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Richards Patent Law P.C.
20 N Clark Street
Suite 3300
Chicago, IL 60602

| EXAMINER |
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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* ART PORTH, DAVID McMACKIN, and MICHAEL McMACKIN

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Appeal 2018-004924
Application 15/373,170[1]
Technology Center 3600

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Before JEAN R. HOMERE, CARL W. WHITEHEAD JR., and HUNG H. BUI, *Administrative Patent Judges*.

BUI, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant seeks our review under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–20, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.[2]

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[1] We use the word "Appellant" to refer to "applicant(s)" as defined in 37 C.F.R. § 1.42. The real party in interest is Formula Technologies, Inc. App. Br. 3.

[2] Our Decision refers to Appellant's Appeal Brief ("App. Br.") filed December 11, 2017; Reply Brief ("Reply Br.") filed April 9, 2018; Examiner's Answer ("Ans.") mailed February 9, 2018; Final Office Action ("Final Act.") mailed September 11, 2017; and original Specification ("Spec.") filed December 8, 2016.

## STATEMENT OF THE CASE

Appellant's invention is directed to "systems and methods of collecting, analyzing, and displaying financial and other forms of business data," and more specifically, "a real time global business data reporting system which is capable of accounting for all revenue generated to international companies and analyzing this data to, in turn, generate business intelligence and display advice to end users." Spec. ¶ 2. According to Appellant, "the system compris[es] a centralized server that receives transaction data from one or more business locations and external data sources (e.g., stock market data, etc.) wherein, in response to the receipt of the multiple sources of data, the centralized server generates and provides to end users through a graphical user interface at least one user option for viewing real-time, aggregated, modified data regarding the financial transactions across multiple currencies." Abstract.

Claims 1 and 19 are independent. Independent claim 1, reproduced below, is exemplary of the subject matter on appeal.

> 1. A system that provides real-time financial valuation information for entities that process financial transactions across multiple currencies, the system comprising:
>
> a central processing device that receives transaction data from one or more business location processing devices, the transaction data including quantitative measurements of the financial value of transactions processed by each business location processing device, including at least the value received and any tax liabilities associated with the value received;
>
> the central processing device further receiving transaction value modifying data from one or more external data processing devices, the transaction value modifying data including at least one of currency exchange rate data and regional tax liability data;

> wherein, in response to the receipt of the transaction data and the transaction value modifying data, the central processing device generates modified transaction data comprising the transaction data modified by the transaction value modifying data, the modified transaction data accessible through a graphical user interface provided through an end user processing device, the graphical user interface providing at least one user option for viewing real-time, aggregated, modified transaction data derived from transaction data comprising two or more currencies,
>
> the transaction value modifying data includes one or more currency value modifiers derived from geopolitical events from stock market data, or from aggregated, anonymized operational data from a plurality of businesses.

App. Br. 18–19 (Claims App.).

## EXAMINER'S REJECTION

Claims 1–20 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to patent ineligible subject matter. Final Act. 10–14.

## ANALYSIS

In support of the § 101 rejection of claims 1–20, the Examiner determines Appellants' claims are directed to "a real time global business data reporting system which is capable of accounting for all revenue generated to international companies and analyzing this data to, in turn, generate business intelligence and display advice to end users," which is nothing more than "collecting, analyzing, and displaying financial and other forms of business data." Final Act. 11; Ans. 3–4. According to the Examiner, "collecting, analyzing, and displaying financial and other forms

of business data" is "a fundamental economic practice [i.e., the claimed concept is basically the accounting practice routinely performed by multinational corporations]" or "an idea of itself [i.e., mental processes]" because "[t]he process of receiving transaction data, receiving transaction value modifying data, and generating modified transaction data can be performed by human with a pen and paper." Final Act. 12–13 (citing *Electric Power Group, LLC, v. Alstom*, 830 F.3d 1350 (Fed. Cir. 2016) and *July 2015 Update on Subject Matter Eligibility*, 80 Fed. Reg. 45,429 (July 30, 2015) ("the 2015 Update")).

The Examiner then determines the additional claim elements (i.e., central processing device and end user processing device), when analyzed individually and as an ordered combination, do not amount to significantly more than the abstract idea. Final Act. 13–14 (citing *2014 Interim Guidance on Patent Subject Matter Eligibility*, 79 Fed. Reg. 74,618 (December 16, 2014)).

*Legal Framework*

To determine whether claims are patent eligible under § 101, we apply the Supreme Court's two-step framework articulated in *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208 (2014). First, we determine whether the claims are directed to a patent-ineligible concept: laws of nature, natural phenomena, and abstract ideas. *Id.* at 216. If so, we then proceed to the second step to consider the elements of the claims "individually and 'as an ordered combination'" to determine whether there are additional elements that "'transform the nature of the claim' into a patent-eligible application." *Id.* at 217. In other words, the second step is to "search for an 'inventive concept'—*i.e.*, an element or combination of elements that is 'sufficient to

ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.'" *Id.* at 218 (alteration in original).

The Federal Circuit has described the *Alice* step-one inquiry as looking at the "focus" of the claims, their "character as a whole," and the *Alice* step-two inquiry as looking more precisely at what the claim elements add—whether they identify an "inventive concept" in the application of the ineligible matter to which the claim is directed. *See Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016); *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016); *Internet Patents Corp. v. Active Network, Inc.*, 790 F.3d 1343, 1346 (Fed. Cir. 2015).

In an effort to achieve clarity and consistency in how the U.S. Patent and Trademark Office (the "Office") applies the Supreme Court's two-step framework, the Office recently published revised guidance interpreting governing case law and establishing a prosecution framework for all patent-eligibility analysis under *Alice* and § 101 effective as of January 7, 2019. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50–57 (Jan. 7, 2019) ("2019 Revised Guidance").

*2019 Revised Guidance*

Under the 2019 Revised Guidance, we first look under *Alice* step 1 or "Step 2A" to whether the claim recites:

(1) Prong One: any judicial exceptions, including certain groupings of abstract ideas (i.e., [a] mathematical concepts, [b] certain methods of organizing human activity such as a fundamental economic practice or managing personal behavior or relationships or interactions between people) and [c] mental processes; and

(2) Prong Two: additional elements that integrate the judicial exception into a practical application (*see* Manual of Patent

> Examining Procedure ("MPEP") §§ 2106.05(a)–(c), (e)–(h)).[3]

*See* 2019 Revised Guidance, 84 Fed. Reg. at 51–52, 55, Revised Step 2A, Prong One (Abstract Idea) and Prong Two (Integration into A Practical Application). Only if a claim: (1) recites a judicial exception, and (2) does not integrate that exception into a practical application, do we then evaluate whether the claim provides an "inventive concept" under *Alice* step 2 or "Step 2B." *See* 2019 Revised Guidance at 56; *Alice*, 573 U.S. at 217–18. For example, we look to whether the claim:

> 1) adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or
>
> 2) simply appends well-understood, routine, and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

*See* 2019 Revised Guidance, 84 Fed. Reg. at 56.

In the briefing, Appellant and the Examiner refer to prior USPTO guidance regarding § 101, including, for example: (1) *2014 Interim Guidance on Patent Subject Matter Eligibility*, 79 Fed. Reg. 74,618 (December 16, 2014) and (2) *July 2015 Update on Subject Matter Eligibility*, 80 Fed. Reg. 45,429 (July 30, 2015) ("the 2015 Update"). Final Act. 8–15; Ans. 5–10. However, the 2014 Interim Guidance, the 2015 Update and other prior guidance, including: (1) *May 2016 Subject Matter Eligibility Update*, 81 Fed. Reg. 27,381 (May 6, 2016); and (2) *Memorandum on Subject Matter Eligibility Decisions* dated Nov. 2, 2016

[3] All references to the MPEP are to the Ninth Edition, Revision 08.2017 (rev. Jan. 2018).

have been superseded by the 2019 Revised Guidance. *See* 2019 Revised Guidance, 84 Fed. Reg. at 52. As such, our analysis will not address the sufficiency of the Examiner's rejection against the cited prior guidance. Rather, our analysis will comport with the 2019 Revised Guidance as discussed below.

