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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte JASON CZAPLEWSKI,
JAMES WEAVER,
GEORGE JOHN D'AMBROSIO,
MANISH PATEL, and KIM HIXSON

Appeal 2018–004402
Application 13/705,964
Technology Center 3600

Before HUBERT C. LORIN, AMEE A. SHAH, and
ROBERT J. SILVERMAN, *Administrative Patent Judges.*

LORIN, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the Examiner's decision to reject claims 1, 2, 4–7, 9–14, and 22. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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[1] We use the word Appellant to refer to "applicant" as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Omnicell, Inc. Appeal Br. 3.

CLAIMED SUBJECT MATTER

The claimed subject matter "relates generally to item dispensing, and in particular to systems and methods for managing inventory at dispensing units, such as a dispensing units in a medical or other healthcare facility" (Spec., para. 2). Claim 1, reproduced below, is illustrative of the claimed subject matter:

> 1. A dispensing system, comprising:
>
> a plurality of dispensing stations at a medical care facility, each station having a plurality of storage locations for storing items to be dispensed at the medical care facility, wherein the dispensing stations are arranged in a plurality of station groups, the plurality of station group each including a plurality of dispensing stations, with at least a first one of the station group comprising a plurality of dispensing stations at locations providing acute medical care at the medical facility, the acute care being a high level of care resulting from sudden or severe health conditions, and with at least a second one of the station groups comprising a plurality of dispensing stations at locations providing non-acute medical care at the medical facility;
>
> a database for storing inventory data relating to the items stored at the dispensing stations; and
>
> a processor programmed to execute a sequence of instructions to cause the processor to display, at a display device, information for a user, by:
>
> providing a selection menu with displayed group identifiers, each group identifier identifying one of the plurality of station groups;
>
> receiving from a user a selection at the selection menu of a first one of the displayed group identifiers identifying the first one of the station groups;
>
> receiving from the user a selection at the selection menu of a second one of the displayed group identifiers identifying the second one of the station groups;
>
> receiving from the user a time identifier identifying a period of time for which the inventory data is to be displayed;

calculating statistical outliers from the inventory data for at least one of station groups identified by the first and second displayed group identifiers; and

displaying simultaneously, at the display device, at least two graphic views of inventory data for the station groups identified by the first and second selected group identifiers, with the at least two graphic views displayed side-by-side.

REFERENCES

The prior art relied upon by the Examiner is:

Name	Reference	Date
Feeney, Jr.	US 2002/0032582 A1	May 14, 2002
Hardaway	US 2011/0054935 A1	Mar. 3, 2011
Stephens	US 2011//0251850 A1	Oct. 13, 2011
The Math Forum (Ask Dr. Math: Questions and Answers from Our Archives, 2/14/2000).		

REJECTIONS

Claims 1, 2, 4–7, 9–14 and 22 are rejected under 35 U.S.C. § 112(a), first paragraph, as failing to comply with the written description requirement.

Claims 1, 2, 4–7, 9–14 and 22 are rejected under 35 U.S.C. § 101 as being directed to judicially-excepted subject matter.

Claims 1, 2, 4–6, 9–13 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Feeney, Jr., Stephens, and The Math Forum.

Claims 7 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Feeney, Jr., Stephens, The Math Forum, and Hardaway.

OPINION

The rejection of claims 1, 2, 4–7, 9–14 and 22 under 35 U.S.C. § 112(a), first paragraph, as failing to comply with the written description requirement.

The Examiner states:

> Independent claims 1 and 9 recite "displaying simultaneously, at the display device, at least two graphic views of inventory data for the station groups identified by the first and second selected group identifiers, with the at least two graphic views displayed side-by-side." However, the specification and drawings seem to disclose graphic views for only one selected group at a time (e.g., either acute or non-acute), but not both. Clarification is required.

Final Act. 3.

Appellant responds:

> Appellant respectfully submits that the Specification and drawings do in fact, disclose the display of graphic views for two different selected groups, side-by-side. Appellant references, e.g., Figure 2B of the drawings and paragraphs 0027 and 0047 of the Specification.

