of Integration*

“Transformation and reduction of an *article* ‘to a different state or thing’ is the clue to patentability of a process claim that does not include particular machines.” *Bilski*, 561 U.S. at 604 (emphasis added), *quoted in* MPEP § 2106.05(c). But “not all transformations . . . infuse an otherwise ineligible claim with an ‘inventive concept.’” *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1256 (Fed. Cir. 2014). Claim 15’s method does not transform a physical object or substance. Thus, the claim is unlike the transformations found in some eligible claims. *See, e.g., Diehr*, 450 U.S. at 184 (a process that transforms rubber).

On this record, claim 15 is directed to the identified abstract idea.

VI. Does the claim provide an inventive concept?

To determine whether a claim provides an inventive concept, the additional elements are considered—individually and in combination—to determine whether they (1) add a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field or (2) simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. Guidance, 84 Fed. Reg. at 56. In this step, we “reevaluate” the additional elements that were determined to be insignificant extra-solution activity in the analysis above to determine whether they add unconventional activity. *Id.*

Reevaluating our conclusions about the additional elements (*supra* § V), we determine that the additional elements add no more than what is well-understood, routine, and conventional. *See* Non-Final 5.

Specifically, as the Examiner points out, the computing devices and time-stamped data are described generically. *Id.* (citing Spec. ¶¶ 17, 33, 41). Particularly, the Specification explains that “any desired means” can be used to measure time. Spec. ¶ 17. The Specification explains that well-known servers and computers communicate with the healthcare computers. *See id.* ¶¶ 41–42. As for the step of communicating data for display, the Specification states that “[i]t is understood that various other configurations of the windows 300, 400 and 500 and the user interface generally may be available and all such configurations are within the scope of the descriptions provided herein.” *Id.* ¶ 63. And the computing environment includes “well-

known computing systems.” *Id.* ¶ 33. Thus, the record adequately supports the Examiner’s findings that the computing devices and the associated functions (i.e., receiving data and communicating for display) are well-understood, routine and conventional. Non-Final 4–5.

Using a computer “only for its most basic function, the performance of repetitive calculations,” may not impose meaningful limits on the claim’s scope. *Bancorp Servs. v. Sun Life Assurance Co. of Can. (U.S.)*, 687 F.3d 1266, 1278 (Fed. Cir. 2012). Similarly, the MPEP instructs examiners that courts recognize that using a computer for performing repetitive calculations is well-understood, routine, and conventional when claimed generically. MPEP § 2106.05(d)(II)(ii) (citing *Parker v. Flook*, 437 U.S. 584, 594 (1978); *Bancorp*, 687 F.3d at 1278). In fact, the Specification explains that the invention may work with “well-known computing systems.” Spec. ¶ 33, *cited in* Non-Final 5.

Essentially, the device in claim 15 maintains a log of events. *Id.* ¶ 57 (describing how the data elements are modified). Yet maintaining a log may be well-understood, routine, and conventional. *See Alice*, 573 U.S. at 225 (“Using a computer to create and maintain ‘shadow’ accounts amounts to electronic recordkeeping—one of the most basic functions of a computer.”); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) (discussing updating an activity log); *see also* MPEP § 2106.05(d)(II)(iii).

Thus, claim 15 simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

Appellants argue that the claims are similar to those in *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed.

Cir. 2016). App. Br. 21–22. Specifically, Appellants argue that the claimed arrangement provides a technical improvement and “does not rely on any generic computer structure or function to supply an inventive concept to the claims.” *Id.* at 21. In Appellants’ view, the claims recite a non-conventional arrangement. *Id.* at 23.

We disagree that the claims here are like those in *BASCOM*. The claims in *BASCOM* involved an inventive distribution of function between a local computer and a server. *See BASCOM*, 827 F.3d at 1350–51. The Federal Circuit noted “[t]he inventive concept described and claimed in the ’606 patent is the installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user.” *Id.* at 1350. The *BASCOM* claims recited a particular arrangement of elements that solved a technical problem. *Id.*

Here, Appellants have not identified any particular arrangement of computer components to solve this problem. *See* App. Br. 21–23. Rather, claim 15’s focus is ordering and comparing the data elements’ time stamps. As to this function, claim 15 does not use any specific combination of the recited processor and clinical system. Considering the elements in combination and in the claim as a whole, Appellants have not shown that claim 15 improves operating efficiency, reduces storage cost, compares data more effectively, or otherwise operates in an unconventional way. *See id.* The claim does not contain a technical solution or the type of inventive concept discussed in *BASCOM*. 827 F.3d at 1350–51.

Appellants argue that the claim does not recite generic computer functions. App. Br. 20. Appellants point to the ordering of data elements. But this is the abstract idea itself. *Id.* “What is needed is an inventive

concept in the non-abstract application realm.” *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1168 (Fed. Cir. 2018). “[A] claim for a *new* abstract idea is still an abstract idea.” *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016). Thus, the limitations on the mental process itself (App. Br. 20) do not make claim 15 any less abstract.

On this record, we agree with the Examiner that the limitations—considered individually and in combination—do not provide an inventive concept. *See* Non-Final 4–5.

VII. Conclusion

We sustain the rejection of representative claim 15 under 35 U.S.C. § 101. We also sustain the rejection of claims 1–3, 5, 7–14, and 16–20, which are argued together with claim 15. *See supra* n.3.

DECISION

We affirm the Examiner’s decision to reject claims 1–3, 5, and 7–20.

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