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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YASUHIRO YAMANAKA, MASAKI HIGUCHI,
HIROFUMI SHIMADA, SYUNICHI SOUMA,
KIYOBUMI MATSUNAGA, and YUICHIRO TO¹

Appeal 2018-004826
Application 12/991,417
Technology Center 3600

Before JAMES R. HUGHES, ERIC S. FRAHM, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

HUGHES, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant seeks our review under 35 U.S.C. § 134(a) of the Examiner's decision finally rejecting claims 1, 2, 5–8, and 27–29. Claims 3, 4, and 9–26 have been canceled. Claims 30–38 have been withdrawn from

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Sony Interactive Entertainment Inc. Appeal Br. 3.

consideration. *See* Final Act. 1–2; Appeal Br. 5.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellant’s Invention

The invention relates generally “to technology utilized in information processing apparatuses for processing content, and more specifically, to technology utilized in information processing apparatuses for processing rental content.” Spec. ¶ 1. The invention also concerns “information processing apparatuses” that “provide a user interface where user can easily recognize rental content” (Spec. ¶ 3) and “information processing apparatus[es] . . . shared by a plurality of users” that “download the same content” (Spec. ¶ 4). In that “the manner of how to allow respective users who share the apparatus to use the rental content is extremely important when providing rental services.” Spec. ¶ 4. “Accordingly, a purpose of the present invention is to provide technology for improving the level of convenience in the handling of rental content.” Spec. ¶ 5; *see* Spec. ¶¶ 6–9, 11; Abstract.

Representative Claim

Independent claim 1, reproduced below, further illustrates the invention:

1. An information processing apparatus for processing content comprising:

² We refer to Appellant’s Specification (“Spec.”) filed Nov. 5, 2010; Appeal Brief (“Appeal Br.”) filed Oct. 30, 2017; and Reply Brief (“Reply Br.”) filed Apr. 5, 2018. We also refer to the Examiner’s Final Office Action (“Final Act.”) mailed May 2, 2017; and Answer (“Ans.”) mailed Feb. 7, 2018.

a tangible storage device operative to store content which is acquired via a network and license information of the content for a plurality of users; and

a processor coupled to the tangible storage device, wherein the processor is configured to execute steps comprising:

determining whether or not the content is rental content, which has a valid time limit for accessing, from purchase type information included in the license information;

generating a display screen for selecting content, wherein the display generating function disposes an icon image of the content on the display screen, disposes a folder image on the display screen, and, in a case where the content is determined to be rental content, disposes a rental mark, which indicates that the associated content is rental content, near the icon image of the content or disposes the rental mark so as to overlap with the icon image;

accessing the license information in the storage device and determining that a license of a user who selected the icon image of the content is not valid;

in response to the determining that the license of the user who selected the icon image of the content is not valid, specifying a valid license of another user as a license to be used for the content;

generating a confirmation screen for confirming with the user and receiving a response from the user whether to allow a processing of the content to be started using the valid license of another user so that the user can avoid using the license of another by mistake;

setting a valid period end time for the content based on valid period information associated with the valid license of another user;

decoding the content using the valid license of another user and key information from a key file associated with the valid license of another user;

in response to the content being played back for a first time, writing first playback time information for the content into the key file; and

in response to the content being played back for the first time, resetting the valid period end time for the content based on the first playback time information from the key file, wherein the valid period end time is reset to a time and date that is a predetermined amount of time after the first playback time.

Appeal Br. 47–48 (Claims App’x).

Rejections on Appeal

1. The Examiner rejects claims 1, 2, 5–8, and 27–29 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter. *See* Final Act. 5–8.

ISSUE

Based upon our review of the record, Appellant’s contentions, and the Examiner’s findings and conclusions, the issue before us follows:

Did the Examiner err in concluding that Appellant’s claims were directed to patent-ineligible subject matter, without significantly more, under 35 U.S.C. § 101?

ANALYSIS

Patent-Ineligible Subject Matter

The Examiner rejects claims 1, 2, 5–8, and 27–29 as a group based on claim 1 (*see* Final Act. 5–8). The Examiner concludes claim 1 is directed to patent-ineligible subject matter because claim 1 is “directed to a first user with an expired license selecting and using the unexpired license of a second user to view common rental content.” Final Act. 5. The Examiner concludes all of the limitations of claim 1 “are all directed to the abstract

idea” (Final Act. 6), and the “claimed elements recite an idea of itself similar to other identified abstract ideas such as comparing new and stored information and using rules to identify options” (citing *SmartGene, Inc. v. Advanced Biological Labs., SA*, 555 F. App’x 950 (Fed. Cir. 2014)) and “collecting and comparing known information and using categories to organize, store, and transmit information” (citing *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n*, 776 F.3d 1343 (Fed. Cir. 2014) and *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App’x 988 (Fed. Cir. 2014)). Final Act. 6–7. The Examiner also determines that the claim includes additional elements (beyond the purported abstract idea), but these additional elements “merely recite transmitting, receiving, and organizing information on a computer. When viewed either as individual limitations or as an ordered combination, the claims do not add significantly more to the abstract idea.” Final Act. 8.

Appellant contends the Examiner erred in rejecting the claims as being directed to patent-ineligible subject matter. *See* Appeal Br. 12–22; Reply Br. 2–13. Specifically, Appellant contends (with respect to claim 1 and the other pending claims rejected under § 101) that the Examiner did “not adequately and fully consider[] all of the limitations of independent claim 1 and has also oversimplified and overgeneralized the limitations of claim 1.” Appeal Br. 14; *see* Appeal Br. 12–15; Reply Br. 2–8. Appellant also contends the Examiner reliance on *SmartGene* and *Cyberfone* was improper. *See* Appeal Br. 15–17; Reply Br. 8–11. Appellant further contends that “claim 1 clearly does not preempt all applications of the alleged abstract idea.” Appeal Br. 18; *see* Appeal Br. 17–19; Reply Br. 11.

Additionally, Appellant contends that

claim 1 does not simply claim a system in which a first user with an expired license selects and uses the unexpired license of a second user to view common rental content, as is alleged by the Final Office Action. Instead, when the . . . limitations of [Appellant's] claim 1 are considered together . . . as a whole, it is clear that claim 1 is directed to an apparatus with specific and prescribed functionality directly related to processing and providing content in a manner that resolves specifically identified problems in the prior art.

Appeal Br. 20. Appellant explains that “the incorporation of the specific steps as claim limitations in [Appellant's] claim 1 defines a particular solution to a problem or a particular way to achieve a desired outcome and not merely the idea of a solution or outcome” similar *McRO (McRO, Inc. v. Bandai Namco Games Am. Inc., 837 F.3d 1299 (Fed. Cir. 2016))*. Appeal Br. 21. Appellant further explains that “the incorporation of the particular claimed steps into [Appellant's] apparatus for processing content improves existing technological methods of processing content” (Appeal Br. 20) and, therefore, “claim 1 is directed to a specific improvement in computer-related technology in that the claimed subject matter imparts a specific functionality to a system for processing content that provides a specific implementation of a solution to a problem in previous content processing systems” (Appeal Br. 21). *See* Appeal Br. 20–22; Reply Br. 11–13.

Under 35 U.S.C. § 101, a patent may be obtained for “any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof.” The Supreme Court has “long held that 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)* (quoting *Ass'n for Molecular Pathology v. Myriad Genetics, Inc., 569 U.S. 576, 589 (2013)*).

The Supreme Court, in *Alice*, reiterated the two-step framework previously set forth in *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 77–80 (2012), “for distinguishing 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. Assuming that a claim nominally falls within one of the statutory categories of machine, manufacture, process, or composition of matter, the first step in the analysis is to “determine whether the claims at issue are directed to one of those patent-ineligible concepts” (*id.*), e.g., to an abstract idea. *See Alice*, 573 U.S. at 219 (“On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”).

Concepts determined to be abstract ideas, and thus patent ineligible include, but are not limited to, certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 67 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. (15 How.) 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

If the claims are not directed to an abstract idea, the inquiry ends. Otherwise, the inquiry proceeds to the second step of the *Alice* and *Mayo* framework where the elements of the claims are considered “individually and ‘as an ordered combination’ to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217 (quoting *Mayo*, 566 U.S. at 78–79). This second step is described as “a search for an ‘inventive concept’—*i.e.*, an element or combination of elements that is ‘. . . significantly more than . . . the [ineligible concept] itself.’” *Id.* at 217–18 (alteration in original) (quoting *Mayo*, 566 U.S. at 72–73). “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].’” *Alice*, 573 U.S. at 221 (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

The Court acknowledged in *Mayo* that “all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.” *Mayo*, 566 U.S. at 71. We, therefore, look to whether the claims focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery. *See Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1336 (Fed. Cir. 2016).

The PTO recently published revised guidance on the application of § 101. USPTO’s *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) (hereinafter “2019 Revised 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) (hereinafter “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, 2018)) (hereinafter “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, conventional” in the field (*see* MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.³

See 2019 Revised Guidance, 84 Fed. Reg. at 51–52, 55–56.

Eligibility Analysis

Turning to the first step of the eligibility analysis, “the first step in the *Alice* inquiry . . . asks whether the focus of the claims is 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.” *Enfish*, 822 F.3d at 1335–36. “The abstract idea exception prevents patenting a result where ‘it matters not by what process or machinery the result is accomplished.’” *McRO*, 837 F.3d at 1312 (quoting *O’Reilly v. Morse*, 56 U.S. (15 How.) 62, 113 (1853)).

³ Items (3) and (4) are collectively referred to as “Step 2B” hereinafter and in the 2019 Revised Guidance.

The Examiner concludes independent claim 1 recites an abstract idea of “a first user with an expired license selecting and using the unexpired license of a second user to view common rental content” (*supra*). *See* Final Act. 5–7. Here, in rejecting the claims (in particular claim 1) under 35 U.S.C. § 101, the Examiner purportedly analyzed the claims using the *Mayo/Alice* two-step framework, consistent with the guidance set forth in the USPTO’s “2014 Interim Guidance on Patent Subject Matter Eligibility,” 79 Fed. Reg. 74618 (Dec. 16, 2014), in effect at the time the rejection was made, i.e., on May 2, 2017. *See* Final Act. 5–8; Ans. 3–13. In view of the 2019 Revised Guidance, we provide our detailed patent eligibility analysis as follows.

Eligibility Analysis—Revised Guidance Step 1

Claim 1 recites “[a]n information processing apparatus for processing content.” Appeal Br. 47 (claim 1) (Claims App’x). In particular, claim 1 recites a combination of hardware devices including a processor and storage device, and thus is a “machine” as set forth in 35 U.S.C. § 101. *See In re Nuijten*, 500 F.3d 1346, 1355 (Fed. Cir. 2007). Accordingly, we conclude that claim 1 recites a “machine”—which is a statutory category of invention (subject matter) (USPTO’s Step 1).

Eligibility Analysis—Revised Guidance Step 2A, Prong 1

The apparatus of Appellant’s claim 1 comprises a tangible storage device, a processor, and the processor executing or performing (being configured to execute) several steps (limitations), including: (1) “determining whether or not the content is rental content, which has a valid time limit for accessing, from purchase type information included in the license information”—that is, determining whether stored content is rental

content, and determining from purchase type information included in stored license information if the content is associated with a valid time limit for accessing the content (i.e., a valid period); (2) “generating a display screen for selecting content,” by instantiating (disposing) “an icon image of the content on the display screen,” disposing “a folder image on the display screen,” and, when the content is determined to be rental content, disposing “a rental mark, which indicates that the associated content is rental content,” near the icon image or overlapping with the icon image; (3) “accessing the license information” and “determining that a license” of a selecting user (the user selecting the icon image of the content) “is not valid”; (4) responsive to the invalidity determination, “specifying a valid license of another user as a license to be used for the content”—i.e., the processor specifying a different license (valid license of different user) as a license to be used for accessing the stored content; (5) “generating a confirmation screen for confirming with the user and receiving a response from the user whether to allow a processing of the content to be started using the valid license of another user”; (6) “setting a valid period end time for the content based on valid period information associated with the valid license of another user”—i.e., the processor setting an expiration time for accessing the content that is based on valid period information associated with the valid license of another user (essentially resetting the valid time limit in the license information of step 1 (*supra*)); (7) “decoding the content using the valid license of another user and key information from a key file associated with the valid license of another user”; (8) “in response to the content being played back for a first time, writing first playback time information for the content into the key file”; and (9) also responsive to the content being played

back for the first time, “resetting the valid period end time for the content based on the first playback time information from the key file, wherein the valid period end time is reset to a time and date that is a predetermined amount of time after the first playback time.” Claim 1 (Appeal Br. 47–48 (Claims App’x)). That is, the apparatus includes a processor executing at least the steps of determining whether stored content is rental content, determining from purchase type information included in stored license information if the content is associated with a valid time limit for accessing the stored content, determining that a license of the particular user is not valid, and responsive to the invalidity determination, specifying a different license, a valid license of a different user, as a license to be used for accessing the stored content.

We analyze whether Appellant’s claim 1, in particular the “determining” and “specifying” steps, recite an abstract idea (USPTO’s Step 2A). Here, the “determining” step recites a processor performing functions of determining from stored information whether content is rented, if a valid license (a license having a valid use period) is associated with the content and, if not, specifying a valid license of a different user. Making a determination based on available information and alternately specifying (selecting) different information (a different license) are abstract concepts. A person can perform the determinations and selection (delineated above) mentally, or by using pen and paper. *See, e.g.*, Appellant’s Figs. 11–12. Nowhere does Appellant point to a specific procedure or algorithm for the determinations and the specification (selection) that distinguish over a human process. These determining and specifying steps, as drafted, are a process that under its broadest reasonable interpretation, covers performance

of the limitation in the mind but for the recitation of the processor (a generic computer component).

Further, accessing content based on a license (or by specifying an alternate license and accessing content based thereon) and the intertwined licensing-related determinations are fundamental commercial practices that are patent ineligible. These activities are similar to performing authentication and facilitating payment by analyzing information and performing related exchanges of information, which have been found to be abstract concepts that are not patent eligible. *See Smart Sys. Innovations, LLC v. Chicago Transit Auth.*, 873 F.3d 1364, 1372 (Fed. Cir. 2017) (The claims involve verifying (authenticating) payment information, as well as “financial transactions . . . and data collection related to such transactions.”); *Smartflash LLC v. Apple LLC*, 680 F. App’x 977, 982–83 (Fed. Cir. 2017) (controlling access based on verification of payment information); *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1352–54 (Fed. Cir. 2014) (Claims reciting sending and receiving communications over a computer network to facilitate online commercial transactions are directed to “contractual relations, which are intangible entities” and “constitute[] ‘a fundamental economic practice long prevalent in our system of commerce.’”); *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1370–73 (Fed. Cir. 2011) (A claim focused on verifying credit card transaction information is “an abstract idea and is not patent-eligible under § 101.”). *See also Bilski*, 561 U.S. at 611 (concept of hedging risk), *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359 (Fed. Cir. 2015) (offer-based price optimization).

As explained in 2019 Revised Guidance, abstract ideas fall within one (or more) of three groupings:

1. Mathematical concepts—mathematical relationships, mathematical formulas or equations, mathematical calculations;
2. Mental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion); and
3. Certain methods of organizing human activity—fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations); managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions).

2019 Revised Guidance, 84 Fed. Reg. at 52.

The determining and specifying steps consist of mental processes performed in the human mind (or utilizing pen and paper) including observation, evaluation, or judgment. *See* 2019 Revised Guidance, 84 Fed. Reg. at 52, 53 (listing “[m]ental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion)” as one of the “enumerated groupings of abstract ideas” (footnote omitted)). The Revised Guidance explains that “mental processes” include acts that people can perform in their minds or using pen and paper, even if the claim recites that a generic computer component performs the acts. *See* 2019 Revised Guidance, 84 Fed. Reg. at 52 n.14 (“If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind.”) (emphasis omitted). The determining and specifying steps also consist of fundamental economic practices based on licensing and managing business relations between users and content providers. *See* 2019 Revised

Guidance, 84 Fed. Reg. at 52. Specifically the relevant claim limitations recite accessing content based on a license (licensing information), which involves business relations between users and a content provider (commercial/legal interactions), and determining (judging) whether or not a user's access is within a valid license time period (i.e., mental process). Thus, claim 1 recites a combination of abstract ideas, including fundamental economic practices and mental processes.

Eligibility Analysis—Revised Guidance Step 2A, Prong 2

Appellant's claim 1 also recites additional elements beyond the abstract determining and specifying steps (the judicial exception) (*supra*)—including the processor generating a display screen for selecting content by disposing an icon image of the content, a folder image, and a rental mark on the display screen; the processor generating a confirmation screen to confirm processing of the content using the valid license of another user; the processor setting a valid period end time for the content based on valid period information associated with the valid license of another user; responsive to the content being accessed and played back for a first time, writing first playback time information for the content into the key file associated with the valid license of another user; and also responsive to the content being played back for the first time, resetting the valid period end time for the content based on the first playback time information from the key file, wherein the valid period end time is reset to a time and date that is a predetermined amount of time after the first playback time. *See* claim 1 (Appeal Br. 47–48 (Claims App'x)). We evaluate these additional limitations (elements) to determine whether they integrate the determining

and specifying steps (the judicial exception) into a practical application of the exception (USPTO’s Step 2A, Prong 2; *see* 2019 Revised Guidance).

Generating a display screen and generating a confirmation screen entail generating a Graphical User Interface (GUI) displaying specific information. The generated display screen provides an interface for displaying information that would otherwise be buried in lower-level menus. See Spec. ¶¶ 3, 41. These limitations are similar to the limitations found not to be abstract (found to be patent-eligible) in *Core Wireless Licensing S.A.R.L. v. LG Elecs., Inc.*, 880 F.3d 1356 1362–63 (Fed. Cir. 2018) (claims reciting “a particular manner of . . . presenting information in electronic devices”) and *Trading Techs. Int’l, Inc. v. CQG, INC.*, 675 F. App’x 1001, 1004 (Fed. Cir. 2017) (claims reciting “a specific, structured graphical user interface”).

The time value setting (resetting) limitations—setting a valid period end time for accessing content based on information (valid period information) associated with an alternate license (the valid license of another user); writing a first playback time for the content into the key file associated with the alternate license (valid license of another user) when the content is accessed and played back for a first time; and resetting the valid period end time for accessing and playing the content based on the first playback time information from the key file—recite a particular arrangement or integration of elements resulting in a technical improvement. *See Diehr*, 450 U.S. at 187 (a particular computerized method of curing and molding rubber solving prior art problems was found patent-eligible (a technical improvement)); *BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d

1341, 1349–52 (Fed. Cir. 2016) (the claims “recite a specific, discrete implementation of the abstract idea”); *see also* MPEP § 2106.05(a).

Accordingly, we concur with Appellant that the additional elements “improve[] existing technological methods of processing content” (Appeal Br. 20) and recite “a specific improvement in computer-related technology” by imparting “a specific functionality to a system for processing content that provides a specific implementation of a solution to a problem in previous content processing systems” (Appeal Br. 21).

We conclude that these additional limitations integrate the recited judicial exception (the determining and specifying steps) into a practical application. In particular, these additional claim elements enhance conventional content processing apparatuses by presenting a GUI displaying specific information and by allowing content access utilizing an alternate license (valid license of another user) integrating the time setting or resetting functionality. These additional limitations sufficiently confine the claims such that they “use[] the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception.” 2019 Revised Guidance, 84 Fed. Reg. at 55; MPEP § 2106.05(e).

The additional elements analyzed individually and collectively represent more than mere extra-solution (post-solution) activity, the claim as a whole is directed to a particular improvement in content processing and recite a specific manner of utilizing an alternate license, which provides a specific improvement over prior systems. Thus, the claim as a whole integrates the fundamental economic processes and mental processes into a

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practical application. Accordingly, Appellant's claim 1 is not directed to a judicial exception (an abstract idea), and we reverse the Examiner's rejection of claim 1 under 35 U.S.C. § 101. For these same reasons, we also reverse the Examiner's rejection of claims 2, 5–8, and 27–29 under 35 U.S.C. § 101.

CONCLUSION

Appellant has shown that the Examiner erred in rejecting claims 1, 2, 5–8, and 27–29 under 35 U.S.C. § 101.

DECISION

We reverse the Examiner's rejection of claims 1, 2, 5–8, and 27–29.

REVERSED