Appeal Br. 6.

According to para. 47 of the Specification, widget 220 displays bars "for inventory at a group identified as 'MedSurg Applied'" and widget 222 displays vertical bars "for inventory at a group identified as 'OR Applied'". Fig. 2 is a graphic view depicting both said bars next to each other. Given this and that the Examiner has not addressed the sufficiency of this disclosure, we find the evidence weighs in favor of Appellant's position.

The rejection of claims 1, 2, 4–7, 9–14, and 22 under 35 U.S.C. § 101 for claiming patent-ineligible subject matter.

Preliminary comment

The 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019), hereinafter "2019 Revised 101 Guidance," supersedes the earlier guidance that was in effect at the time the Appeal

Brief was filed (Oct. 2, 2017). *Id.* at 51 ("Eligibility–related guidance issued prior to the Ninth Edition, R–08.2017, of the MPEP (published Jan. 2018) should not be relied upon.") Accordingly, we will not analyze the sufficiency of the Examiner's rejection against the Office's previous guidance. Rather, our analysis will comport with the 2019 Revised 101 Guidance.

Introduction

35 U.S.C. § 101 provides 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."

In that regard, illustrative claim 1 (above) covers an "apparatus" and is thus statutory subject matter for which a patent may be obtained.[2] This is not in dispute. The other independent claims on appeal, claim 9, is nominally directed to the "process" statutory category of invention. That is also not in dispute.

However, the § 101 provision "contains an important implicit exception: Laws of nature, natural phenomena, and abstract ideas are not patentable." *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014); (quoting *Ass'n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013)).

In that regard, notwithstanding independent claims 1 and 9 are statutory subject matter (as are the claims depending from them), the

[2] This corresponds to Step 1 of the 2019 Revised 101 Guidance which requires determining whether a "claim is to a statutory category." *Id.* at 53. *See also* sentence bridging pages 53 and 54 ("consider[ ] whether the claimed subject matter falls within the four statutory categories of patentable subject matter identified by 35 U.S.C. § 101 . . . .").

Examiner has raised a question of patent-eligibility on the ground that they are directed to an abstract idea.

Alice identifies a two-step framework for determining whether claimed subject matter is directed to an abstract idea. *Alice*, 573 U.S. at 217.

Alice step one – the "directed to" inquiry

According to *Alice* step one, "[w]e must first determine whether the claims at issue are *directed to* a patent-ineligible concept" (*Id.* at 218 (emphasis added)).

The Examiner determined, *inter alia*, that the claims are "directed to the abstract idea of managing inventory." Final Act. 4. *See also id.* at 4–5:

> This abstract idea, including the storing, displaying, providing, receiving and displaying steps are similar to concepts involving an idea of itself, and human activity relating to concepts involving organizing information (e.g., Digitech Image Tech, LLC v. Electronics for Imaging, Inc., and Ultramercial v. Hulu), and concepts involving data recognition, collection, storage and management (e.g., Content Extraction, TLI Communications, and Electric Power Group), and concepts describing mathematical relationships and algorithms (e.g., Benson, Flook and Grams), all of which have been found by the courts to be abstract ideas.

Appellant disagrees, contending, *inter alia*, that

> When considering the recited language of the claims as a whole, Appellant's claimed concept is much different than the concept identified at the high level of abstraction used by the Examiner. Specifically, Appellant submits that the claims are directed to the concept of specially programmed computer systems and methods for dispensing items, with a plurality of dispensing stations at a medical care facility arranged in station groups that each include a plurality of dispensing stations, where the station groups are arranged with a first of the station groups of dispensing stations being at locations providing acute medical care and with a second

> of the station groups of dispensing station being at locations providing non-acute medical care.

Appeal Br. 9.

> Appellant submits that the focus of the claimed invention/claimed advance over the prior art is the specifically recited computer implemented operations (as described above) involving an arrangement of dispensing station groups having different levels of care (acute and non-acute), the use of group identifiers to select those different station groups, and displaying graphic views for the recited inventory data for the different station groups simultaneously and side-by-side. The focus of the claimed invention is not the generalized idea characterized by the Examiner of "managing inventory."

Id. at 10. *See also id.* at 11, 13, 14, 17 and 18 ("The present claimed concept . . . is 'directed to a specific improvement to the way computers operate' (e.g., arranging dispensing stations and groups according to level of care, and using group identifiers) and also 'imparts a specific functionality' (e.g., displays inventory data for two station groups, simultaneously and site-by-side).")

Accordingly, there is a dispute over what the claims are directed to. Are they directed to the "managing inventory" (Final Act. 3) or a technological improvement, "e.g., arranging dispensing stations and groups according to level of care, and using group identifiers" (App. Br. 18).

Claim Construction[3]

Focusing on claim 1 (the other independent claim 9 is substantially similar to and parallels claim 1), we consider it as a whole[4] giving it the broadest reasonable construction[5] as one of ordinary skill in the art would have interpreted it in light of the Specification[6] at the time of filing.

Claim 1 describes a "dispensing system." It comprises three elements: (a) "a plurality of dispensing stations at a medical care facility"; (b) "a database"; and (c) "a processor programmed to execute a sequence of

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[3] "[T]he important inquiry for a § 101 analysis is to look to the claim." *Accenture Glob. Servs., GmbH v. Guidewire Software, Inc.*, 728 F.3d 1336, 1345 (Fed. Cir. 2013). "In *Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can.*, 687 F.3d 1266, 1273 (Fed. Cir. 2012), the court observed that "claim construction is not an inviolable prerequisite to a validity determination under § 101." However, the threshold of § 101 "must be crossed; an event often dependent on the scope and meaning of the claims." *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1347–48 (Fed. Cir. 2015).

[4] "In determining the eligibility of respondents' claimed process for patent protection under § 101, their claims must be considered as a whole." *Diamond v. Diehr*, 450 U.S. 175, 188 (1981).

[5] 2019 Revised 101 Guidance, page 52, footnote 14 ("If a claim, under its *broadest reasonable interpretation* . . . .") (Emphasis added.)

[6] "First, it is always important to look at the actual language of the claims. . . . Second, in considering the roles played by individual limitations, it is important to read the claims 'in light of the specification.'" *Smart Sys. Innovations, LLC v. Chicago Transit Authority*, 873 F.3d 1364, 1378 (Fed. Cir. 2017) (J. Linn, dissenting in part and concurring in part), citing *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016), among others.

instructions to cause the processor to display, at a display device, information for a user."

According to the claim, each station of the plurality of dispensing station (a) has a plurality of storage locations for storing items to be dispensed at the medical care facility, wherein the dispensing stations are arranged in a plurality of station groups, the plurality of station group each including a plurality of dispensing stations, with at least a first one of the station group comprising a plurality of dispensing stations at locations providing acute medical care at the medical facility, the acute care being a high level of care resulting from sudden or severe health conditions, and with at least a second one of the station groups comprising a plurality of dispensing stations at locations providing non-acute medical care at the medical facility.

The database (b) "stor[es] inventory data relating to the items stored at the dispensing stations."

And the processor (c) causes information to be displayed for a user by

> providing a selection menu with displayed group identifiers, each group identifier identifying one of the plurality of station groups;
>
> receiving from a user a selection at the selection menu of a first one of the displayed group identifiers identifying the first one of the station groups;
>
> receiving from the user a selection at the selection menu of a second one of the displayed group identifiers identifying the second one of the station groups;
>
> receiving from the user a time identifier identifying a period of time for which the inventory data is to be displayed;
>
> calculating statistical outliers from the inventory data for at least one of station groups identified by the first and second displayed group identifiers; and

> displaying simultaneously, at the display device, at least two graphic views of inventory data for the station groups identified by the first and second selected group identifiers, with the at least two graphic views displayed side-by-side.

