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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DAVID T. NGUYEN, JORDAN K. BULLER,
ANDREW E. FANO, MICHAEL E. BECHTEL, and PATRICK LAI

Appeal 2018-006277
Application 14/141,037
Technology Center 3600

Before JUSTIN BUSCH, CATHERINE SHIANG, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

SHIANG, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ appeals under 35 U.S.C. § 134(a) from the Examiner's rejection of claims 18–26 and 28–38, which are all the claims pending and rejected in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

¹ We use “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies Accenture Global Services Limited as the real party in interest. App. Br. 3.

STATEMENT OF THE CASE

Introduction

The present invention relates to “task management tools and, in particular, to a task management tool for use by a plurality of team members in which each team member may assign a task to any other team member.”

Spec. ¶ 1. Claim 18 is exemplary:

18. A method for task management for a plurality of team members, the method comprising:

storing, by a processor-implemented controller, data concerning a plurality of tasks that are received from ones of the plurality of team members and assigned to any of the plurality of team members;

receiving, by the processor-implemented controller, task event information from a first team member of the plurality of team members concerning a task of the plurality of tasks associated with both the first team member and a second team member of the plurality of team members, wherein the task event information comprises a task delegation indication indicating that the second team member is at least partially responsible for completing the task, wherein the task delegation indication establishes one of a parent and child relationship for at least one task object of the task, and wherein an external hierarchy of the plurality of team members is independent of an authority of the any of the plurality of team members to delegate the task to any other team member of the plurality of team members;

generating, by the processor-implemented controller, a tree structure that includes parent and child relationships between task objects of the tasks, wherein the task includes the at least one task object and at least one attribute related to the at least one task object, wherein the at least one task object includes at least one task portion of the task being delegated, and wherein the at least one attribute indicates one of a parent and child relationship of the at least one task object relative to at least one of the tasks; and

sending, by the processor-implemented controller, updated task information to the first team member and the second team member based on the task event information, wherein the updated task information comprises the tree structure that includes the parent and child relationships between the task objects of the tasks.

Rejection²

Claims 18–26 and 28–38 are rejected under 35 U.S.C. § 101 because they are directed to patent-ineligible subject matter. Final Act. 2–6.

ANALYSIS³

35 U.S.C. § 101

Section 101 of the Patent Act provides “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” 35 U.S.C. § 101. However, the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *E.g., Alice Corp. Pty.*

² Throughout this opinion, we refer to the (1) Final Office Action dated June 16, 2017 (“Final Act.”); (2) Appeal Brief dated November 15, 2017 (“App. Br.”); (3) Examiner’s Answer dated March 27, 2018 (“Ans.”); and (4) Reply Brief dated May 29, 2018 (“Reply Br.”).

³ To the extent Appellant advances new arguments in the Reply Brief without showing good cause, Appellant has waived such arguments. *See* 37 C.F.R. § 41.41(b)(2).

Ltd. v. CLS Bank Int'l, 573 U.S. 208, 216 (2014) (internal quotation marks and citation omitted).

In determining whether a claim falls within an excluded category, we are guided by the Supreme Court’s two-step framework, described in *Mayo* and *Alice*. *Id.* 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” (*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))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme 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 187; *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 Supreme 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.* (citing *Benson* and *Flook*); *see, e.g., 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 (citation 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.* (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

In 2019, the United States Patent and Trademark Office published revised guidance on the application of § 101. USPTO, 2019 REVISED PATENT SUBJECT MATTER ELIGIBILITY GUIDANCE, 84 Fed. Reg. 50 (Jan. 7,

2019) (“Guidance”).⁴ Under the 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 activity such as a fundamental economic practice, or mental processes) (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) (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. (Step 2B.)

See Guidance, 84 Fed. Reg. at 54–56.

Turning to Step 2A, Prong 1 of the Guidance, claim 18 (with emphases) recites:

18. A method for task management for a plurality of team members, the method comprising:
 - storing*, by a processor-implemented controller, *data concerning a plurality of tasks that are received from ones of the plurality of team members and assigned to any of the plurality of team members*;
 - receiving*, by the processor-implemented controller, *task event information from a first team member of the plurality of team members concerning a task of the plurality of tasks associated with both the first team member and a second team member of the plurality of team members, wherein the task*

⁴ The Guidance was updated in October 2019.

event information comprises a task delegation indication indicating that the second team member is at least partially responsible for completing the task, wherein the task delegation indication establishes one of a parent and child relationship for at least one task object of the task, and wherein an external hierarchy of the plurality of team members is independent of an authority of the any of the plurality of team members to delegate the task to any other team member of the plurality of team members;

generating, by the processor-implemented controller, a tree structure that includes parent and child relationships between task objects of the tasks, wherein the task includes the at least one task object and at least one attribute related to the at least one task object, wherein the at least one task object includes at least one task portion of the task being delegated, and wherein the at least one attribute indicates one of a parent and child relationship of the at least one task object relative to at least one of the tasks; and

sending, by the processor-implemented controller, updated task information to the first team member and the second team member based on the task event information, wherein the updated task information comprises the tree structure that includes the parent and child relationships between the task objects of the tasks.

Because all of the italicized functions can be performed by a human using a pen and paper, they are like the mental processes in *CyberSource* and *Synopsys*. See *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372–73 (Fed. Cir. 2011) (“All of claim 3’s method steps can be performed in the human mind, or by a human using a pen and paper. . . . Such a method that can be performed by human thought alone is merely an abstract idea and is not patent-eligible under § 101.”); *Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1146 (Fed. Cir. 2016) (“[W]e continue to ‘treat[] analyzing information by steps people go through in

their minds, or by mathematical algorithms, without more, as essentially mental processes within the abstract-idea category.”) (citation omitted).

For example, a person can “stor[e] . . . data concerning a plurality of tasks that are received from ones of the plurality of team members and assigned to any of the plurality of team members” by writing the information on paper using a pen. Further, a person can

receiv[e] . . . task event information from a first team member of the plurality of team members concerning a task of the plurality of tasks associated with both the first team member and a second team member of the plurality of team members, wherein the task event information comprises a task delegation indication indicating that the second team member is at least partially responsible for completing the task, wherein the task delegation indication establishes one of a parent and child relationship for at least one task object of the task, and wherein an external hierarchy of the plurality of team members is independent of an authority of the any of the plurality of team members to delegate the task to any other team member of the plurality of team members

by receiving the information written on paper. And a person can

generat[e] . . . a tree structure that includes parent and child relationships between task objects of the tasks, wherein the task includes the at least one task object and at least one attribute related to the at least one task object, wherein the at least one task object includes at least one task portion of the task being delegated, and wherein the at least one attribute indicates one of a parent and child relationship of the at least one task object relative to at least one of the tasks

by drawing the tree structure using a pen and paper.

Our determination is supported by the Specification, which describes known techniques of managing tasks or information and their deficiencies, and the need for effectively managing tasks or information. *See, e.g.*, Spec.

¶¶ 1–4. As a result, we conclude claim 18 recites mental processes, and thus an abstract idea. *See* Guidance, Step 2A, Prong 1 (Groupings of Abstract Ideas).

Turning to Step 2A, Prong 2 of the Guidance, contrary to Appellant’s assertions (App. Br. 8–35; Reply Br. 4–31), claim 18 does not recite additional elements that integrate the judicial exception into a practical application. In particular, Appellant’s arguments about “an unconventional combination for improving upon prior art task management . . . for example, tracking granular tasks that arise during project execution but that are otherwise not specifically accounted for in a project plan” and “for example, changes to be made to a project plan (including any previously assigned tasks) must be implemented through centralized control, i.e., a project manager” (App. Br. 24; *see also* App. Br. 32; Reply Br. 16–17, 23) are unpersuasive. As discussed above, the limitations constitute mental processes. *See Synopsys*, 839 F.3d at 1151 (“a claim for a *new* abstract idea is still an abstract idea”); *Genetic Techs. Ltd. v. Merial L.L.C.*, 818 F.3d 1369, 1376 (Fed. Cir. 2016) (“under the *Mayo/Alice* framework, a claim directed to a newly discovered law of nature (or natural phenomenon or abstract idea) cannot rely on the novelty of that discovery for the inventive concept necessary for patent eligibility”) (citations omitted).

Further, the Supreme Court guides: “the prohibition against patenting abstract ideas ‘cannot be circumvented by . . . adding [i]nsignificant post solution activity.’” *Bilski*, 561 U.S. at 610–611 (citation omitted). The limitation “sending, by the processor-implemented controller, updated task information to the first team member and the second team member based on the task event information, wherein the updated task information comprises

the tree structure that includes the parent and child relationships between the task objects of the tasks” merely sends information to people by the processor-implemented controller via known methods. Therefore, we conclude the limitation “adds insignificant extra-solution activity to” the mental processes and does not “transform an unpatentable principle into a patentable process.” *See Flook*, 437 U.S. at 590 (“the presence of specific ‘post-solution’ activity—the adjustment of the alarm limit to the figure computed according to the formula” does not “transform an unpatentable principle into a patentable process”); Guidance, 84 Fed. Reg. at 55.

Appellant’s assertion regarding pre-emption (App. Br. 19–23; Reply Br. 26) is unpersuasive, because

[w]hile preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility. . . . Where a patent’s claims are deemed only to disclose patent ineligible subject matter under the *Mayo* framework, as they are in this case, preemption concerns are fully addressed and made moot.

Ariosa Diagnostics, Inc. v. Sequenom, Inc., 788 F.3d 1371, 1379 (Fed. Cir. 2015); *see also OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362–63 (Fed. Cir. 2015) (“that the claims do not preempt all price optimization or may be limited to price optimization in the e-commerce setting do not make them any less abstract”).

In addition, Appellant’s reliance on *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) (App. Br. 19–23; Reply Br. 15) is unpersuasive. In *McRO*, the Court determined:

Claim 1 of the ’576 patent is focused on *a specific asserted improvement in computer animation*, i.e., the automatic use of rules of a particular type. . . . It is the incorporation of the

claimed rules, not the use of the computer, that “improved [the] existing technological process” by allowing the automation of further tasks.

Further, the automation goes beyond merely “organizing [existing] information into a new form” or carrying out a fundamental economic practice. . . . *The claimed process uses a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animated characters.*

McRO, 837 F.3d at 1314–15 (emphases added).

Unlike the claims of *McRO*, claim 18 is not directed to “a specific asserted improvement in computer animation” or similar improvements. *Id.* at 1314. Nor is claim 18 directed to using “a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animated characters” or similar functions. *Id.* at 1315. Therefore, *McRO* is inapplicable here.

Appellant’s arguments (App. Br. 30–31; Reply Br. 21–22) about *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014) are unpersuasive. In *DDR Holdings*, the Court found:

the claims at issue here specify how interactions with the Internet are manipulated to yield a desired result—a result that overrides the routine and conventional sequence of events ordinarily triggered by the click of a hyperlink. Instead of the computer network operating in its normal, expected manner by sending the website visitor to the third-party website that appears to be connected with the clicked advertisement, the claimed system generates and directs the visitor to the above-described hybrid web page that presents product information from the third-party and visual “look and feel” elements from the host website. When the limitations of the ’399 patent’s asserted claims are taken together as an ordered combination, the claims recite an invention that is not merely the routine or

conventional use of the Internet.

DDR Holdings, 773 F.3d at 1258–59 (emphasis added).

Unlike the claims of *DDR*, claim 18 does not “specify how interactions with the Internet are manipulated to yield . . . a result that overrides the routine and conventional sequence of events” or provide similar technology improvements. *Id.* at 1258. Further, this case is distinguished from *DDR* because claim 18 recites an invention that merely uses “a processor-implemented controller” as a tool—the opposite of what the claims of *DDR* represent. *See id.* at 1258–59. And Appellant’s arguments that “the technical elements recited in the claims are directed to task management based on the implementation of a tree structure that includes parent and child relationships between task objects of the tasks” and “[t]hese elements are necessarily rooted in computer technology” (App. Br. 30) (emphasis omitted) are unpersuasive: as discussed above, a person can implement the tree structure by drawing it on paper.

Appellant also cites *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016) (App. Br. 31–32; Reply Br. 22–24), but does not persuasively explain why that case is similar to the present case. In *BASCOM*, the court determined that at the pleading stage and construed in favor of the nonmovant,

The inventive concept described and claimed . . . is the installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user. This design gives the filtering tool both the benefits of a filter on a local computer and the benefits of a filter on the ISP server. *BASCOM* explains that the inventive concept rests on taking advantage of the ability of at least some ISPs to identify individual accounts that communicate with the ISP server, and to associate a request for Internet content with a

specific individual account.

Id. at 1350 (emphasis added).

Unlike the claims of *BASCOM*, claim 18 is not directed to an “installation of a filtering tool at a specific location, remote from the end-users, with customizable filtering features specific to each end user” or similar improvements. *Id.* at 1350. Nor does claim 18 “give[] the filtering tool both the benefits of a filter on a local computer and the benefits of a filter on the ISP server” or provide similar benefits. *Id.* And Appellant’s general statement that “an inventive concept may be found in the nonconventional and non-generic arrangement of the additional elements” (App. Br. 32; *see also* Reply Br. 23–24) is unpersuasive, as Appellant has not persuasively explained why claim 18 includes such “non-conventional and non-generic arrangement of the additional elements.” In particular, as discussed above, “reliably tracking granular tasks” and “the implementation of changes” (App. Br. 32; Reply Br. 23) constitute information management that a person can perform using a pen and paper.

Regarding the “efficient[]” techniques argued by Appellant (App. Br. 32; Reply Br. 23), our reviewing court has declared:

While the claimed system and method certainly *purport to accelerate the process of analyzing audit log data, the speed increase comes from the capabilities of a general-purpose computer, rather than the patented method itself. See Bancorp Servs., L.L.C. v. Sun Life Assurance Co. of Can. (U.S.), 687 F.3d 1266, 1278 (Fed. Cir. 2012) (“[T]he fact that the required calculations could be performed *more efficiently* via a computer does not materially alter the patent eligibility of the claimed subject matter.”).*

FairWarning IP, LLC v. Iatric Sys., Inc., 839 F.3d 1089, 1095 (Fed. Cir. 2016) (emphases added).

Applying this reasoning to claim 18, we similarly find any purported “efficien[cy]” comes from the capabilities of general-purpose devices (the recited “processor-implemented controller”), rather than the claimed steps. Similar to the claims of *FairWarning*, the rejected claim is “not directed to an improvement in the way computers operate,” and “the focus of the claim[] is not on . . . an improvement in computers as tools, but on certain independently abstract ideas that use computers as tools.” *FairWarning*, 839 F.3d at 1095.

As a result, we conclude claim 18 does not recite additional elements that integrate the judicial exception into a practical application. *See* Guidance, Step 2A, Prong 2.

Turning to Step 2B of the Guidance, Appellant does not persuasively argue any specific limitation or combination of limitations is not well-understood, routine, or conventional in the field. Nor does Appellant persuasively argue the Examiner erred in that aspect. In particular, Appellant’s argument about the absence of any prior art rejection (App. Br. 33; Reply Br. 5, 15, 25) is unpersuasive, because prior art rejections are determined under 35 U.S.C. § 102 and § 103, which are different statutory requirements. As the Supreme Court emphasizes: “[t]he ‘novelty’ of any element or steps in a process, or even of the process itself, is of *no relevance* in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter.” *Diehr*, 450 U.S. at 188–89 (emphasis added). Our reviewing court further guides that “[e]ligibility and novelty are separate inquiries.” *Two-Way Media Ltd. v. Comcast Cable*

Commc'ns, LLC, 874 F.3d 1329, 1340 (Fed. Cir. 2017).

Appellant also argues the following receiving and generating limitations are “not functions normally or typically performed by a computer”:

receiving . . . task event information from a first team member of the plurality of team members concerning a task of the plurality of tasks associated with both the first team member and a second team member of the plurality of team members, wherein the task event information comprises a task delegation indication indicating that the second team member is at least partially responsible for completing the task, wherein the task delegation indication establishes one of a parent and child relationship for at least one task object of the task, and wherein an external hierarchy of the plurality of team members is independent of an authority of the any of the plurality of team members to delegate the task to any other team member of the plurality of team members, [and]

generating . . . a tree structure that includes parent and child relationships between task objects of the tasks, wherein the task includes the at least one task object and at least one attribute related to the at least one task object, wherein the at least one task object includes at least one task portion of the task being delegated, and wherein the at least one attribute indicates one of a parent and child relationship of the at least one task object relative to at least one of the tasks.

App. Br. 26–27; *see also* Reply Br. 19.

Appellant’s arguments are unpersuasive, as Appellant does not provide sufficient objective evidence to support the arguments. *See In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997) (“attorney argument [is] not the kind of factual evidence that is required to rebut a prima facie case of obviousness”); *Meitzner v. Mindick*, 549 F.2d 775, 782 (CCPA 1977) (“Argument of counsel cannot take the place of evidence lacking in the

record.”). Further, Appellant’s argument that “nor has the Examiner provided any explanation or evidence that such functions are generic computer functions” (App. Br. 27; *see also* Reply Br. 19) is unpersuasive. As discussed above, the receiving and generating steps are mental processes, because a person can perform such steps using a pen and paper. Therefore, Appellant has not explained why the Examiner must show the mental processes, which constitute an abstract idea and are not part of the additional elements, are generic computer functions. *See* USPTO Memorandum, dated April 19, 2018, of Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*) (“*Berkheimer* Memorandum”) (whether “an *additional* element (or combination of elements) is . . . well-understood, routine or conventional” is a factual inquiry). *Berkheimer* Memorandum at 3 (emphasis added).

As to the additional element “a processor-implemented controller,” the Examiner finds the controller is a generic computer device. *See* Final Act. 4–5 (citing Spec. ¶ 16); *see also* Spec. ¶ 21 (“the controller 102 preferably comprises a processor-based device 204 comprising at least one processor 214 and at least one storage component 216 similar to those described above with regard to the team member workstations 104, 106. In a presently preferred embodiment, the processing device 204 is implemented using one or more suitably programmed server computers as known in the art. Additionally, the controller 102 may comprise a database 208 that, as known in the art.”). Appellant does not persuasively explain why that finding is incorrect.

The Examiner further finds the general functions of storing, receiving, generating, and transmitting data are conventional computer functions. *See*

Final Act. 5; Ans. 11–12. Appellant does not dispute such general functions are conventional, but bolds certain claim limitations and argues the bolded limitations are not in computer prior art. *See* App. Br. 34–35; Reply Br. 26–27. However, as discussed above, a person can perform the bolded processes using a pen and paper, and those processes are part of the abstract idea (mental processes). *See Alice*, 573 U.S. at 222 (“simply implementing a mathematical principle [or mental processes] on a physical machine” does not suffice for patent eligibility) (citation omitted). Therefore, Appellant has not persuaded us the Examiner erred with respect to the Guidance’s Step 2B analysis. *See* Guidance, Step 2B.

Because Appellant has not persuaded us the Examiner erred, we sustain the Examiner’s rejection of claim 18 under 35 U.S.C. § 101.

For similar reasons, we affirm the Examiner’s rejection of claims 19–26 and 28–38, as Appellant does not advance separate substantive arguments about those claims. To the extent Appellant intended to argue independent claims 30 and 35 separately (*see, e.g.*, App. Br. 18–19 (“None of the above-discussed features of claim 18 (or independent claims 30 and 35) describe”); App. Br. 22 (“For example, in this case, the particular detailed steps of claim 18 (or independent claims 30 and 35) defining”); Appeal Br. 23 (“Independent claims 30 and 35 recite features similar to the features of claim 18 discussed above.”)), that attempt is unsuccessful. Notably, Appellant does not provide the requisite subheading to clearly and unambiguously identify claims 30 and 35 are argued separately—a regulatory requirement. *See* 37 C.F.R. § 41.37(c)(1)(iv) (“Under each heading identifying the ground of rejection being contested, any claim(s) argued separately or as a subgroup *shall* be argued under a separate

subheading that identifies the claim(s) by number.”) (emphasis added); *see also* Manual Of Patent Examining Procedure (MPEP) § 1205.02 (9th ed. Rev. 08.2017, Jan. 2018) (explaining the rule). But even if such arguments were properly presented (which they were not), we still find them unpersuasive for the reasons similar to those discussed above with respect to claim 18.

CONCLUSION

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
18–26, 28–38	101	Eligibility	18–26, 28–38	

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). *See* 37 C.F.R. § 41.50(f).

AFFIRMED