*Alice/Mayo—Step 1 (Abstract Idea)*
*Step 2A–Prongs 1 and 2 identified in the Revised Guidance*

Step 2A—Prong 1

Appellant does not dispute the Examiner's determination that claims 1–20 recite "a fundamental economic practice" or "mental processes." Final Act. 11; Ans. 3–4. Instead, Appellant argues these claims recite:

> real-time global business data reporting systems and methods which are capable of [i] accounting for all revenue generated by international companies and [ii] analyzing this data to in turn generate business intelligence and [iii] display advice to end users . . . a computerized network system which features a centralized server or servers that collect data from a company's business locations (both physical and online) located around the world. The collected data is collated and synthesized with other sources of data useful to a company (e.g., real-time weather data, exchange rates, financial news, geopolitical news, societal events, epidemiological data, etc.) and then analyzed by a series of proprietary algorithms.

App. Br. 7–8 (emphasis added). Appellant further argues the "claims are distinguishable from those in *Electric Power Group* and analogous to those in *Enfish*, having claims directed to software." Reply Br. 2 (citing *Enfish*, 822 F.3d 1327) (emphasis added).

Appellant's arguments are not persuasive. At the outset, we note[4] the inquiry under *Alice* step 1 is not whether the claim is directed to (1) hardware, such as "a computerized network system which features a centralized server or servers [] located around the world" as characterized by Appellant, or (2) software as disclosed in *Enfish* and, as such, is patent-eligible under § 101. Neither the presence of hardware or software is dispositive. As such, the inclusion of generic hardware or software does not make the claim patent-eligible under § 101.

Instead, the inquiry under *Alice* step 1 is whether the claim is directed to an abstract idea. The Patent Office has synthesized, for purposes of clarity, predictability, and consistency, the "abstract idea" exception to include three groupings of abstract ideas (i.e., [1] mathematical concepts, [2] certain methods of organizing human activity (such as a fundamental economic practice or managing personal behavior or relationships or interactions between people), and [3] mental processes) as currently identified in our Revised Guidance, 84 Fed. Reg. at 54–55.

Here, Appellant's claim 1 recites a "system that provides real-time financial valuation information for entities that process financial transactions across multiple currencies" equipped with "a central processing device" including the following limitations:

> (1) "receiv[ing] transaction data . . . including quantitative measurements of the financial value of transactions processed by each business location processing device, including at least the

[4] We also note Appellant argues independent claims 1 and 19 together, further providing specific arguments for claim 1. *See* App. Br. 6–8; Reply Br. 2–6. Therefore, we select independent claim 1 as the representative claim for the group and address Appellants' arguments thereto. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2017).

> value received and any tax liabilities associated with the value received;"
>
> (2) "receiving transaction value modifying data from one or more external data processing devices, the transaction value modifying data including at least one of currency exchange rate data and regional tax liability data;" [and]
>
> (3) "generat[ing] modified transaction data comprising the transaction data modified by the transaction value modifying data [one or more currency value modifiers derived from geopolitical events from stock market data, or from aggregated, anonymized operational data from a plurality of businesses], the modified transaction data accessible through a graphical user interface provided through an end user processing device, the graphical user interface providing at least one user option for viewing real-time, aggregated, modified transaction data derived from transaction data comprising two or more currencies."

App. Br. 18–19 (Claims App.).

These limitations of Appellant's claim 1, under their broadest reasonable interpretation, recite nothing more than "collecting, analyzing, and displaying financial and other forms of business data," i.e., analyzing all revenue data generated to international companies to generate business intelligence, which is a known business activity and a fundamental economic practice in our system of commerce. *See* Spec. ¶¶ 2–3. Such activities are squarely within the realm of abstract ideas, like (1) the risk hedging in *Bilski v. Kappos*, 561 U.S. 593 (2010); (2) the intermediated settlement in *Alice*, 573 U.S. at 220; (3) verifying credit card transactions in *CyberSource*, 654 F.3d at 1370; (4) guaranteeing transactions in *buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1354 (Fed. Cir. 2014); (5) distributing products over the Internet in *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709 (Fed. Cir. 2014);

(6) determining a price of a product offered to a purchasing organization in *Versata Dev. Grp., Inc. v. SAP Am., Inc.*, 793 F.3d 1306 (Fed. Cir. 2015); and (7) pricing a product for sale in *OIP Techs., Inc. v. Amazon.com, Inc*., 788 F.3d 1359 (Fed. Cir. 2015). "Collecting, analyzing, and displaying financial and other forms of business data" is also a building block of a market economy and, like risk hedging and intermediated settlement, is an "abstract idea" beyond the scope of § 101. *See Alice*, 573 U.S. at 220.

Alternatively, "collecting, analyzing, and displaying financial and other forms of business data" is nothing more than "mental processes" that could be performed in the human mind or by a human using a pen and paper—a subject matter that falls within the three groupings of abstract ideas identified by the Revised Guidance. *See CyberSource Corp. v. Retail Decisions, Inc*., 654 F.3d 1366, 1372–73 (Fed. Cir. 2011) ("[A] method that can be performed by human thought alone is merely an abstract idea and is not patent-eligible under § 101."); *see also In re Comiskey*, 554 F.3d 967, 979 (Fed. Cir. 2009) ("[M]ental processes—or processes of human thinking—standing alone are not patentable even if they have practical application."); *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972) ("Phenomena of nature, . . . *mental processes*, and abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work." (Emphasis added)). Additionally, mental processes remain unpatentable even when automated to reduce the burden on the user of what once could have been done with pen and paper. *CyberSource*, 654 F.3d at 1375 ("That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in *Gottschalk v. Benson*.").

As further recognized by the Examiner, "collecting, analyzing, and displaying financial and other forms of business data" is also analogous to the claims identified by the Federal Circuit as directed to an abstract idea in *Electric Power Group, LLC, v. Alstom*, 830 F.3d 1350 (Fed. Cir. 2016). Final Act. 13.

We, therefore, conclude limitations (1)–(3) in Appellant's claim 1 recite "collecting, analyzing, and displaying financial and other forms of business data," which is "a fundamental economic practice" and/or "mental processes" as identified in the Revised Guidance, and therefore, an abstract idea. *See* 2019 Revised Guidance (*Revised Step 2A, Prong One*), 84 Fed. Reg. at 52, 54.

Step 2A—Prong 2 (Integration into Practical Application)

Under *Revised Step 2A, Prong Two* of the Revised Guidance, we must determine if the claims (i.e., additional limitations beyond the judicial exception) integrate the judicial exception into a practical application. However, we discern no additional element (or combination of elements) recited in Appellants' claims 1–20 that integrates the judicial exception into a practical application. *See* Revised Guidance, 84 Fed. Reg. at 54–55 ("Prong Two"). For example, Appellants' additional elements (i.e., central processing device and end user processing device) recited in claims 1–20 do not (1) improve the functioning of a computer or other technology, (2) are not applied with any particular machine (except for a generic computer), (3) do not effect a transformation of a particular article to a different state, and (4) are not applied in any 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. *See* MPEP §§ 2106.05(a)–(c), (e)–(h).

Nevertheless, Appellant argues, like the *Enfish* claims, (1) the "present claims are not claims in which general-purpose computer components are added after the fact to a fundamental economic practice or mathematical equation, but are directed to a specific implementation of a solution to a problem in the software arts, and, like *Enfish*, the claims are thus not directed to an abstract idea" and (2) "similar to similar to the analysis in *Enfish*, the present claims 'function *differently than conventional* [] structures' and are 'directed to an *improvement of an existing* technology.'" Reply Br. 5. According to Appellants, the "claimed systems address the problem in current business management technologies and companies fully embracing a worldwide, single market view of the lack of revenue generation and management systems featuring real time data reporting and multinational/international support." *Id*.

We do not agree. There is no support from Appellant's Specification for any feature that would improve any "existing technology" as Appellant argues. Reply Br. 5. Using generic computer devices (i.e., "central processing device" or "end user processing device") as a tool, as shown in Appellant's Figure 1, to perform an abstract idea are insufficient to show "integration into a practical application." *See* MPEP § 2106.05(f). Instead, these generic computer devices are simply the "automation of the fundamental economic concept," *OIP Techs.*, 788 F.3d at 1362–63. "[M]erely requiring generic computer implementation," "do[] not move into [§] 101 eligibility territory." *buySAFE*, 765 F.3d at 1354.

For business-centric inventions such as Appellant's invention involving "collecting, analyzing, and displaying financial and other forms of business data," the "integration into a practical application" prong requires consideration of whether the claims purport to provide "a technical solution to a technical problem" as required by the Federal Circuit's precedential decisions in (1) *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014) and (2) *Amdocs (Isr.) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288 (Fed. Cir. 2016). *See* MPEP § 2106.05(a).

For example, the Federal Circuit found *DDR's* claims are patent-eligible under § 101 because *DDR's* claims: (1) do not merely recite "the performance of some business practice known from the pre-Internet world" previously disclosed in *Bilski* and *Alice*; but instead (2) provide a technical solution to a technical problem unique to the Internet, *i.e.*, a "solution . . . necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks." *DDR*, 773 F.3d at 1257. Likewise, the Federal Circuit also found *Amdocs*' claims patent-eligible under § 101 because like *DDR*, *Amdocs*' claims "entail[] an unconventional technological solution (enhancing data in a distributed fashion) to a technological problem (massive record flows which previously required massive databases)" and "improve the performance of the system itself." *Amdocs*, 841 F.3d at 1300, 1302.

Contrary to Appellant's arguments (*see* Reply Br. 5), "collecting, analyzing, and displaying financial and other forms of business data" does not provide any "technical solution to a technical problem" as contemplated by the Federal Circuit in *DDR* and *Amdocs*. *See* MPEP § 2106.05(a). For example, Appellant's claimed "collecting, analyzing, and displaying

financial and other forms of business data" does not provide a technical solution to a technical problem unique to the Internet, *i.e.*, a "solution . . . necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks." *DDR*, 773 F.3d at 1257. Nor does Appellant's invention entail, like *Amdocs*, any "unconventional technological solution (enhancing data in a distributed fashion) to a technological problem (massive record flows which previously required massive databases)" and "improve the performance of the system itself." *Amdocs*, 841 F.3d at 1300, 1302. The focus of Appellant's invention is not to improve the performance of computers or any underlying technology; instead, the focus is to use generic computers as a tool to gather and analyze business data to generate business intelligence (*see* Spec. ¶ 2; Abstract). Likewise, the solution proposed by Appellant is not to improve any existing technology, but simply to improve the accounting of all revenue generated within international companies.

A claim for a new abstract idea is still an abstract idea. *See Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016). "No matter how much of an advance in the finance field the claims recite, the advance lies entirely in the realm of abstract ideas, with no plausibly alleged innovation in the non-abstract application realm." *See SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1163 (Fed. Cir. 2018).

For these reasons, we are not persuaded that Appellant's "additional elements" recited in claims 1–20 integrate the abstract idea into a practical application.

*Alice/Mayo—Step 2 (Inventive Concept)*
*Step 2B identified in the Revised Guidance*

Under the 2019 Revised Guidance, 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 adds a specific limitation beyond the judicial exception that is not "well-understood, routine, conventional" in the field (*see* MPEP § 2106.05(d)); or, simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. *See* 2019 Revised Guidance, 84 Fed. Reg. at 56. However, we find no element or combination of elements recited in Appellant's claims 1–20 that contain any "inventive concept" or add anything "significantly more" to transform the abstract concept into a patent-eligible application. *Alice*, 573 U.S. 208 at 221.

Appellant does not identify any "specific limitation [of claim 1] beyond the judicial exception that is not 'well-understood, routine, conventional' in the field" as per MPEP § 2106.05(d). Instead, Appellant argues "[t]he combination of the central processing device . . . one or more external data processing device . . . an end user processing device" is significantly more than an abstract idea. App. Br. 10. Appellant also argues, like the claims in *BASCOM Global Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016), "the claims of the present application include a specific series of steps that modify the conventional valuation of financial transactions to account for current events and other valuations across multiple currencies in real-time" including:

- "one or more currency value modifiers derived from geopolitical events from stock market data,

- one or more currency value modifiers derived from aggregated, anonymized operational data from a plurality of businesses, or

- at least one assessment of the current gross worth of the monetary assets of a company, the current net worth of the monetary assets of a company, the fees owed related to the monetary assets of a company, the taxes owed related to the monetary assets of a company, or the refunds owed related to the monetary assets of a company."

Reply Br. 12–13. According to Appellant, "[t]he combination of elements imposes meaningful limits in that the mathematical operations (i.e., the modification of transaction data) are applied to improve an existing technology (transaction valuation services) by improving the entire ecosystern of revenue generation and management systems to provide unique incentives, efficiencies, and flexibility in terms of increasing accuracy of data across global markets, applying modifications relevant to specific current events, and options for viewing data in real-time, aggregated, and modified based on transaction data comprising two or more currencies." Reply Br. 13.

However, Appellant's arguments are not persuasive. Modification of financial data and transactions to account for current events and other valuations across multiple currencies does not constitute an "inventive concept." Likewise, utilizing generic computer devices do not alone transform an otherwise abstract idea into patent-eligible subject matter. As our reviewing court has observed, "after *Alice*, there can remain no doubt: recitation of generic computer limitations does not make an otherwise ineligible claim patent-eligible." *DDR*, 773 F.3d at 1256 (citing *Alice*, 573 U.S. at 222).

Appellant's reliance on *BASCOM* is also misplaced. For example, *BASCOM* (U.S. Patent No. 5,987,606 ("*BASCOM* '606 patent")) describes a particular arrangement of filtering software at a specific location, remote from the end-users, with customizable filtering features specific to each end user. The filtering software enables individually customizable filtering at the remote ISP server by taking advantage of the technical ability of the ISP server to identify individual accounts and associate a request for Internet content with a specific individual account. *BASCOM* '606 patent, 4:35–38.

The Federal Circuit recognized that *BASCOM'S* installation of an Internet content filter at a particular network location is "a technical improvement over prior art ways of filtering such content" because such an arrangement advantageously allows the Internet content filter to have "both the benefits of a filter on a local computer and the benefits of a filter on the ISP server" and "give[s] users the ability to customize filtering for their individual network accounts." *BASCOM*, 827 F.3d at 1350, 1352. According to the Federal Circuit, *BASCOM's* claims "do not preempt the use of the abstract idea of filtering content on the Internet or on generic computer components performing conventional activities." *Id.* at 1352. Instead, *BASCOM'S* claims "carve out a specific location for the filtering system (a remote ISP server) and require the filtering system to give users the ability to customize filtering for their individual network accounts." *Id.* As such, "an inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces." *Id.* at 1350.

In contrast to *BASCOM*, Appellant's claims and Specification are directed to "systems and methods of collecting, analyzing, and displaying financial and other forms of business data," and more specifically, "a real

time global business data reporting system which is capable of accounting for all revenue generated to international companies and analyzing this data to, in turn, generate business intelligence and display advice to end users." Spec. ¶ 2; Abstract. There is no evidence in the record to support the contention that Appellant's claimed system is provided with any non-conventional and non-generic arrangement of known, conventional components similar to *BASCOM*. Likewise, there is no element or combination of elements recited in Appellant's claims 1–20 that contain any "inventive concept" or add anything "significantly more" to transform the abstract concept into a patent-eligible application. *Alice*, 573 U.S. 208 at 221.

Because Appellant's independent claims 1 and 19 are directed to a patent-ineligible abstract concept and do not recite an "inventive concept" or provide a solution to a technical problem under the second step of the *Alice* analysis, we sustain the Examiner's § 101 rejection of independent claims 1 and 19, and their dependent claims 2–18 and 20 not separately argued. *See* App. Br. 6.

## CONCLUSION

On the record before us, we conclude Appellant has not demonstrated the Examiner erred in rejecting claims 1–20 under 35 U.S.C. § 101.

## DECISION

As such, we AFFIRM the Examiner's rejection of claims 1–20 under 35 U.S.C. § 101.

DECISION SUMMARY

| Claims Rejected | 35 U.S.C.§ | Basis | Affirmed | Reversed |
|---|---|---|---|---|
| 1–20 | 101 | non-statutory | 1–20 | |
| **Overall Outcome** | | | 1–20 | |

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED