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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* ASHLEY WOODMAN HALL and  
ANTON ZADOROZHNYI

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Appeal 2018-004393  
Application 14/673,666  
Technology Center 3600

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Before JOHN A. JEFFERY, DENISE M. POTHIER, and  
JUSTIN BUSCH, *Administrative Patent Judges*.

BUSCH, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellants<sup>1</sup> appeal from the Examiner's decision to reject claims 1–3, 7–13, and 17–20, which constitute all the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b). Claims 4–6 and 14–16 were cancelled previously.

We affirm.

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<sup>1</sup> Appellants identify the real party in interest as LinkedIn Corporation. Appeal Br. 2.

### CLAIMED SUBJECT MATTER

Appellants' invention relates to presenting goal-related insights to a member of an on-line social network. *See generally* Abstract. The "Background" section of Appellants' Specification discloses that the on-line social network is a platform that connects people in virtual space. Spec. ¶ 2. Each registered member of the on-line social network may be represented by a member's profile web page. *Id.* The member's profile web page may emphasize employment history and education of each registered member. *Id.*

Appellants' invention determines a goal for the member, identifies another profile that includes a feature indicative of an achievement of the goal by the other profile, and presents a link to the other profile together with a "so-called compare visual control," which "in one example embodiment, is selectable to cause display of one or more features of the further profile." *Id.* ¶ 17.

Claim 1 is representative and reproduced below:

1. A computer-implemented method comprising:
  - in an on-line social network system, detecting a search request from a subject member represented by a subject profile in the on-line social network system;
  - from the search request, determining an identification of a desired job position;
  - determining that an identification of a current job position in the subject profile is distinct from the identification of the desired job position;
  - in response to the search request, selecting, from profiles maintained in the on-line social network, a further profile representing a further member in the on-line social network system, the further profile indicating a current position of the further member associated with the identification of the desired

job position and a previous job position of the further member associated with the identification of the current job position; and causing presentation on a display device information about the further member and a compare visual control, the compare visual control selectable to activate a link to a web page representing the further profile.

## REJECTION<sup>2</sup>

Claims 1–3, 7–13, and 17–20 stand rejected under 35 U.S.C. § 101 as being directed to ineligible subject matter. Final Act. 2–4.

## ANALYSIS

### CLAIM CONSTRUCTION

To resolve the question of patentability under § 101, we begin by construing claim 1, which recites, in pertinent part, “compare visual control.” During examination, claims are given their broadest reasonable interpretation consistent with the specification. *See In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). “Construing claims broadly during prosecution is not unfair to the applicant. . . because the applicant has the opportunity to amend the claims to obtain more precise claim coverage.” *Id.*

The Specification discloses presenting a link to a further profile together with a “so-called compare visual control.” Spec. ¶ 17. “The compare visual control, in *one example embodiment*, is selectable to cause display of one or more features of the further profile.” *Id.* ¶ 17 (emphasis

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<sup>2</sup> Claims 1–3 and 7–10 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter according to “a two-prong test,” *see* Final Act. 4–8, but the Examiner withdrew this rejection, Ans. 3.

added). The Specification further discloses that activating or selecting the compare visual control *may* cause presentation of a further profile web page. *Id.* ¶¶ 17, 21, 24–25. Figure 4 illustrates “a profile compare visual control, in accordance with *an example embodiment.*” *Id.* ¶ 7 (emphasis added); *see id.* ¶ 24. Our emphases underscore that these forms of the term “compare visual control” are merely exemplary. Thus, although this description informs our construction of the term “compare visual control,” it does not limit our interpretation.

We, therefore, construe the term “compare visual control” in accordance with its plain meaning in light of the Specification’s examples. The term “control” is defined as “[i]n a graphical user interface, an object on the screen that can be manipulated by the user to perform an action. The most common controls are buttons, which allow the user to select options.” MICROSOFT COMPUTER DICTIONARY 127 (n. def. 2) (5th ed. 2002). We construe the adjective “visual” to indicate that the control is part of a graphical user interface and the adjective “compare” to be a label for the control because the selection of the control allows the user to view another profile and, implicitly, compare that profile to their own. Thus, we construe “compare visual control” as a user interface object, such as, for example, a user interface button. *See* Spec. ¶ 24 (disclosing a compare visual control as being a part of a user interface screen 400 and stating “[a]n example compare visual control is represented by reference numeral 410”), Fig. 4 (illustrating button 410 contained inside a user interface screen 400).

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.” *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 70 (2012) (brackets in original) (citing *Diamond v. Diehr*, 450 U.S. 175, 185 (1981)).

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*. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 217–18 (2014) (citing *Mayo*, 566 U.S. at 75–77). 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.”).

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.* (brackets in original) (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.*

In January 2019, the USPTO published revised guidance on the application of § 101. 2019 REVISED PATENT SUBJECT MATTER ELIGIBILITY GUIDANCE, 84 Fed. Reg. 50 (Jan. 7, 2019) (“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) (“Guidance Step 2A, Prong 1”); and
- (2) additional elements that integrate the judicial exception into a practical application (*see* MANUAL OF PATENT EXAMINING PROCEDURE (MPEP) §§ 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 08.2017, Jan. 2018)) (“Guidance Step 2A, Prong 2”).

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 is not well-understood, routine, and conventional in the field (*see* MPEP § 2106.05(d)); or
- (4) simply appends well-understood, routine, and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

(“Guidance Step 2B”). *See* 84 Fed. Reg. 50.

GUIDANCE STEP 1

Under the Guidance, we must first determine whether the claims fall within the four statutory categories of patent subject matter identified by 35 U.S.C. § 101. Independent claim 1 recites a series of steps and, therefore, falls within the “process” category of § 101. We next apply our Guidance to the *Alice/Mayo* framework.

*ALICE/MAYO* STEP ONE

*Guidance Step 2A, Prong 1*

Next, we must determine whether the claim is directed to a judicial exception, such as an abstract idea. *See Alice*, 573 U.S. at 218. To this end, the Guidance requires us to determine whether the claim (1) recites a judicial exception and (2) fails to integrate the exception into a practical application. *See* 84 Fed. Reg. at 54–55. If both elements are satisfied, the claim is directed to a judicial exception under the first step of the *Alice/Mayo* test, which the Guidance refer to as Step 2A. *See id.*

To determine whether a claim recites an abstract idea, we (1) identify the claim’s specific limitations that recite an abstract idea and (2) determine whether the identified limitations fall within certain subject matter groupings, namely (a) mathematical concepts, (b) certain methods of organizing human activity, or (c) mental processes. *See id.* at 52–54.

Mental processes are concepts performed in the human mind, including an observation, evaluation, judgment, or opinion. *See id.* at 52; *see Intellectual Ventures I LLC v. Symantec*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) (citing *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1373 (Fed. Cir. 2011)); *see also Gottschalk*, 409 U.S. at 67 (indicating

“mental processes . . . are not patentable, as they are the basic tools of scientific and technological work.”). A claim is directed to the mental process category if the claim, under its broadest reasonable interpretation, covers performance that can be practically performed in the mind, but for the recitation of generic computer components. *See* 84 Fed. Reg. at 52, n.14.

Claim 1 recites a method that comprises the following steps:

(A) “detecting a search request from a subject member represented by a subject profile,” (B) “from the search request, determining an identification of a desired job position,” (C) “determining that an identification of a current job position in the subject profile is distinct from the identification of the desired job position,” and (D)

in response to the search request, selecting, from profiles . . . , a further profile representing a further member . . . , the further profile indicating a current position of the further member associated with the identification of the desired job position and a previous job position of the further member associated with the identification of the current job position.

Appeal Br. 15 (Claims App’x) (“steps (A)–(D)”).

Here, apart from the recited (1) *computer* implementation; (2) “on-line social network system”; and (3) “causing presentation on a display device information about the further member and a compare visual control, the compare visual control selectable to activate a link to a web page representing the further profile” recited in claim 1, claim 1 is directed to determining or identifying, in response to a search request, a person’s desired job position and particular members of that person’s network who have past and current jobs similar to the person’s current and desired jobs,

respectively, which fits squarely within at least one of the above categories of the agency's guidelines.

First, "detecting a search request from a subject member represented by a subject profile," as recited in step (A), could be performed mentally merely by *observing* a subject member's search request. *Cf. Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324 (Fed. Cir. 2016) (noting a limitation reciting receiving personal information of a borrower in obtaining a loan can be performed by a human); *CyberSource*, 654 F.3d at 1372 (noting a limitation reciting obtaining credit card information relating to a consumer's transactions can be performed by a human). Step (A) also organizes human activity at least to the extent that an employer or "headhunter" could detect such a search request from a subject member by merely reading the subject member's subject profile or, alternatively, by face-to-face communication with an applicant. *Cf. In re Villena*, 745 F. App'x 374, 375–76 (Fed. Cir. 2017) (unpublished), *petition for cert. filed*, 711 F. App'x 1012 (U.S. Mar. 20, 2019) (No. 18-1223) (noting a limitation reciting receiving user-provided information is part of a fundamental economic practice). Therefore, step (A) falls squarely within the mental processes and methods of organizing human activity categories of the agency's guidelines and, therefore, recites an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

Second, "from the search request, determining an identification of a desired job position," as recited in step (B), could be performed mentally merely by *observing, evaluating, or judging* a desired job position from the subject member's search request. *Cf. CyberSource*, 654 F.3d at 1372 (noting

that a limitation reciting obtaining other transactions from a consumer's credit card transaction can be performed by a human). Step (B) also organizes human activity at least to the extent that the employer or "headhunter" could determine the subject member's desired job position by merely reading the subject member's search request (e.g., in an online site for job postings) or, alternatively, by face-to-face communication. *Cf. Villena*, 745 F. App'x at 375–76 (noting a limitation reciting producing "automated valuation method" values using received user-provided information is part of a fundamental economic practice). Therefore, step (B) falls squarely within the mental processes and methods of organizing human activity categories of the agency's guidelines and, therefore, recites an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

Third, "determining that an identification of a current job position in the subject profile is distinct from the identification of the desired job position" as step (C) recites could be performed mentally merely by *evaluating* or *judging* that the observed subject profile's current job position is distinct from the desired job position previously identified. Step (C) also organizes human activity at least to the extent that the employer or "headhunter" could determine the job applicant's desired job position is different than the job applicant's current job position by comparing the desired job to the user's current job on a resume or profile or by face-to-face communication. Therefore, step (C) falls squarely within the mental processes and methods of organizing human activity categories of the agency's guidelines and, therefore, recites an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

Fourth,

in response to the search request, selecting, from profiles . . . , a further profile representing a further member . . . , the further profile indicating a current position of the further member associated with the identification of the desired job position and a previous job position of the further member associated with the identification of the current job position,

as recited in step (D), could be performed mentally merely by *evaluating* or *judging* that a profile representing another member indicates (1) the other member's current position is associated with the subject profile's desired job position and (2) the other member's previous job position is associated with the subject profile's current job position. Step (D) also organizes human activity at least to the extent that the employer or "headhunter" could select comparable employees' profiles (1) having current job positions that match the job applicant's desired job position and (2) having a previous job position that match the job applicant's current job position. *Cf. SkillSurvey, Inc. v. Checkster LLC*, 178 F. Supp. 3d 247 (E.D. Pa. 2016), *aff'd* 683 Fed. App'x. 930 (Mem) (Fed. Cir. 2017) (noting a limitation reciting analyzing responses from references and making hiring recommendations on the basis of the references' answers is a well-known method of organizing human activity). Therefore, step (D) falls squarely within the mental processes and methods of organizing human activity categories of the agency's guidelines and, therefore, recites an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

*Guidance Step 2A, Prong 2*

Although the claim recites an abstract idea based on these mental processes and methods of organizing human activity, we must determine whether the abstract idea is integrated into a practical application, namely

whether the claim applies, relies on, or uses the abstract idea in a manner that imposes a meaningful limit on the abstract idea, such that the claim is more than a drafting effort designed to monopolize the abstract idea. *See* 84 Fed. Reg. at 54–55. To do this, we evaluate the “additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit.” *Id.* at 55.

Here, the recited (1) *computer* implementation; (2) “on-line social network system”; and (3) “causing presentation on a display device information about the further member and a compare visual control, the compare visual control selectable to activate a link to a web page representing the further profile” are the only recited elements beyond the abstract idea. These additional elements do not integrate the abstract idea into a practical application when reading claim 1 as a whole.

First, we are not persuaded that “an *automated process* to determine a goal that a member of an on-line social network system is trying to achieve and, based on that determined goal, present the member with an option to examine profiles of other members who have achieved the same goal,” as recited in claim 1, addresses and resolves a technical problem. Appeal Br. 9; Reply Br. 3. We note the Supreme Court has rejected the notion that “‘implement[ing] a principle in some specific fashion’ will ‘automatically fal[l] within the patentable subject matter of § 101.’” *Alice*, 573 U.S. at 222 (quoting *Flook*, 437 U.S. at 593) (alterations in original). “[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract

idea into a patent-eligible invention. *Id.* at 223. “[I]f a patent’s recitation of a computer amounts to a mere instruction to ‘implemen[t]’ an abstract idea ‘on . . . a computer,’ that addition cannot impart patent eligibility.” *Id.* (quoting *Mayo*, 566 U.S. at 84) (alterations in original) (citation omitted).

Second, we are not persuaded claim 1 improves computer functionality. Claim 1 recites presenting a member’s profile representing a member who currently holds a job desired by a searching user and who previously held a job currently held by the searching user, which Appellants argue improves computer functionality by presenting information automatically determined to be of benefit to the searching user in response to a search request indicating the desired job position. Reply Br. 4. According to Appellants, the improvements address problems that arise within computer networks and specifically, to processing search requests performed on the Internet. *Id.* at 5. Appellants contend leveraging information available from profiles maintained in an on-line social network have only been possible with the advent of the Internet. Reply Br. 5.

We disagree this is a case involving eligible subject matter as was the case in *DDR*. There, the court determined that the claims addressed the problem of retaining website visitors who, if adhering to the routine, conventional functioning of Internet hyperlink protocol, would be transported instantly away from a host’s website after clicking on an advertisement and activating a hyperlink. *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014). The court further determined that the claims “specify how interactions with the Internet are manipulated to yield a desired result—a result that overrides the routine and

conventional sequence of events ordinarily triggered by the click of a hyperlink.” *Id.* at 1258. Thus, the court held that the claims eligible because they claim a solution “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *Id.* at 1257. Here, the claimed invention does not address a problem retaining website visitors or an Internet hyperlink protocol and, thus, is not necessarily rooted in computer technology in the sense contemplated by *DDR* where the claimed invention solved a challenge specifically arising in the realm of computer networks.

Third, we are not persuaded “causing presentation on a display device [of (1)] information about the further member and [(2)] a compare visual control . . . selectable to activate a link to a web page representing the further profile,” as claimed, transforms the claim’s abstract idea into a patent-eligible concept. Appeal Br. 9–10. According to Appellants, claim 1 “requires a specific, structured graphical user interface paired with a prescribed functionality directly related to the graphical user interface’s structure that addresses and resolves a specifically identified problem in the prior state of the art.” Appeal Br. 10. Although the Federal Circuit has found certain claims including graphical user interfaces may recite eligible subject matter, the high-level and generic recitation of a graphical user element in Appellants’ claims does not render the claimed subject matter eligible.

In *Trading Technologies*, the court held that claims reciting a method and system for displaying market information on a graphical user interface did not solely claim displaying information on the graphical user interface,

but rather required “a specific, structured graphical user interface paired with a prescribed functionality directly related to the graphical user interface’s structure that is addressed to and resolves a specifically identified problem in the prior state of the art.” *Trading Techs. Int’l v. CQG, Inc.*, 675 F. App’x 1001, 1004 (Fed. Cir. 2017) (unpublished). Notably, the court held the prescribed functionality, which directly related to the graphical user interface’s structure, reduced the time it takes traders to place a trade on an electronic exchange. *Id.* at 1003.

Appellants’ user interface offers no such equivalent functionality. Although Appellants’ claimed invention displays (1) information about another member and (2) a button (the claimed “compare visual control”) selectable to activate a link to a web page representing a profile of the other member, Appellants’ claims merely recite displaying graphical user interface elements. *Contra id.* at 1004 (explaining that the eligible claims *did not* “simply claim displaying information on a graphical user interface”).

Appellants analogize the claimed user interface with the interface claimed in *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, 880 F.3d 1356, 1362 (Fed. Cir. 2018). Reply Br. 5. According to Appellants, the claims are directed to an improved user interface for electronic devices—a user interface that provides a user searching for a particular job with (1) information about a member who transitioned to that job from a job currently held by the searching user and (2) a compare visual control selectable to activate a link to a web page of a profile representing that member. *Id.* We disagree.

The facts of *Core Wireless* are distinguishable from the facts and arguments in the cited record on appeal. The claim in *Core Wireless* was directed to “an improved user interface for electronic devices, particularly those with small screens” where the improvement was in “the efficiency of using the electronic device by bringing together ‘a limited list of common functions and commonly accessed stored data,’ which can be accessed directly from the main menu.” *Core Wireless*, 880 F.3d at 1363. The Specification supported these improvements over “the prior art interfaces [that] had many deficits relating to the efficient functioning of the computer, requiring a user ‘to scroll around and switch views many times to find the right data/functionality.’” *Id.* The Court found that the disclosure in the Specification regarding the speed of a user’s navigation through various views and windows was improved and that this disclosure “clearly indicates that the claims are directed to an improvement in the functioning of computers, particularly those with small screens.” *Id.*

That is not the case here. Appellants do not identify any disclosure in the Specification demonstrating that claim 1 is directed to an improvement to the display of an electronic device. The claims here are not directed to an improved user interface and are not analogous to the claims in *Core Wireless*, but instead “[use] conventional user interface methods to display a generic index on a computer.” *Id.* at 1363; *cf. Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1240–43 (Fed. Cir. 2016) (noting a user interface that generates and displays selectable user interface elements from other selectable user interface elements does not transform an otherwise abstract idea into eligible subject matter); *FairWarning IP, LLC v. Iatric Sys., Inc.*,

839 F.3d 1089, 1096 (Fed. Cir. 2016) (noting use of a generic computer element like a user interface is not patent-eligible subject matter); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1342 (2017) (noting a user interface that provides little more than an unspecified set of rules for displaying and organizing elements does not recite eligible subject matter).

Thus, despite Appellants' contention to the contrary (Appeal Br. 9–11; Reply Br. 3–5), a user interface presenting (1) information about the other member and (2) a button (the claimed “compare visual control”) selectable to activate a link to a web page representing a profile of the other member merely recites using generic computing components to achieve that end and, therefore, does not integrate the abstract idea into a practical application. *See Alice*, 573 U.S. at 223–24.

In addition, the recited “causing presentation on a display device information about the further member and a compare visual control, the compare visual control selectable to activate a link to a web page representing the further profile” is insignificant post-solution activity that merely outputs the result of identifying one or more other members. *See Flook*, 437 U.S. at 590 (insignificant post-solution activity held insufficient to impart patentability); *see also CyberSource*, 654 F.3d at 1371 (discussing *Flook*). *Accord* Guidance, 84 Fed. Reg. at 55 (citing MPEP § 2106.05(g)).

Accordingly, claim 1 does not integrate the judicial exception into a practical application.

*ALICE/MAYO* STEP TWO

*Guidance Step 2B*

Because the claim does not integrate the judicial exception into a practical application, we determine whether additional elements of the claim, individually or in combination, provide an inventive concept. *See id.* at 56. To this end, we determine whether the additional elements (1) add a specific limitation or combination of limitations that is not well-understood, routine, conventional activity in the field, which is indicative that an inventive concept may be present; or (2) simply append well-understood, routine, and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, which is indicative that an inventive concept may not be present. *Id.*

The Examiner concludes under step two in the *Mayo/Alice* framework that the additional elements of claim 1 (i.e., those elements other than the abstract idea) amount to no more than a recitation of generic computer components performing functions that are well-understood, routine, and conventional activities previously known in the pertinent industry. Final Act. 6–7. According to the Examiner, viewed as a whole, these additional elements do not qualify as significantly more than the abstract idea. *Id.* at 7.

We agree. The claims recite the additional elements at a high level of generality and the disclosure describes the elements in generalities. *See, e.g.,* Spec. ¶¶ 36–42. Appellants do not persuasively argue that these elements operate in an unconventional manner. Thus, “the claims at issue amount to ‘nothing significantly more’ than an instruction to apply the

abstract idea . . . using some unspecified, generic computer.” *Alice*, 573 U.S. at 225–26 (citing *Mayo*, 566 U.S. at 71).

Therefore, we are not persuaded that the Examiner erred in rejecting claim 1. Appellants present shorter versions of substantially the same arguments for claims 11 and 20. Appeal Br. 12–13. Thus, for the same reasons discussed above, we are not persuaded the Examiner erred in rejecting claims 11 and 20. Nor are we persuaded the Examiner erred in rejecting claims 2, 3, 7–10, 12, 13, and 17–19, not argued separately with particularity.

#### CONCLUSION

The Examiner did not err in rejecting claims 1–3, 7–13, and 17–20 under 35 U.S.C. § 101.

#### DECISION

We affirm the Examiner’s decision to reject claims 1–3, 7–13, and 17–20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED