UNITED STATES PATENT AND TRADEMARK OFFICE

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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 HARISH KUMAR LINGAPPA

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Appeal 2018-005306
Application 14/061,627
Technology Center 2100

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Before JEAN R. HOMERE, MICHAEL J. STRAUSS, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

I.   STATEMENT OF THE CASE[1]

Pursuant to 35 U.S.C. § 134(a), Appellant[2] appeals from the
Examiner's decision to reject claims 1, 3–5, 7–11, 13–18, and 20–24.
Claims App. Claims 2, 6, 12, 19 have been canceled. *Id.* We have
jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] We refer to the Specification, filed Oct. 13, 2013 ("Spec."); Final Office
Action, mailed Sept. 7, 2017 ("Final Act."); Appeal Brief, filed Feb. 6, 2018
("Appeal Br."); Examiner's Answer, mailed Mar. 28, 2018 ("Ans."), and
Reply Brief, filed Apr. 24, 2018 ("Reply Br.").
[2] 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 SAP
SE. Appeal Br. 2.

II.   CLAIMED SUBJECT MATTER

According to Appellant, the claimed subject matter relates to a method, a system, and a non-transitory computer-readable storage medium for customizing and presenting to an authorized user predicted reports (sales forecast) corresponding to a selected one of various perspectives provided on the menu of a client device, and based on the availability of algorithms. Spec. ¶ 2, Figure 1.

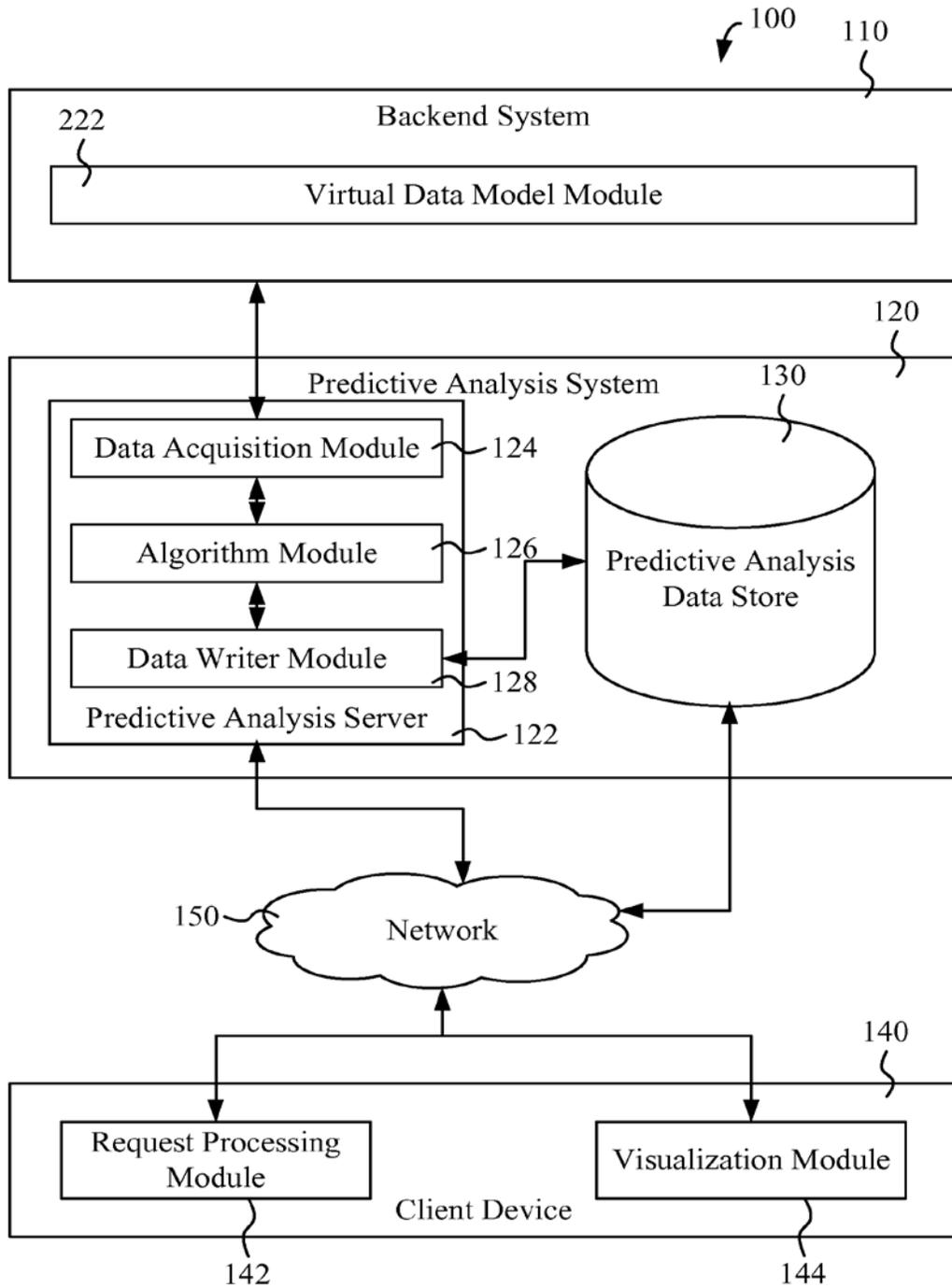Figure 1, discussed above and reproduced below, is useful for understanding the claimed invention:

FIG. 1

Figure 1 depicts an illustration of a system for providing predicted data based on perspectives for predictive analysis. Spec. ¶ 25.

In particular, upon receiving a first perspective selected from a menu of client device (140) by a first authorized user, predictive analysis server (122) of predictive analysis system (120) utilizes algorithm module (126) to determine a first algorithm, which data acquisition module (124) utilizes to retrieve from backend system (110) relevant data in which a view of virtual model module (222) is identified to thereby generate a first predicted set of reports. *Id.* ¶ 25–28. For a second authorized user, if the first perspective selection is available in the menu, but the first algorithm is not, algorithm module (126) utilizes a second algorithm to generate a second set of predicted reports including at least some views of the first predicted reports. *Id.*

Claims 1, 8, and 15 are independent. Claim 1 is illustrative of the claimed subject matter:

> 1. A method for generating predicted data based on a perspective selection, the method comprising:
>
> providing to a first user having a first authorization, using a processing module, a menu on a client device, the menu presenting multiple perspectives for selection by the first user, wherein the selection of any of the multiple perspectives corresponds to a definition of scope of an applicable algorithm for generating predicted data, and to a definition of scope of relevant data to be used by the applicable algorithm;
>
> receiving, at a processing module, a first perspective selection made by the first user using the menu on the client device;
>
> determining, using a processing module, a first algorithm to generate first predicted data based, at least in part, on the first perspective selection and on the first authorization, wherein for a second user having a second authorization the first perspective selection is available in the menu but the first algorithm is not available for the first perspective selection based on the second authorization;

determining, using a processing module, the relevant data based, at least in part, on the determined first algorithm;

retrieving, using a processing module, the relevant data from a backend system;

generating, using a processing module, the first predicted data using the first algorithm and the retrieved relevant data and storing the first predicted data in a data store;

receiving, at a processing module, a second perspective selection made using the menu;

determining, using a processing module, a second algorithm to generate second predicted data based, at least in part, on the second perspective selection; and

generating, using a processing module, the second predicted data using the second algorithm, wherein generating the second predicted data further comprises retrieving at least part of the first predicted data from the data store for inclusion in the second predicted data.

III.   REJECTION

The Examiner rejects claims 1, 3–5, 7–11, 13–18, and 20–24 under 35 U.S.C. § 101 as directed to patent ineligible subject matter. Final Act. 2–6.

IV.   ANALYSIS

Patent Eligibility Rejection

An invention is patent-eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101. However, the U.S. Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: "[l]aws of nature, natural phenomena, and abstract ideas" are not patentable. *E.g.*, *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014).

In determining whether a claim falls within an excluded category, we are guided by the Court's two-step framework, described in *Mayo* and *Alice*. *Alice*, 573 U.S. at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). In accordance with that framework, we first determine what concept the claim is "directed to." *See Alice*, 573 U.S. at 219 ("On their face, the claims before us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk."); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) ("Claims 1 and 4 in petitioners' application explain the basic concept of hedging, or protecting against risk.").

Concepts determined to be abstract ideas, and thus patent ineligible, include 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" (*Diehr*, 450 U.S. at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Court held that "[a] claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula." *Diehr*, 450 U.S. at 176; *see also id.* at 191 ("We view respondents' claims as nothing more than a process for molding rubber products and not as an

attempt to patent a mathematical formula."). Having said that, the Court

also indicated that a claim "seeking patent protection for that formula in the

abstract . . . is not accorded the protection of our patent laws, and this

principle cannot be circumvented by attempting to limit the use of the

formula to a particular technological environment." *Id.* (citation omitted)

(citing *Benson* and *Flook*), *id.* at 187 ("It is now commonplace that an

application of a law of nature or mathematical formula to a known structure

or process may well be deserving of patent protection.").

If the claim is "directed to" an abstract idea, we turn to the second

step of the *Alice* and *Mayo* framework, where "we must examine the

elements of the claim to determine whether it contains an 'inventive

concept' sufficient to 'transform' the claimed abstract idea into a patent-

eligible application." *Alice*, 573 U.S. at 221 (internal quotation marks

omitted). "A claim that recites an abstract idea must include 'additional

features' to ensure 'that the [claim] is more than a drafting effort designed to

monopolize the [abstract idea].'" *Id.* (alterations in original) (quoting *Mayo*,

566 U.S. at 77). "[M]erely requir[ing] generic computer implementation[]

fail[s] to transform that abstract idea into a patent-eligible invention." *Id.*

The Office published revised guidance on the application of

Section 101. *2019 Revised Patent Subject Matter Eligibility Guidance*, 84

Fed. Reg. 50–57 (Jan. 7, 2019) (hereinafter "2019 PEG"). Recently, the

Office published an update to that guidance. *October 2019 Patent Eligibility

Guidance Update*, 84 Fed. Reg. 55,942 (hereinafter "PEG Update"). Under

the 2019 PEG and PEG Update, 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 activity such as a
> fundamental economic practice, or mental processes); and
>
> (2) additional elements that integrate the judicial exception
> into a practical application (*see* MPEP §§ 2106.05(a)–(c),
> (e)–(h)).[3]

See 2019 PEG, 52, 55–56. Only if a claim: (1) recites a judicial exception; and (2) does not integrate that exception into a practical application, does the office 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.

See 2019 PEG 56.

We analyze the patent-eligibility rejection with the principles identified above in mind.

Examiner's Findings and Conclusions

In the first part of the *Alice* inquiry, the Examiner determines that claims 1, 3–5, 7–11, 13–18, and 20–24 are directed to the abstract idea of generating predicted information based on a user selection and gathered information. Final Act. 3. According to the Examiner, the underlying steps in the cited claims, when viewed individually and in combination, have been identified by the courts to describe the abstract concepts of collecting information, analyzing it, and displaying results of the collected and

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[3] All references to the MPEP are to Rev. 08.2017 (Jan. 2018).

analyzed information (*Elec. Power Grp., LLC v. Alstom S.A*, 830 F.3d 1350 (Fed. Cir. 2016)). *Id.*

In particular, the Examiner determines the following:

> [T]he claimed invention gathers information and presents the information to users based on the users' authority through the use of an algorithm. This task seems to be something performable by humans; i.e. a manager deciding who may view particular work related documents and presenting those documents to a user.

Ans. 12.

In the second part of the *Alice* inquiry, the Examiner determines the claims do not recite additional elements sufficient to amount to significantly more than the abstract idea. Final Act. 4–5. In particular, the Examiner determines the following:

> For independent claim 1, the claim recites a method for collecting information, analyzing it, and displaying certain results of the collection and analysis. The claim discloses additional elements including a processing module, a client device, a backend system, and a data store. Such limitations are not enough to add significantly more to the abstract idea. The additional elements are not discussed in detail and amount to a recitation of generic computer structure. Considering all the limitations in combination, the claimed additional elements do not show any inventive concept in applying the abstract idea, such as improving the performance of a computer or any other technology.

Final Act. 4.

Appellant's Contentions

In the first part of the *Alice* inquiry, Appellant argues that the Examiner has failed to make a prima facie case of ineligibility because the Examiner has oversimplified the claims by mischaracterizing the specific

language thereof. Appeal Br. 7–8. Appellant argues that the Examiner's characterization of the claims ignores various aspects of the claimed language, and instead describes them with a high level of abstraction. *Id.* at 8. In particular, Appellant asserts the following:

> [T]he Examiner's first characterization ignores the notion of a "perspective" or a "menu presenting multiple perspectives"; ignores the concept that "the selection of any of the multiple perspectives" corresponds not only to "a definition of scope of an applicable algorithm for generating predicted data," but also to "a definition of scope of relevant data to be used by the applicable algorithm"; ignores the concept that ""or a second user having a second authorization the first perspective selection is available in the menu but the first algorithm is not available for the first perspective selection based on the second authorization"; and ignores the concept that "generating the second predicted data further comprises retrieving at least part of the first predicted data from the data store for inclusion in the second predicted data."

Id.

Further, Appellant argues that the record is incomplete and lacks clarity on the critical abstract idea issue because the Examiner fails to identify and analyze the specific claim limitations to show how they allegedly describe a recognized category of abstract idea (e.g., fundamental economic practices, certain methods of organizing human activities, an idea itself or mathematical relationships/formulas). *Id.* at 9–12.

Furthermore, Appellant argues that "[t]he Examiner errs in failing to recognize that the present subject matter is a technological solution to a technological problem, and that it constitutes an improvement in computer-related technology." *Id.* at 12 (emphasis omitted).

In particular, Appellant states the following:

The present specification notes that "predictive analysis requires an intermediate between the end user and the underlying algorithms and data" and "[c]urrently, predictive analysis tools are not designed for end users and such tools require a greater understanding of the underlying algorithms to arrive at the desired predictive data." Spec. para 0020. Moreover, the specification also explains that "[t]he implementation of a perspective (e.g., 'Salesperson,' ...) may substantially narrow the scope of the possible algorithms and corresponding relevant data to be used for the desired predictive data." Spec. para. 0021.

These notions are then further developed in the remainder of the disclosure. For example, the present specification explains that "the end user may switch to another perspective, which can provide further insight," such as *by looking at a sales forecast using a salesperson perspective, and then looking at inventory requirements from a supplier perspective*. Spec. para. 0023. Particularly, the present specification explains that

> Thus, while an end user may only be authorized to view certain data, the end user may be permitted to *switch between multiple selected perspectives to view the data from different aspects,* thereby gaining a deeper understanding of the predicted data and the impact of the predicted data. Spec. para. 0046.
>
> As a particular example, FIG. 3 discloses in detail a process 300 that involves a client device 140, a backend system 110 and a predictive analysis server 122, which in tum includes a data writer module 128, an algorithm module 126 and a data acquisition module 124. This therefore discloses a particular way of achieving the desired outcome. FIGS. 7-10, moreover, show visualizations of output predicted values, and provide additional examples of particular ways of achieving the desired outcome.

Id. at 13 (emphasis added).

According to Appellant, because the claimed invention allows a computer to do something it could not do before (i.e. allowing a second

authorized user to utilize a first perspective selection in a menu when a first algorithm associated therewith is unavailable), it is directed to patent eligible subject matter. *Id.* at 14 (citing *Finjan, Inc. v. Blue Coat Sys., Inc.*, 879 F.3d 1299 (Fed. Cir. 2018)).

In the second part of the *Alice* inquiry, Appellant argues that the claims, taken as a whole and in an ordered combination, amount to significantly more than the purported abstract idea. *Id.* at 15. According to Appellant, claim 1 recites various features that overcome prior art challenges to provide an improvement in the technological arts, and is thereby not tantamount to well understood, routine, and conventional activities previously known to the pertinent industry. *Id.* at 15–16.

Our Review

Applying the guidance set forth in the 2019 PEG, we determine whether the Examiner has erred in rejecting the claims as directed to patent ineligible subject matter.

In revised step 1 of 2019 PEG, we consider whether the claimed subject matter falls within the four statutory categories of patent-eligible subject matter identified by 35 U.S.C. § 101: process, machine, manufacture, or composition of matter. Because independent claim 1 recites a "method" including a number of steps, claim 1 falls within the "process" category of patent-eligible subject matter. Because independent claim 8 recites a "system" including a processor for performing various functions, claim 8 falls within the "machine" category of patent-eligible subject matter. Because independent claim 15 recites a "non-transitory computer-readable storage device" including instructions that when executed by a computer

perform various functions, claim 15 falls within the manufacture category of patent-eligible subject matter.

In prong 1 of revised step 2A of the 2019 PEG, we determine whether any judicial exception to patent eligibility is recited in the claims. 2019 PEG identifies three judicially-excepted groupings of abstract ideas: (1) mathematical concepts; (2) certain methods of organizing human activity, such as fundamental economic practices; and (3) mental processes. Independent claim 1 recites, *inter alia*, the following claim functions performed by a processing module:

(1) Providing a menu with multiple perspectives for selection by a first authorized user;

(2) Upon receiving the user's selection of a first perspective, determining a first algorithm to generate first predicted data, and a second algorithm for a second authorized user;

(3) Retrieving relevant data from the backend system to generate the first predicted data using the first algorithm;

(4) Upon receiving user's selection of a second perspective, determining a second algorithm to generate second predicted data including part of the first predicted data.

As an initial matter, we note that the preamble of claim 1 recites "a method for generating predicted data based on a perspective selection." Further, as set forth in items 1 through 4 above, such generation of predicted data merely consists in the processing module using a suitable algorithm to retrieve from a backend system relevant analytical data corresponding to a perspective selected by an authorized user from an interface. Spec. ¶ 20. Appellant's Specification explains that an end user may switch between

multiple selected perspectives to view the data from different aspects (e.g., by looking at a sales forecast using a salesperson perspective, and then looking at inventory requirements from a supplier perspective), thereby gaining a deeper understanding of the predicted data and the impact of the predicted data. *Id.* ¶¶ 23, 46. Therefore, claim 1 recites displaying a targeted view (e.g., sales forecast) specifically tailored for a user based on the user's selected perspective. Such manipulation of sales data to provide targeted views or different sales forecasts to a user according to selected perspectives has been identified by our reviewing court as a fundamental economic practice long prevalent in commerce. *See, e.g.*, *Cyberfone Sys., LLC v. CNN Interactive Grp., Inc.*, 558 F. App'x 988 (Fed. Cir. 2014). Accordingly, the claimed recitation is directed to certain methods of organizing human activities, a judicial exception involving commercial interaction in an ecommerce environment wherein a business owner may obtain different views of sales forecasts based on a salesperson's perspective and based on a supplier's perspective. Additionally, we determine these limitations are steps of "managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions)," which the 2019 PEG provides are "[c]ertain methods of organizing human activity." 84 Fed. Reg. at 52. Accordingly, independent claims 1, 8, and 15 recite the judicial exception of certain methods of organizing human activity.

Having determined that the claims recite a judicial exception, our analysis under the 2019 PEG turns now to determining whether there are "additional elements that integrate the judicial exception into a practical

application." 84 Fed. Reg. at 54; *see* MPEP §§ 2106.05(a)–(c), (e)–(h).[4]

"Integration into a practical application" requires an additional element or a

combination of additional elements in the claim to 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 exception. 84 Fed. Reg. at 53–54.

Appellant's claims 1, 8, and 15 recite computer-related limitations

(e.g., processing module, client device). We do not find the computer-

related limitations are sufficient to integrate the judicial exception into a

practical application. The Specification does not provide additional details

about the processing module and the client device that would distinguish

them from any generic processing devices that communicate with one

another in a network environment. Spec. ¶¶ 25–32.

Although we do not dispute that these processing devices include

specific instructions for performing the recited functions, Appellant has not

explained persuasively how allowing a user to view different sales forecasts

based on different perspective selections enhances functioning of the

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[4] Specifically, we determine whether the claims recite:

      (i)   an improvement to the functioning of a computer (or a mobile device);

      (ii)   an improvement to another technology or technical field;

      (iii)   an application of the abstract idea with, or by use of, a particular machine;

      (iv)   a transformation or reduction of a particular article to a different state or thing; or

      (v)   other meaningful limitations beyond generally linking the use of the abstract idea to a particular technological environment.

Id.

processing module or client device. *See* MPEP § 2106.05(a). Rather, the claims merely adapt the method of organizing the human activity through processing devices to retrieve from the database sales forecasts associated with different selected perspectives (e.g., salesperson v. supplier). *See Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1055 (Fed. Cir. 2017) ("Our prior cases have made clear that mere automation of manual processes using generic computers does not constitute a patentable improvement in computer technology."); *see also Bancorp Services, L.L.C. v. Sun Life Assurance Co. of Can. (U.S.)*, 687 F.3d 1266, 1278 (Fed. Cir. 2012) (A computer "employed only for its most basic function . . . does not impose meaningful limits on the scope of those claims.").

Appellant's identified improvements are to the abstract idea itself, not improvements to a technology or computer functionality. That is, the cited claim limitations do not improve the functionality of the processing module or the client device by performing operations to provide targeted views to a user based on the perspectives selected from a menu, nor do they achieve an improved technological result in conventional industry practice. *McRO, Inc. v. Bandai Namco Games Am., Inc.*, 837 F.3d 1299, 1316 (Fed. Cir. 2016). Likewise, the claims do not recite an additional element reflecting an improvement in the functioning of a computer, or an improvement to other technology or technical field. *See DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1258–59 (Fed. Cir. 2014). Nor do the claims recite an additional element that implements the abstract idea with a particular machine or manufacture that is integral to the claim. Instead, the claim limitations only recite additional elements that add insignificant extra-

16

solution activity to the judicial exception. *See CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011).

Our reviewing court has consistently held that mere characterizations of human activities within the stream of commerce are not patent eligible. *See, e.g.*, *Elec. Power Grp.*, 830 F.3d at 1353 (claims directed to collection, manipulation, and display of data); *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1370 (Fed. Cir. 2015) (customizing information and presenting it to users based on particular characteristics). Prior to the Internet, such activities were widely practiced, and became computerized to allow business analysts to dynamically view different sales forecasts from the point of view of a salesperson and the point of view of a supplier. *See OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1364 (Fed. Cir. 2015).

Because claim steps 1–4, outlined above, do not (1) provide any technical solution to a technical problem as required by *DDR Holdings*;[5] (2) provide any particular practical application as required by *BASCOM*;[6] or (3) entail an unconventional technological solution to a technological problem as required by *Amdocs*,[7] we agree with the Examiner's

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[5] *See DDR*, 773 F.3d 1245 (Fed. Cir. 2014). The Federal Circuit found *DDR's* claims are patent-eligible under 35 U.S.C. § 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.
[6] *See BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016).
[7] *See Amdocs Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288 (Fed. Cir. 2016).

determination that Appellant's claims 1, 8, and 15 are directed to an abstract idea that is not integrated into a practical application.

Alice/Mayo—Step 2B (Inventive Concept)

Turning to step 2B of the 2019 PEG, we look to whether the claim: (a) recites a specific limitation or combination of limitations that are not well-understood, routine, conventional activity in the field; or (b) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. 84 Fed. Reg. at 56; *see Alice*, 573 U.S. at 217 ("[W]e consider the elements of each claim both individually and 'as an ordered combination'" to determine whether the claim includes "significantly more" than the ineligible concept.); *see also BASCOM*, 827 F.3d at 1350 ("[A]n inventive concept can be found in the non-conventional and non-generic arrangement of known, conventional pieces.").

We discern no additional element or combination of elements recited in Appellant's independent claims 1, 8, and 15 that contain any "inventive concept" or add anything "significantly more" to transform the abstract concept into a patent-eligible application. *Alice*, 573 U.S. at 221. We are not persuaded by Appellant's remarks, noted above, alleging the claims are directed to a non-routine and unconventional system because they allow a user to utilize a processing module or a client device to view different sales forecasts based on different perspective selections. Appellant has failed to establish on this record how the alleged access of different sales reports is distinguished from routine querying of the database to retrieve relevant sales forecast based on criteria specified in the query containing a selected perspective. We agree with the Examiner that using a generic processing

device to collect, analyze, process data and displaying the result in the manner suggested is a routine and conventional approach to data management. Final Act. 3.

As noted above, Appellant does not direct our attention to any portion of the Specification indicating that the claimed processing and communication devices perform anything other than well-understood, routine, and conventional functions, such as receiving, analyzing, processing, and displaying data. *See Elec. Power Grp.*, 830 F.3d at 1355 ("Nothing in the claims, understood in light of the [S]pecification, requires anything other than off-the-shelf, conventional computer, network, and display technology for gathering, sending, and presenting the desired information."); *see also buySAFE, Inc. v. Google, Inc.*, 765 F.3d 1350, 1355 (Fed. Cir. 2014) ("That a computer receives and sends the information over a network—with no further specification—is not even arguably inventive."); *Alice*, 573 U.S. at 224–26 (receiving, storing, sending information over networks insufficient to add an inventive concept). Instead, Appellant's claimed subject matter simply uses generic computer components (processing module, client system) to allow a user to view different sales forecasts based on different perspective selections. Spec. ¶¶ 23, 46. As noted above, the use of a generic computer does 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 223).

Because the discussed claim elements only recite generic computer functions that are well-understood, routine, and conventional, the claim is

devoid of an inventive concept. *See Alice*, 573 U.S. at 217. Appellant is reminded that "the 'inventive concept' [under the second part of the *Mayo/Alice* test] cannot be the abstract idea itself" and "*Berkheimer* . . . leave[s] untouched the numerous cases from this court which have held claims ineligible because the only alleged 'inventive concept' is the abstract idea." *Berkheimer v. HP Inc.*, 890 F.3d 1369, 1374 (Fed. Cir. 2018) (Moore, J., concurring). "It has been clear since *Alice* that a claimed invention's use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention 'significantly more' than that ineligible concept." *BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018). We, therefore, agree with the Examiner that the computer functions recited in the claims were, in fact, generic, and are met by numerous precedents establishing that using a generic computer to expedite and automate processes traditionally performed manually, or that are otherwise abstract, is a well-understood, routine, and conventional use of such computers. Final Act. 4–5; *see also, e.g.*, *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1321 (Fed. Cir. 2016) (utilizing an intermediary computer to forward information); *Bancorp Servs., L.L.C.*, 687 F.3d at 1278 ("The computer required by some of Bancorp's claims is employed only for its most basic function, the performance of repetitive calculations, and as such does not impose meaningful limits on the scope of those claims."). Therefore, we conclude that claim 1's elements, both individually and as an ordered combination, do not provide an inventive concept. *See* 84 Fed. Reg. at 56; *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1370 (Fed. Cir. 2018) ("The limitations amount to no more than performing the abstract idea of parsing and comparing data with conventional computer

components."); *Bancorp*, 687 F.3d at 1278 ("[T]he use of a computer in an otherwise patent-ineligible process for no more than its most basic function—making calculations or computations—fails to circumvent the prohibition against patenting abstract ideas and mental processes.").

To the extent Appellant argues the claims necessarily contain an "inventive concept" based on their alleged novelty or non-obviousness over the cited references, Appellant misapprehends the controlling precedent. Although the second part in the *Alice/Mayo* framework is termed a search for an "inventive concept," the analysis is not an evaluation of novelty or non-obviousness, but, rather, a search for "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.'" *Alice*, 573 U.S. at 217–218 (alteration in original) (quoting *Mayo*, 566 U.S. at 72–73). A novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent-ineligible. *See Mayo*, 566 U.S. at 90.

Appellant is further reminded that, in many cases, "relying on a computer to perform routine tasks more quickly or more accurately is insufficient to render a claim patent eligible." *OIP Techs.*, 788 F.3d at 1363 (citing *Alice*, 573 U.S. at 224) ("[U]se of a computer to create electronic records, track multiple transactions, and issue simultaneous instructions" is not an inventive concept.); *see also, e.g.*, *Intellectual Ventures I LLC v. Capital One Bank*, 792 F.3d at 1370 ("[M]erely adding computer functionality to increase the speed or efficiency of the process does not confer patent eligibility on an otherwise abstract idea."). Therefore, the functions recited in independent claims 1, 8, and 15 do not add meaningful

21

limitations beyond generally linking the abstract idea to the particular technological environment. *See* Final Act 4–6.

Because Appellant's claims 1, 8, and 15 are directed to a patent-ineligible abstract concept and do not recite something "significantly more" under the second part of the *Alice* analysis, we sustain the Examiner's rejection of independent claims 1, 8, and 15 under 35 U.S.C. § 101.

Appellant does not present additional arguments for dependent claims 3–5, 7, 9–11, 13, 14, 16–18, and 20–24. Accordingly, for the same reasons as set forth for independent claims 1, 8, and 15, we sustain the Examiner's 35 U.S.C. § 101 rejection of dependent claims 3–5, 7, 9–11, 13, 14, 16–18, and 20–24.

VI.   CONCLUSION

We affirm the Examiner's patent eligibility rejection of claims 1, 3–5, 7–11, 13–18, and 20–24 under 35 U.S.C. § 101.

DECISION SUMMARY

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/ Basis	Affirmed	Reversed
1, 3–5, 7–11, 13–18, 20–24	101	Eligibility	1, 3–5, 7–11, 13–18, 20–24	

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). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED