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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ROBERT KALIN<sup>1</sup>

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Appeal 2018-003958  
Application 14/307,265  
Technology Center 3600

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Before JAMES P. CALVE, MICHELLE R. OSINSKI, and LISA M. GUIJT,  
*Administrative Patent Judges.*

CALVE, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Final Office Action rejecting claims 1–20. Br. 6. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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<sup>1</sup> Etsy, Inc. is identified as the real party in interest and also is the Applicant pursuant to 37 C.F.R. § 1.46. Br. 3.

### CLAIMED SUBJECT MATTER

Claims 1 and 17 are independent. Claim 1 is reproduced below.

1. A method of searching for an item within an electronic commerce platform, the method comprising:

receiving, by a computing system of the electronic commerce platform, a search query for an item and a request for advanced search results for the item from a user of a client computing system;

responding to the request for advanced search results by generating a first web page having a first user interface configured to enable the computing system to interrogate the user;

transmitting the first web page to the client computing system;

interrogating the user, based on the search query, for additional information about the item through the first user interface;

responding to the request for advanced search results by searching a plurality of user profiles in a database of the electronic commerce platform based upon the search query and the additional information, the plurality of user profiles comprising profiles of users other than the user;

identifying one or more search facilitator profiles among the plurality of user profiles, the one or more search facilitator profiles representing one or more search facilitators who can assist the user in locating the item;

generating, subsequent to identifying the one or more search facilitators, a second web page including a second user interface configured to enable the computing system to establish an interactive session between the user and at least one of the one or more search facilitators;

transmitting the second web page to the client computing system; and

establishing, by execution of instructions by a processor of an interactive session component of the electronic commerce platform, an interactive session between the user and the at least

one of the one or more search facilitators through the second user interface, the interactive session to enable the user and the at least one of the one or more search facilitators to communicate with each other.

Br. 16 (Claims App.).

## REJECTION<sup>2</sup>

Claims 1–20 are rejected as directed to patent-ineligible subject matter under a judicial exception to 35 U.S.C. § 101.

## ANALYSIS

### *Claims 1–20 As Directed to a Judicial Exception*

Appellant argues claims 1–20 as a group. Br. 6–12. We select claim 1 as representative, with claims 2–20 standing or falling with claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv). The Examiner finds that claim 1 recites steps of instructing how to search for items by receiving, analyzing, and displaying results of search queries and determines that the steps recite an abstract idea. Final Act. 2–3; Ans. 7–8. The Examiner also determines that a method of searching for items is a fundamental economic practice in the economy that can be performed as mental steps that seek to organize, store, and transmit information. Final Act 4–5.

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<sup>2</sup> The Examiner withdrew the following rejections: (1) Claims 1–12 and 15–20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Finali (WO 02/27601 A2, pub. Apr. 4, 2002), Hofmann (US 2002/0107853 A1, pub. Aug. 8, 2002), and Beckmann (US 7,788,212 B2, iss. Aug. 31, 2010) and (2) claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Finali, Hoffman, Beckmann, and Bedard (US 2006/0282304 A1, pub. Dec. 14, 2006).

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 claim 1 is directed to a method of instructing how to search for items. Final Act. 2. Appellant asserts that claim 1 recites a method of searching for an item in an electronic commerce platform. Br. 4 (Summary of the Claimed Subject Matter). We agree with the parties that claim 1 falls within a statutory category of 35 U.S.C. § 101, i.e., a method.

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

We agree that claim 1 recites a method of searching for items through receiving a search query and transmitting a first web page to interrogate a user for additional information used to identify a search facilitator who assist the user's search via an interactive session. Final Act. 2–3. We determine that claim 1 recites an abstract idea of organizing human activity (1) for a fundamental economic practice of searching for items to buy/a commercial interaction such as sales activities and (2) managing interactions between people involved in sales activity. Revised Guidance, 84 Fed. Reg. 50, 52.

Indeed, Appellant argues that

[t]he claims recite a specific method for identifying search facilitators who may best assist a user in locating a desired item within an electronic commerce platform and for facilitating communication between the user and a search facilitator so that the search facilitator may assist the user in locating the desired item.

Br. 7. The Specification also describes the invention as facilitating searches of electronic commerce sites. Spec. 1:11–13. The method enables a user to obtain the assistance of a search facilitator who communicates with user to help the user identify, locate, and/or obtain items to buy. *Id.* at 11:19–12:2, 12:17–13:5 (personal shopper). Toward this end, an interactive session is established between the user and search facilitator. *Id.* at 11:1–12:2, Fig. 4.

Claim 1 recites steps of the fundamental practice of searching for an item to buy and organizing human activity/sales activity by “receiving . . . a search query for an item and a request for advanced search results for the item from a user” and in response thereto “generating a first web page . . . to interrogate the user,” “transmitting the first web page to the client computing system [of the user] for “interrogating the user . . . for additional information about the item through the first user interface.” The advanced search request is used to refine the search and identify a search facilitator who can help the user find an item of interest. Spec. 7:2–11, 8:11–25, 10:6–31.

In response to the advanced search query and additional information, the computing system “search[es] a plurality of user profiles in a database of the electronic commerce platform based upon the search query and the additional information” to “identify[] one or more search facilitator profiles . . . representing one or more search facilitators who can assist the user in locating the item” sought in the search query. These steps organize the sales activities of the user and manage interactions between the user and a search facilitator (personal shopper) who can assist the user in locating the item.

Other steps of managing the commercial sales activities and personal interactions between a user and a search facilitator involve “generating . . . a second web page including a second user interface configured to enable the computing system to establish an interactive session between the user and . . . one or more search facilitators,” and “transmitting the second web page to the client computing system” for “establishing . . . an interactive session between the user and the at least one of the one or more search facilitators through the second user interface . . . to enable the user and the at least one of the one or more search facilitators to communicate with each other.”

Claim 1 recites steps of organizing human activity in a fundamental economic practice (i.e., commercial sales activities) and managing personal behavior, activities, and interactions between a user seeking an item and a search facilitator who “assist the user in locating the item.” The user’s sales activities are managed by receiving a request for an item and an advanced search request for assistance. Spec. 8:11–21. This step is akin to a person walking into a brick-and-mortar store and asking for information about an item to purchase or perusing the displayed items in the store, perhaps in particular sections of the store, e.g., clothing, jewelry, and sporting goods.

The next steps involves organizing sales activities and managing the user’s sales activities by asking for additional information about the item or area of interest of the user shopping on the ecommerce platform. This step is akin to employees of a brick-and-mortar store asking a customer for more information about the item(s) of interest that they seek to buy.

Claim 1 recites steps to organize a user’s sales activity and manage interactions with a search facilitator by requesting additional information from the user about the item that is being sought to search a database of search facilitator profiles to identify a search facilitator “who can assist the user in locating the item.” This step is akin to finding a sales associate with expertise to assist a shopper in finding an item. These steps manage the activities, relationships, interactions, and behavior of the user and a search facilitator involved in a commercial sales transaction and sales activities.

The final steps of sending a second web page to a user so the user can establish an interactive session with a search facilitator and establish such a session also manages sales activities and interactions/communication of a user (shopper) and a search facilitator (personal shopper). Spec. 12:16–13:5.

*Step 2A, Prong Two: Does Claim 1 Recite an Integrated Application?*

Appellant argues that the claims do not recite “steps instructing how to search for items” as the Examiner determines but instead “recite a specific method for identifying search facilitators who may best assist a user in locating a desired item within an electronic commerce platform and for facilitating communication between the user and a search facilitator so that the search facilitator may assist the user in locating the desired item.” Br. 7. Appellant quotes the Specification’s disclosure that online searching cannot account for the specialized expertise and subjective judgments that human beings are uniquely capable of, and people who have specialized knowledge with respect to certain items are similar to a personal shopper and “may be well suited to assist a buyer in seeking those items by offering suggestions or advice on how to locate and acquire the items.” *Id.* at 8. “[T]heir subjective judgments and recommendations can be included in the search, which *may improve* the search results.” *Id.* at 9 (emphasis added).

We determine claim 1 does not integrate the abstract idea of managing the activities and interactions of people involved in a sales transaction on an ecommerce site into a practical application because it is not integrated in any improvements in computers or ecommerce technology. Instead, it recites generic computers and networks performing generic functions of collecting information about an item a user wants to buy, analyzing the information in a generic database to identify search facilitators who can assist the user in locating the item through unspecified means, and displaying the results of the analysis with a generic web page used to initiate communication via an interactive session. Any integration or meaningful improvement in database, computer, web page, or network functionality of this process is not claimed.

The Specification describes this method as something that people refer to as “personal shoppers” “who are people who help others shop for products or services by providing advice, offering suggestions, and/or facilitating purchases based on the customer’s requests.” Spec. 12:17–21. Claim 1 recites this commercial sales activity on a generic “ecommerce platform.” The personal shopper is located by searching a plurality of user profiles in “a database” in an unspecified way. There is no indication that the database or the database query is inventive or integrated in a way that imposes a meaningful limit. The database identifies one or more search facilitator profiles of persons who can assist the user in locating the item.

Appellant argues that the Specification discloses that “a person having specialized knowledge with respect to certain items (similar to a personal shopper), or a class of items, *may* be well suited to assist a buyer seeking those items by *offering suggestions or advice on how to locate and acquire the items*. Spec. 7:27–8:1 (emphasis added). “By involving other people and/or resources in the search, in particular knowledgeable ones, their subjective judgments and recommendations can be included in the search, which *may* improve the search results.” *Id.* at 14:13–15 (emphasis added). However, reciting this method on generic computers that perform generic functions does not integrate it into a practical application or improve a user’s ecommerce shopping experience in a tangible, concrete way via technology.

Furthermore, the Specification discloses that the helpers “may include sellers, businesses, or other sources of dress shirts that the user may transact with to obtain the item.” *Id.* at 12:11–13. Thus, the facilitators may have a financial bias to recommend their products to a user rather than products that best meet a user’s needs or interests. They inject bias into the sales process.

Nor do steps of establishing an interactive session between the user and a search facilitator to “enable the user and . . . search facilitator[] to communicate with each other,” improve network/communication technology or integrate it into a practical application. The Specification discloses that the communications between a user and search facilitator include any type of communication, such as text, graphics, video, and/or voice. *Id.* at 11:19–23.

As the Examiner points out, claim 1 recites generalized steps that can be performed as mental steps and involve collecting sales information and then analyzing it and displaying the results. Final Act. 3–5; Ans. 7–8.

Providing web pages and search facilitators appropriate to a user does not integrate the abstract ideas of claim 1 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 involves the familiar concept of information distribution performed by nearly every form of media with local distribution and is not integrated into a particular technology or a particular practical application of performing that function but can be implemented in myriad ways, and does not apply or use the abstract idea in a way that imposes a meaningful limit on the judicial exception); *Evolutionary Intelligence LLC v. Sprint Nextel Corp.*, 677 F. App’x 679, 680 (Fed. Cir. 2017) (non-precedential) (holding that tailoring content based on information about the user—such as where the user lives or what time of day the user views the content— and merely “selecting and sorting information by user interest or subject matter [is] a longstanding activity of libraries and other human enterprises” that does not integrate the abstract idea into a practical application).

Here, the claimed steps of organizing and managing sales activities and interactions of a user (shopper) and search facilitator who may assist the user in trying to find an item on an ecommerce platform does not integrate the abstract idea into a practical application with meaningful limitations on its use. In *Intellectual Ventures I LLC v. Capital One Bank (USA)*, the court examined a system that provided web pages tailored to an individual user comprising an interactive interface configured to provide dynamic web site navigation data to the user. *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1369 (Fed. Cir. 2015). The court held that providing customized information to a user based on information known about the user and navigation data was similar to fundamental business practices long prevalent and was not integrated into a practical application. *Id.* at 1369–70.

Here, claim 1 uses a search query and additional information about a user to search a database of others who may be able to assist a user (shopper) in finding an item on the ecommerce platform. The method recites generic technology that matches a user with a search facilitator who tries to assist the user in finding an item. Claim 1 recites generic computer and networking technology to manage human interaction and communications on a generic ecommerce platform in sales transactions, which are fundamental economic practices. Final Act. 5. There is no indication that the computing system, search query, web pages, or interactive session represent technological innovations or impose a meaningful limit on the judicial exception. They do no more than link it to a particular technological “ecommerce” environment without transforming the subject matter or imposing a meaningful limitation on its use. Claim 1 merely applies the abstract idea on a generic computer and network system, which are used as basic tools to perform the idea.

In *Voit Technologies LLC v. Del-Ton*, claims to entering, transmitting, locating, compressing, storing, and displaying data (including text and image data) to facilitate the buying and selling of items, without more, did not integrate an abstract idea into a practical application. *See Voit Technologies LLC v. Del-Ton, Inc.*, No. 2018-1536, 2019 WL 495163, at 2 (Fed. Cir. 2019) (non-precedential) (“Voit fails to explain how employing different formats, as claimed, improves compression techniques or the functioning of the computer. Instead, the specification demonstrates that the Asserted Claims are directed to use of generic computer components performing conventional compression techniques to carry out the claimed invention.”).

In *West View Research v. Audi*, claims to a computerized apparatus capable of interactive information exchange with a user via a microphone, one or more processors, a touch-screen input and display device, a speaker, an input apparatus, and a computer program did not provide an integration into a practical application. *West View Research, LLC v. Audi AG*, 685 F. App’x 923, 925–26 (Fed. Cir. 2017) (non-precedential) (“Under step one of the *Alice* test, . . . [t]hese claims do not go beyond receiving or collecting data queries, analyzing the data query, retrieving and processing the information constituting a response to the initial data query, and generating a visual or audio response to the initial data query.”) (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016) (holding that merely “collecting information, analyzing it, and displaying certain results of the collection and analysis,” without more, can be “a familiar class of claims ‘directed to’ a patent-ineligible concept.”)). These decisions indicate claim 1 does not provide an integration into a practical application or meaningful limit on the judicial exception. *See* Final Act. 2–4; Ans. 7–8.

Furthermore, we agree with the Examiner that claim 1 recites steps that involve collecting information via queries, analyzing the information in the queries, and displaying certain results, which steps are analogous to the claims in *Electric Power Group*. Ans. 7–8. The step of receiving a search query involves collecting information about a user’s interest in an item that may be found on the ecommerce platform. The transmission of a first web page to the user in response to a request for an advanced search by the user also involves the collection of additional information from the user about the item that is sought. *See* Spec. 10:6–31, Fig. 3. The Specification indicates that the additional information is collected by automatically generating more questions “based on one or more heuristic rules, manually generated by a human operator, or both.” *Id.* at 10:24–25. Claim 1 does not recite the use of heuristic rules or manual generation or integrate the steps of generating a first web page, transmitting the first web page to the user, and interrogating the user for additional information into a practical application. It simply recites a generic step of “interrogating the user, based on the search query, for additional information about the item through the first user interface.”

The generic steps of searching a plurality of user profiles in a database based on the search query and additional information to identify one or more search facilitator profiles who can assist the user in locating the item also are recited at a high level of generality without a particular methodology or technological integration that they do not impose a meaningful limit on the judicial exception. *See Elec. Power Grp.*, 830 F.3d at 1353–54 (holding that information as such is an intangible and presenting the results of collecting and analyzing information, without more, such as identifying a particular tool for presentation, is an ancillary part of the collection and analysis).

*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 transform the abstract idea into a patent-eligible application, e.g., by providing an inventive concept. *Alice*, 573 U.S. at 217–18. Appellant argues that the claims represent an improvement in the field of electronic search technology by providing human expertise and subjective judgments to assist a user shopping at an ecommerce site. Br. 8–9 (quoting Spec. 7:27–8:14, 14:13–20). These portions of the Specification describe the involvement of knowledgeable people who use their subjective judgments and recommendations to be included in the search results “which *may* improve the search results.” Spec. 14:13–15 (emphasis added). In addition, Appellant argues that the claims do not preempt all uses of steps that instruct how to search for items. Br. 8.

We agree with the Examiner that Appellant does not explain whether the improvement to search technology involves an improvement to computer or other technology beyond simply connecting a user with another person (search facilitator/personal shopper) in an interactive session. Ans. 8; *see also Voit*, 2019 WL 495163, at 3 (“Voit has to do more than simply restate the claim limitations and assert that the claims are directed to a technological improvement without an explanation of the nature of that improvement.”).

We agree with the Examiner that claim 1 recites generic computer components that perform generic functions. The computing system and processor perform computing functions. The web pages and user interface provide generic interface. The database stores and searches. The interactive session provides generic communication. Final Act. 5–6. The components are not claimed or disclosed as innovative in the Specification. *Id.* at 6.

The Specification describes these generic components thusly:

One or more users 10, each using a client computing system, connect with an e-commerce platform 12 through a network 14, such as the Internet or other communication network. E-commerce platform 12 includes a web server 20, a search engine 22, at least one database 24, an interrogation component 26 and an interactive session component 28. Web server 20 includes software that enables e-commerce platform 12 to generate web pages and otherwise communicate with each user 10 over network 14. Search engine 22 includes software that, in response to receiving search queries from user 10, searches the contents of database 24. Database 24 includes, among other things, listing data associated with each item listed with the e-commerce system, and user data associated with each user of the e-commerce system.

Spec. 8:28–9:5, *see* Fig. 1. Nor does mere use of the Internet provide an inventive concept, without more. *Ultramerical, Inc. v. Hulu, LLC*, 772 F.3d 709, 716 (Fed. Cir. 2014) (“[T]he use of the Internet is not sufficient to save otherwise abstract claims from ineligibility under § 101.”).

Whether analyzed individually or as an ordered combination, claim 1 recites generic components and functions at too a high level of generality to provide an inventive concept. *E.g.*, *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d at 1368 (holding that instructing one to apply an abstract idea on generic computer elements that perform generic computer tasks does not make the abstract idea patent-eligible) (citing *Alice*, 573 U.S. at 225); *Ultramerical*, 772 F.2d at 716 (holding that “each of those eleven steps merely instructs the practitioner to implement the abstract idea ‘with routine, conventional activit[ies],’ which is insufficient to transform the patent-ineligible abstract idea into patent-eligible subject matter.”).

Even if we assume claim 1 recites a new ordered combination of steps of searching an ecommerce platform by connecting a user with a search facilitator in an interactive session, the steps individually and as an ordered combination lack an inventive concept. *E.g.*, *SAP America, Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018) (“The claims here are ineligible because their innovation is an innovation in ineligible subject matter.”); *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) (affirming unpatentability of claims that improved an abstract idea, but not a computer’s performance).

Claim 1 lacks an inventive step because it recites generic components individually and in a combination that perform generic functions involving data collection and transmission at a high level of generality. *E.g.*, *Elec. Power Grp.*, 830 F.3d at 1355 (holding that the claims do not require a new source or type of information or new techniques for analyzing it and thus do not require an inventive set of components or methods such as measurement devices or techniques that would generate new data); *RecogniCorp, LLC v. Nintendo Co.*, 855 F.3d 1322, 1327 (Fed. Cir. 2017) (“Adding one abstract idea . . . to another abstract idea . . . does not render the claim non-abstract.”); *FairWarning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1093–94 (Fed. Cir. 2016) (patent-ineligible claims were directed to a combination of abstract ideas); *Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324–25 (Fed. Cir. 2016) (explaining that generic computer components such as an “interface,” “network,” and “database” do not satisfy the inventive concept requirement).

Even the steps involved in facilitating communication with a search facilitator are recited as generic functions without any technical details or an inventive concept therein. These steps involve generic data collection and an “interactive session” with a search facilitator via generic communications such as text, graphics, video, and/or voice. Spec. 11:19–28. In short, if a person wants a personal shopper to help them find an item on an automated ecommerce site, they request an advanced search and provide additional information about the item. A database searches profiles to identify a search facilitator who may be able to help the shopper. Then, an interactive session is arranged so the user can communicate with the search facilitator. All of these steps are recited at a high level of generality without any innovation in computer or network hardware or software.

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 Ltd. v. Comcast Cable Commc’ns, LLC*, 874 F.3d 1329, 1339 (Fed. Cir. 2017) (where patent claims are deemed patent ineligible, “preemption concerns are fully addressed and made moot”).

For the foregoing reasons, we sustain the rejection of claims 1–20.

#### DECISION

We affirm the rejection of claims 1–20 as directed to a judicial exception under 35 U.S.C. § 101.

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