The claimed system comprises a combination of at least two dispensing stations arranged in station groups depending on the level of care they provide and a processor; the processor being programmed to provide a selection menu at a display device displaying identifiers for said station groups by which a user can selects said groups;

> receiv[e] from [a] user a time identifier identifying a period of time for which [ ] inventory data [relating to items stored at the dispensing stations] is to be displayed; calculate[e] statistical outliers from the inventory data for at least one of station groups identified by the first and second displayed group identifiers; and display[] simultaneously, at the display device, at least two graphic views of inventory data for the station groups identified by the first and second selected group identifiers . . . side-by-side.

Claim 1.

Figure 1 of the Specification discloses said combination; that is, it illustrates the arrangement of dispensing stations into station groups connected to a management system. Details of the management system are shown in Fig. 12, while Figs. 2 and 3, for example, show a dashboard screen and selection menu, respectively.

The Specification discusses the arrangement of dispensing stations into station groups in various places. *See e.g.*, *id.* paras. 25 and 36. Para. 28 states the following (emphasis added):

> [0028] The grouping of dispensing stations can be useful in the management of inventory. In one embodiment, dispensing stations located where emergency or acute care is provided are

> grouped separately from other dispensing stations in the facility (e.g., those located where general or less intensive care is provided). Dispensing stations involving emergency or acute care typically have inventory levels that are more difficult to predict (sometimes requiring higher levels of stock to avoid depletion during emergencies). Workflow compliance, such as requiring nurses to enter data (scanning bar codes and the like), can be more difficult at such stations because of the circumstances surrounding the level of care provided, particularly the urgent need for items during that care. *By grouping stations according to the level of care (e.g., stations at locations requiring a higher level of care are grouped together), inventory can be more effectively managed using the techniques described herein*.

This disclosure supports viewing the arrangement of dispensing stations into station groups as *not* being an insignificant element of the claimed system but the opposite: "[b]y grouping stations according to the level of care . . . inventory can be more effectively managed using the [inventory management] techniques described herein." *Id.*

Earlier in the Specification, it is stated that

> conventional inventory reporting systems are often not suitable for tracking pharmaceuticals and other supplies in a medical facility, such as a hospital, where there can be significant differences in the level of care provided where dispensing stations are located. Some locations may have predictable and routine uses of supplies (making inventory management somewhat straight forward), but other locations (such as at emergency and critical care units) may be difficult to manage. For example, nurses in emergency and critical care locations might need supplies quickly and have little time to enter data for items being dispensed. It can also be difficult at those locations to predict, at any point in time, the type and quantity of items that may be needed. Thus, unlike routine medical care locations, supplies for higher levels of care may need to be monitored frequently and always fully stocked to assure immediate

> availability when needed. At the same time, inventory managers need to monitor dispensing stations at all levels of care to avoid mismanagement of supplies by users and, especially, improper diversion of addictive items, such as narcotics, that may be stocked at the dispensing stations.

Id. para. 6.

This goes to the problem of locating pharmaceuticals in dispensing stations that may be needed more quickly than others. Grouping the stations as claimed helps solve this problem. *See also id.* para. 28 reproduced above.

Consistent with the intrinsic evidence, we reasonably broadly construe claim 1 as being directed to the combination of at least two dispensing stations arranged in station groups depending on the level of care they provide and a computer-enabled inventory management system performing certain providing, receiving, calculating, and displaying functions for managing inventory in said stations, as claimed.

The Abstract Idea[7]

Normally, we would identify in italics in the illustrative claim the limitations that recite an abstract idea.[8] However, based on our claim construction analysis (above), it is unnecessary to do so. The subject matter to which claim 1 is directed to, i.e., the combination of at least two

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[7] *See* Step 2A of the 2019 Revised 101 Guidance. Step 2A determines "whether a claim is 'directed to' a judicial exception," such as an abstract idea. 84 Fed. Reg. at 53. Step 2A is a two prong inquiry.

[8] *See* Prong One (a) of Step 2A of the 2019 Revised 101 Guidance. "To determine whether a claim recites an abstract idea in Prong One, examiners are now to: (a) Identify the specific limitation(s) in the claim under examination (individually or in combination) that the examiner believes recites an abstract idea . . . ." *Id.* at 54.

dispensing stations arranged in station groups and a computer-enabled inventory management system as claimed, is not subject matter that falls within the enumerated groupings of abstract ideas; that is, "Mathematical concepts," "Certain methods of organizing human activity," and "Mental processes."[9]

Improvement in the Functioning of a Computer[10] *(Appellants' Argument)*

Notwithstanding that the claimed subject matter does not fall within the enumerated groupings of abstract ideas set forth in the 2019 Revised 101 Guidance, the claimed subject matter nevertheless reflects a specific asserted technological improvement over that which was available in the prior art.

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[9] *See* Prong One ["Evaluate Whether the Claim Recites a Judicial Exception"] (b) of Step 2A of the 2019 Revised 101 Guidance. "To determine whether a claim recites an abstract idea in Prong One, examiners are now to: . . . (b) determine whether the identified limitation(s) falls within the subject matter groupings of abstract ideas enumerated in Section 1 of the [2019 Revised 101 Guidance]." *Id.* at 54.

[10] *See* Prong Two ("If the Claim Recites a Judicial Exception, Evaluate Whether the Judicial Exception Is Integrated Into a Practical Application") of Step 2A of the 2019 Revised 101 Guidance. "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." 2019 Revised 101 Guidance, 84 Fed. Reg. at 54. One consideration, implicated here, that is "indicative that an additional element (or combination of elements) may have integrated the exception into a practical application" (*id.* at 55) as if "[a]n additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field" (*id.*).

The Examiner's characterization of what the claim is directed to is inaccurate. The Examiner indicated that the claim is "directed to the abstract idea of managing inventory." Final Act. 4. In making the determination under *Alice* step one, the Examiner focused on "the storing, displaying, providing, receiving and displaying steps." *Id.* at 4. But there is more going on than that. It is true that said steps set forth in claim 1 — as well as in claim 9 — describe a technique for managing inventory. However, there is also the matter of the arrangement of at least two dispensing stations in station groups depending on the level of care they provide. As the Specification states, this "grouping of dispensing stations can be useful in the management of inventory . . . By grouping stations according to the level of care (e.g., stations at locations requiring a higher level of care are grouped together), inventory can be more effectively managed *using the techniques described herein*." Spec. para. 28. Also the Specification suggests doing so helps solve a problem with locating urgent medical supplies. Accordingly, characterizing the claim as simply being directed to "the abstract idea of managing inventory" misses a focus of the invention and glosses over an advance over the prior art. Claim 1, as we have reasonably broadly construed it, is the *combination* of the station grouping and the steps for managing inventory in said stations, not managing inventory alone.

> It is the characterization the Appellant has put forward, e.g., the focus of the claimed invention . . . namely, an arrangement of dispensing station groups having different levels of care (acute and non-acute), the use of group identifiers to select those different station groups, and displaying graphic views for the recited inventory data for the different station groups simultaneously and side-by-side

(App. Br. 11), that is the more accurate characterization.

"The 'abstract idea' step of the inquiry calls upon us to look at the 'focus of the claimed advance over the prior art' to determine if the claim's 'character as a whole' is directed to excluded subject matter." *Affinity Labs of Tex., LLC v. DirectTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016) (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016)); *see also Enfish*, 822 F.3d at 1335. As the Federal Circuit stated in *Ancora Technologies, Inc. v. HTC America, Inc.*, 908 F.3d 1343, 1347 (Fed. Cir. 2018):

> We examine the patent's "'claimed advance' to determine whether the claims are directed to an abstract idea." *Finjan, Inc. v. Blue Coat System, Inc.*, 879 F.3d 1299, 1303 (Fed. Cir. 2018). "In cases involving software innovations, this inquiry often turns on whether the claims focus on 'the specific asserted improvement in computer capabilities . . . or, instead, on a process that qualifies as an "abstract idea" for which computers are invoked merely as a tool.'" *Id.* (quoting *Enfish*, 822 F.3d at 1335–36); *see BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1285–86 (Fed. Cir. 2018). Computers are improved not only through changes in hardware; "[s]oftware can make non-abstract improvements to computer technology . . . ." *Enfish*, 822 F.3d at 1335; *see Finjan*, 879 F.3d at 1304. We have several times held claims to pass muster under *Alice* step one when sufficiently focused on such improvements.

The Specification's description of the problem and solution shows the advance over the prior art by the claimed invention is not simply the steps for "managing inventory" (Final Act. 3) but, in addition to that, an arrangement of dispensing station groups having different levels of care.

In our view, the claimed combination reflects a specific asserted technological improvement over that which was available in the prior art. Accordingly, we find the Appellant's arguments that the claimed subject

matter is not directed to managing inventory per se persuasive, given the present record.

Specific asserted improvements, when claimed, can render claimed subject matter not directed to an abstract idea. *Cf. McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1316 (Fed. Cir. 2016) ("When looked at as a whole, claim 1 is directed to a patentable, technological improvement over the existing, manual 3-D animation techniques.")

It should be noted that we have addressed purported specific asserted improvements in technology under step one of the *Alice* framework. This is consistent with the case law. *See Ancora*, 908 F.3d at 1347 ("We have several times held claims to pass muster under *Alice* step one when sufficiently focused on such improvements."). It can be discussed under step two of the *Alice* framework as well. *See buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1354–55 (Fed. Cir. 2014). "[R]ecent Federal Circuit jurisprudence has indicated that eligible subject matter can often be identified either at the first or the second step of the *Alice/Mayo* [framework]." 2019 Revised 101 Guidance, 84 Fed. Reg. at 53; *see also id. n.*17.

We note that the Examiner addressed the station grouping in the step two analysis. *See* Final Act. 5–7:

> Under step 2B of the analysis, the claims include, inter alia, a plurality of dispensing stations at a medical care facility, each station having a plurality of storage locations for storing items to be dispensed at the medical care facility, wherein the dispensing stations are arranged in a plurality of station groups, the plurality of station groups each including a plurality of dispensing stations, with at least a first one of the station groups comprising dispensing stations at locations providing acute medical care at the medical facility, and with at least a second

one of the station groups comprising dispensing stations at locations providing non-acute medical care at the medical facility, a database, and a processor programmed to execute a sequence of instructions to cause the processor to display, at a display device, information for a user.

However, there isn't any improvement to another technology or technical field, or the functioning of the computer itself. Moreover, individually, there are not any meaningful limitations beyond generally linking the abstract idea to a particular technological environment, i.e., implementation via a computer system. Further, taken as a combination, the limitations add nothing more than what is present when the limitations are considered individually. There is no indication that the Page 6
combination provides any effect regarding the functioning of the computer or any improvement to another technology.

In addition, as discussed in paragraph 0069 of the specification, "The computer system 1200 is shown comprising hardware elements that may be electrically coupled via a bus 1290. The hardware elements may include one or more central processing units 1210, one or more input devices 1220 (e.g., a mouse, a keyboard, scanner, etc.), and one or more output devices 1230 (e.g., a display device, a printer, etc.). The computer system 1200 may also include one or more storage devices 1240, representing remote, local, fixed, and/or removable storage devices and storage media for temporarily and/or more permanently containing computer readable information, and one or more storage media reader(s) 1250 for accessing the storage device(s) 1240. By way of example, storage device(s) 1240 may be disk drives, optical storage devices, solid-state storage device such as a random access memory ("RAM") and/or a read-only memory ("ROM"), which can be programmable, flash- updateable or the like. "

As such, this disclosure supports the finding that no more than a general purpose computer, performing generic computer functions that are well-understood, routine, and conventional activities previously, known to the pertinent industry, is required by the claims.

> Viewed as a whole, these additional claim element(s) do not provide meaningful limitation(s) to transform the abstract idea into a patent eligible application of the abstract idea such that the claim(s) amounts to significantly more than the abstract idea itself. Therefore, the claim(s) are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. *See Alice Corporation Pty. Ltd. v. CLS Bank Int'l et al.*, No. 13-298 (U.S. June 19, 2014).

The Examiner's cogent and comprehensive analysis notwithstanding, the difficulty with the analysis is that it does not take into account the Specification disclosure (*see* para. 28 reproduced above) supporting Appellant's view that the arrangement of station groupings as claimed is a focus of the invention. The Specification supports the view that this is an advance over the prior art inventory management techniques. It is a significant element of the claimed invention.

Furthermore, in disclosing that "[b]y grouping stations according to the level of care (e.g., stations at locations requiring a higher level of care are grouped together), inventory can be *more effectively managed using the techniques described herein*" (para. 28), there is sufficient evidence in the record before us that the claimed subject matter reflects a specific asserted improvement in technology over that which was practiced in the art and for that reason we determine that independent claim 1, and independent claim 9, and the claims depending therefrom, are not directed to an abstract idea. Accordingly, within the meaning of the 2019 Revised 101 Guidance, we find there is an integration into a practical application.

For the foregoing reasons, the Examiner's determination under *Alice* step one is not sustainable. Consequently, we do not reach the merits of Examiner's determination under *Alice* step two.

The rejection is not sustained.

The rejection of claims 1, 2, 4–6, 9–13 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Feeney, Jr., Stephens, and The Math Forum.

We agree with Appellant. The Examiner relies on Feeney, Jr. as allegedly disclosing

> a plurality of dispensing stations at a medical care facility, each station having a plurality of storage locations for storing items to be dispensed at the medical care facility, wherein the dispensing stations are arranged in a plurality of station groups, the plurality of station group each including a plurality of dispensing stations, with at least a first one of the station group comprising a plurality of dispensing stations at locations providing acute medical care at the medical facility, the acute care being a high level of care resulting from sudden or severe health conditions, and with at least a second one of the station groups comprising a plurality of dispensing stations at locations providing non-acute medical care at the medical facility.

Claim 1. *See* Final Act. 7–8. The Examiner cites paras. 25, 64, 181, and 183. We have reviewed said disclosures but, as Appellant shows by reproducing said cited disclosures (Appeal Br. 21–23), they "do not disclose or suggest 'a first one of the station groups comprising dispensing stations at locations providing acute medical care at the medical facility, and with at least a second one of the station groups comprising dispensing stations at locations providing non–acute medical care at the medical facility,' as in claim 1." *Id.* at 23.

For the foregoing reason, the rejection is not sustained.

The rejection of claims 7 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Feeney, Jr., Stephens, The Math Forum, and Hardaway.

This rejection is not sustained for the reason discussed above in not sustaining the rejection of the respective independent claims on which these claims depend.

CONCLUSION

The decision of the Examiner to reject claims 1, 2, 4–7, 9–14 and 22 is reversed.

More specifically:

The rejection of claims 1, 2, 4–7, 9–14 and 22 under 35 U.S.C. § 112(a), first paragraph, as failing to comply with the written description requirement is reversed.

The rejection of claims 1, 2, 4–7, 9–14 and 22 under 35 U.S.C. § 101 as being directed to judicially-excepted subject matter is reversed.

The rejection of claims 1, 2, 4–6, 9–13, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Feeney, Jr., Stephens, and The Math Forum is reversed.

The rejection of claims 7 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Feeney, Jr., Stephens, The Math Forum, and Hardaway is reversed.

DECISION SUMMARY

In summary:

Claims Rejected	Basis	Affirmed	Reversed
1, 2, 4–7, 9–14, 22	§ 112, first paragraph		1, 2, 4–7, 9–14, 22
1, 2, 4–7, 9–14, 22	§ 101		1, 2, 4–7, 9–14 22

Claims Rejected	Basis	Affirmed	Reversed
1, 2, 4–6, 9–13, 22	§ 103 over Feeney, Jr., Stephens, The Math Forum.		1, 2, 4–6, 9–13, 22
7, 14	§ 103 over Feeney, Jr., Stephens, The Math Forum, Hardaway.		7, 14
Overall Outcome			1, 2, 4–7, 9–14, 22

REVERSED