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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SILVIO TAVARES, SUSAN FAHY, and DENNIS CARLSON

Appeal 2018-006540
Application 13/253,756
Technology Center 3600

BEFORE JOHNNY A. KUMAR, JOHN P. PINKERTON, and
JOYCE CRAIG, *Administrative Patent Judges*.

CRAIG, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–16 and 24–31. *See* Final Act. 1. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as First Data Corporation, of Greenwood Village, Colorado. Appeal Br. 3.

CLAIMED SUBJECT MATTER

The claims are directed to an analytics systems and methods for discount instruments. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A computerized method for calculating the effectiveness of a promotion, the method comprising:

receiving and aggregating at an aggregation subsystem of a host computer system transaction data from a plurality of point of sale terminals, wherein:

the host computer system comprises a processing subsystem, a data storage subsystem configured to store the aggregated transaction data, and an interface subsystem comprising a web server;

the transaction data has been received at the plurality of point of sale terminals at a time of a transaction and includes both purchases in which a discount program identifier that is associated with a discount program is received at the plurality of point of sale terminals and purchases in which the plurality of point of sale terminals do not receive the discount program identifier; and

the discount program identifier comprises one or more of a coupon code and a loyalty identifier;

generating and storing datasets from the aggregated transaction data in the data storage subsystem as an associative database to facilitate mining, filtering, or sorting the aggregated transaction data;

filtering a portion of the aggregated transaction data into a discount program dataset comprising transaction data that includes discount program identifiers;

calculating a reliable portion of the discount program dataset as a function of the aggregated transaction data in the discount program dataset, wherein the reliable portion comprises only data having a statistically insignificant variability from a baseline;

calculating by the processing subsystem a characteristic of the purchases, both for the reliable portion of the discount program dataset and transactions that do not include discount

program identifiers, wherein the characteristic is indicative of the effectiveness of the discount program, wherein the effectiveness of the discount program is related to whether an increase in sales growth is attributable to the discount program based on redemptions of the discount program identifier;

generating a graphical report showing a comparison of the calculation of the characteristic of the purchases; and

transmitting, using the web server, the graphical report over a wireless communication channel to a user device, thereby causing the graphical report to display on the user device.

REJECTION²

Claims 1–16 and 24–31 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-patentable subject matter. Final Act. 9–13.

ANALYSIS

Rejection of Claims 1–16 and 24–31 Under 35 U.S.C. § 101

Appellant argues the Examiner’s rejection of claim 1 under 35 U.S.C. § 101 as directed to patent-ineligible subject matter is in error. Appeal Br. 6–16.

To the extent Appellant has not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. 37 C.F.R. § 41.37(c)(1)(iv). Appellant argues claims 1–16 and 24–31 as a group. Appeal Br. 16. Given our discretion under 37 C.F.R. § 41.37(c)(1)(iv), we decide the § 101 rejection of claims 1–16 and 24–31 based on representative claim 1.

² In the Answer, the Examiner withdrew the rejection of claims 1, 2, and 24 under 35 U.S.C. § 112, second paragraph. Ans. 3; Final Act. 7–9.

Legal Standard

“Whether a claim is drawn to patent-eligible subject matter is an issue of law that we review de novo.” *SiRF Tech., Inc. v. Int’l Trade Comm’n*, 601 F.3d 1319, 1331 (Fed. Cir. 2010).

The Supreme Court’s two-step framework guides our analysis of patent eligibility under 35 U.S.C. § 101. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 217 (2014). In addition, the Office recently published revised guidance for evaluating subject matter eligibility under 35 U.S.C. § 101, specifically with respect to applying the *Alice* framework. USPTO, 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Office Guidance”). If a claim falls within one of the statutory categories of patent eligibility (i.e., a process, machine, manufacture, or composition of matter) then the first inquiry is whether the claim is directed to one of the judicially recognized exceptions (i.e., a law of nature, a natural phenomenon, or an abstract idea). *Alice*, 573 U.S. at 217. As part of this inquiry, we must “look at the ‘focus of the claimed advance over the prior art’ to determine if the claim’s ‘character as a whole’ is directed to excluded subject matter.” *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016). Per Office Guidance, this first inquiry has two prongs of analysis (i) does the claim recite a judicial exception (e.g., an abstract idea), and (ii) if so, is the judicial exception integrated into a practical application. 84 Fed. Reg. at 54. Under the Office Guidance, if the judicial exception is integrated into a practical application, *see infra*, the claim is patent eligible under § 101. 84 Fed. Reg. at 54–55. If the claim is directed to a judicial exception (i.e., recites a judicial exception and does not integrate the exception into a practical application), the next step is to

determine whether any element, or combination of elements, amounts to significantly more than the judicial exception. *Alice*, 573 U.S. at 217; 84 Fed. Reg. at 56. 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).

To summarize, under the current Office 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); and

(2) additional elements that integrate the judicial exception into a practical application (see Manual for Patent Examining Procedure (“MPEP”) §§ 2106.05(a)–(c), (e)–(h)).

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.

See Office Guidance.

Step 1

Claim 1, as a method claim, recites one of the enumerated categories of eligible subject matter in 35 U.S.C. § 101 (process). Therefore, the issue

before us is whether it is directed to a judicial exception without significantly more.

Step 2A(i): Does the Claim Recite a Judicial Exception?

The Examiner determined that claim 1 is directed to “the abstract idea of calculating the effectiveness of a promotion.” Final Act. 9. The Examiner identified the “receiving and aggregating,” “generating and storing,” “filtering,” “calculating,” “generating a graphical report,” and “transmitting” steps as part of the recited abstract idea. *Id.* at 9–10.

We review the Examiner’s determinations in light of the Office Guidance. One of the subject matter groupings identified as an abstract idea in the Office Guidance is “[m]ental processes—concepts performed in the human mind (including an observation, evaluation, judgment, opinion).” *See* Office Guidance, 84 Fed. Reg. at 52, 53. The Office Guidance explains that “mental processes” include acts that people can perform in their minds or using pen and paper, even if the claim recites that a generic computer component performs the acts. *See* Office Guidance, 84 Fed. Reg. at 52 n.14 (“If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind.”)

Consistent with Appellant’s description of the claims (Abstract), we find that the following limitations describe acts that people can perform in their minds or using pen and paper, even though the limitations recite that a generic computer component performs the acts. The following limitations fall into the mental processes category of abstract ideas. *See* 84 Fed. Reg. at 52, 53.

filtering a portion of the aggregated transaction data into a discount program dataset comprising transaction data that includes discount program identifiers;

calculating a reliable portion of the discount program dataset as a function of the aggregated transaction data in the discount program dataset, wherein the reliable portion comprises only data having a statistically insignificant variability from a baseline;

calculating [by the processing subsystem] a characteristic of the purchases, both for the reliable portion of the discount program dataset and transactions that do not include discount program identifiers, wherein the characteristic is indicative of the effectiveness of the discount program, wherein the effectiveness of the discount program is related to whether an increase in sales growth is attributable to the discount program based on redemptions of the discount program identifier;

Claim 1.

Because we agree with the Examiner that the claim recites an abstract idea, we proceed to Step 2A(ii) to determine if the idea is integrated into a practical application, in which case the claim as a whole would not be “directed to” merely an abstract idea.

Step 2A(ii): Judicial Exception Integrated into a Practical Application?

Because we determine that claim 1 recites a patent-ineligible concept, we next determine whether the recited judicial exception is integrated into a practical application of that exception by (a) identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application.

We use the term “additional elements” for claim features, limitations, or steps that the claim recites beyond the identified judicial exception. *See* Office Guidance at 55 n.24. In claim 1, the additional elements include:

receiving and aggregating at an aggregation subsystem of a host computer system transaction data from a plurality of point of sale terminals, wherein:

the host computer system comprises a processing subsystem, a data storage subsystem configured to store the aggregated transaction data, and an interface subsystem comprising a web server;

the transaction data has been received at the plurality of point of sale terminals at a time of a transaction and includes both purchases in which a discount program identifier that is associated with a discount program is received at the plurality of point of sale terminals and purchases in which the plurality of point of sale terminals do not receive the discount program identifier; and

the discount program identifier comprises one or more of a coupon code and a loyalty identifier;

generating and storing datasets from the aggregated transaction data in the data storage subsystem as an associative database to facilitate mining, filtering, or sorting the aggregated transaction data;

...

generating a graphical report showing a comparison of the calculation of the characteristic of the purchases; and

transmitting, using the web server, the graphical report over a wireless communication channel to a user device, thereby causing the graphical report to display on the user device.

The Supreme Court guides that the “prohibition against patenting abstract ideas ‘cannot be circumvented’ [by] adding ‘insignificant post-solution activity.’” *Bilski*, 561 U.S. at 610–11 (quoting *Diehr*, 450 U.S. at 191–92). Several steps of claim 1 merely perform insignificant extra-solution or post-solution activity, such as storing, transmitting, receiving,

and communicating. *See* MPEP § 2106.05(g) “Insignificant Extra-Solution Activity.” For example, the “receiving and aggregating,” “generating,” and “transmitting” steps do not improve the function of a computer or another technology or technical field. Instead, receiving and aggregating data, generating a formatted graphical report, transmitting the formatted graphical report, and causing the report to display on a user device recite steps involving insignificant extra-solution activity that merely make use of computer technology. We agree with the Examiner that “[n]either the claims nor the specification illustrate or realize any specific technology required for the delivery of or improving conventional graphical data delivery.” Ans. 3.

Moreover, as recited in claim 1, the composition of the recited “host computer system” (“a processing subsystem, a data storage subsystem configured to store the aggregated transaction data, and an interface subsystem comprising a web server”) and the descriptions of the “transaction data” and the “discount program identifier” do not improve the functioning of a computer or another technology or technical field. We agree with the Examiner that claim 1 merely uses a generic computer as a tool to apply the abstract concept and is “focused on specific data gathering, analysis and display functions.” Ans. 5. We also agree with the Examiner that there is no improvement defined by the logical structures, and that the Specification “does not describe any achieved benefit over conventional computerized systems.” *Id.*

Appellant argues that “the crux of the claim, as evidenced by the final result of the claims, is that graphical reports are delivered to a user device using computer technology,” and “[a]ny alleged involvement of an abstract idea is merely incidental and has no bearing on the eligibility of the claims.”

See Appeal Br. 8. Appellant also argues that the Examiner erred because “the claims recite limitations that necessarily require the use of computer technology,” and “the limitations require the operation of specific hardware to perform the recited functions.” Appeal Br. 7–8; *see also* Reply Br. 2.

We are not persuaded that the Examiner erred. Improving the functioning of a computer can reflect integration of an idea into a “practical application.” Office Guidance Section III; *see also DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014); *BASCOM Glob. Internet Servs., Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016). Appellant, however, does not explain, and we do not discern, any improvement in technology from the claimed invention. The claims in *DDR*, for example, were “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks,” *see, e.g., DDR*, 773 F.3d at 1257, but Appellant’s claim 1 recites data processing and report generation that merely use generic computing elements. *See, e.g., Spec.* ¶¶ 61, 82–87; Ans. 3–7.

As the Examiner finds, the method of claim 1 may be implemented on generic computer components. Ans. 3–4. The Specification makes clear that the recited hardware elements can include general purpose processors and do not require any “non-conventional arrangement of elements.” *Id.*; *Spec.* ¶¶ 82–87. None of the claims provides, and nowhere in the Specification can we find, any description or explanation as to how these data manipulation steps are intended to provide, for example a “solution . . . necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks,” as explained by the Federal Circuit in *DDR Holdings*. *DDR*, 773 F.3d at 1257. That the claim may require the

computer to be specially programmed does not claim a solution “necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks.” *Id.*; see *EON Corp. IP Holdings LLC v. AT & T Mobility LLC*, 785 F.3d 616, 623 (Fed. Cir. 2015) (“A general purpose computer is flexible—it can do anything it is programmed to do.”); see *Credit Acceptance Corp. v. Westlake Servs.*, 859 F.3d 1044, 1056 (Fed. Cir. 2017) (stating “merely ‘configur[ing]’ generic computers in order to ‘supplant and enhance’ an otherwise abstract manual process is precisely the sort of invention that the *Alice* Court deemed ineligible”) (citing *Alice*, 573 U.S. at 220–25 (alteration in original)); *id.* at 1055 (discussing using generic computers to automate a manual process).

We agree with the Examiner that “[t]he use of generic components to transmit information through an unspecified network or webserver for display on an unspecified interface does not impose any meaningful limit on the computer implementation of the abstract idea.” Final Act. 12. Appellant does not direct us to any evidence that claim 1 recites any unconventional rules, transforms or reduces an element to a different state or thing, or otherwise integrates the idea into a practical application. Reciting a result-oriented solution that lacks any details as to how the computer performs the steps is the equivalent of the words “apply it.” *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1341–42 (Fed. Cir. 2017) (citing *Elec. Power Grp.*, 830 F.3d at 1356 (cautioning against claims “so result focused, so functional, as to effectively cover any solution to an identified problem”)).

Moreover, Appellant’s claim 1 is unlike the technology-based integrations cited by Appellant. See Appeal Br. 8–15. For example, in

Enfish, LLC v. Microsoft Corp., 822 F.3d 1327 (Fed. Cir. 2016), the patent-eligible claim was directed to a self-referential table to improve computer databases. *Enfish*, 822 F.3d at 1330. The disclosed technique enabled faster searching and more effective storage of data than previous methods. *Id.* at 1333. The court found the claims directed to “a specific improvement to the way computers operate, embodied in the self-referential table” (*id.* at 1336), and explained that the claims are “not simply directed to *any* form of storing tabular data, but instead are specifically directed to a *self-referential* table for a computer database” that functions differently than conventional databases. *Id.* at 1337.

Despite Appellant’s argument to the contrary, the instant claims are not analogous to the claims addressed in *Enfish*, 822 F.3d at 1335–36. The *Enfish* court distinguished between claims that focus on a specific improvement in computer capabilities, on the one hand, and an abstract idea that merely invokes computers as a tool, on the other. *Id.* at 1336. This case is the latter.

Likewise, in *McRO*, the patent-eligible claim focused on a specific asserted improvement in computer animation. *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016). The claims in *McRO* recited a “specific . . . improvement in computer animation” using “unconventional rules that relate[d] sub-sequences of phonemes, timings, and morph weight sets.” *McRO*, 837 F.3d at 1302–03, 1314–15. In *McRO*, “the incorporation of the claimed rules, not the use of the computer,” improved an existing technological process. *Id.* at 1314. Appellant does not direct us to any evidence that the claimed steps correspond to unconventional rules.

Rather, Appellant alleges claim 1 is patent-eligible because its practice does not preempt practice by others. Appeal Br. 9. Although preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility, “[w]here 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”).

Appellant’s arguments based on *BASCOM* are similarly unavailing. 827 F.3d at 1349. In *BASCOM*, the claims were directed to the inventive concept of providing customizable Internet-content filtering which was found to transform the abstract idea of filtering content into a patent-eligible invention. Although the underlying idea of filtering Internet content was deemed abstract, the claims carved out a specific location for the filtering system, namely a remote Internet service provider (ISP) server, and required the filtering system to give users the ability to customize filtering for their individual network accounts. We find no analogy between Appellant’s claimed method for calculating the effectiveness of a promotion and the claims in *BASCOM*.

Appellant’s arguments based on *Ex Parte Ravenel*, Appeal 2015-003604 (PTAB 2016), are also unavailing. *See* Appeal Br. 10–12. *Ravenel* is

a non-precedential decision of the Board; therefore, it is not binding on this panel.

Regarding Appellant’s arguments based on *Amdocs (Israel) Ltd. v. Openet Telecom, Inc.*, 841 F.3d 1288 (Fed. Cir. 2016) (Appeal Br. 14–15), the claim in *Amdocs* provided a technological solution to a technological problem—i.e., a distributed architecture that allowed the system to “efficiently and accurately collect network usage information in a manner designed for efficiency to minimize impact on network and system resources.” *Amdocs*, 841 F.3d at 1303. Claim 1, though, does not recite a technological improvement to how the data is processed or the formatted graphical report is created. Rather, claim 1 uses the computer as a tool, in its ordinary capacity, to carry out the abstract idea. In this way, claim 1 is unlike the claim in *Amdocs*. *Accord* Ans. 7 (discussing *Amdocs*).

Thus, claim 1 recites an abstract idea as identified in *Step 2A(i)*, *supra*, and none of the limitations integrates the judicial exception into a practical application. Claim 1 as a whole merely uses instructions to implement the abstract idea on a computer or, alternatively, merely uses a computer as a tool to perform the abstract idea. Thus, on this record, Appellant has not shown that the abstract idea is integrated into a practical application under the guidance of Manual of Patent Examining Procedure section 2106.05(a) (“Improvements to the Functioning of a Computer or to Any Other Technology or Technical Field”) or section 2106.05(e) (“Other Meaningful Limitations”).

Therefore, we conclude the abstract idea is not integrated into a practical application and, thus, claim 1 is directed to the judicial exception.

Step 2B — “Inventive Concept” or “Significantly More”

If the claims are directed to a patent-ineligible concept, as we conclude above, we proceed to the “inventive concept” step. For Step 2B we must “look with more specificity at what the claim elements add, in order to determine ‘whether they identify an “inventive concept” in the application of the ineligible subject matter’ to which the claim is directed.” *Affinity Labs of Texas, LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1258 (Fed. Cir. 2016) (quoting *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016)). We look to see whether there are any “additional features” in the claims that constitute an “inventive concept,” thereby rendering the claims eligible for patenting even if they are directed to an abstract idea. *Alice*, 573 U.S. at 221. Those “additional features” must be more than “well-understood, routine, conventional activity.” *Mayo*, 566 U.S. at 79.

The Examiner finds that the additional elements are recited at a high level of generality and are recited as performing generic computer functions including gathering data, receiving inputs, storing data, transmitting data and displaying outputs which are routinely used in computer applications. Generic computer components recited as performing generic computer functions that are well-understood, routine and conventional activities and generically reciting instructions to implement an abstract idea on a computer amount to no more than implementing the abstract idea with a computerized system.

Final Act. 12.

We agree. As discussed above, we are not persuaded by Appellant’s argument that the limitations of claim 1, “when taken as an ordered combination, provide unconventional steps that confine the abstract idea to a particular useful application.” *See* Reply Br. 5. Appellant’s arguments are

conclusory and unsupported by persuasive evidence and technical reasoning identifying or explaining any alleged unconventional use of computer software or hardware. Moreover, we see nothing in claim 1 or the Specification suggesting that the recited additional elements are anything but generic computer components that perform well-understand, routine, and conventional activities. *See, e.g.*, Spec. ¶¶ 61, 82–87.

Appellant further argues that “if there has been no showing of a reference that discloses a particular recitation, then it follows that the rejection has shown nothing to suggest that a particular element is well-understood, routine or conventional.” Appeal Br. 3.

Appellant, however, does not direct our attention to anything in the Specification that indicates the computer components perform anything other than well-understood, routine, and conventional functions, such as receiving and aggregating, looking up data in a database, storing data in a database, generating a report, and transmitting data. *See 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”); *In re TLI Commc’ns LLC Patent Litig.*, 823 F.3d 607, 614 (Fed. Cir. 2016) (server that receives data, extracts classification information from the received data, and stores the digital images insufficient to add an inventive concept); *Alice*, 573 U.S. at 225–26 (receiving, storing, sending information over networks insufficient to add an inventive concept). The 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; *Two-Way*

Media Ltd. v. Comcast Cable Commc'ns, LLC, 874 F.3d 1329, 1340 (Fed. Cir. 2017); *see also Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1263 (Fed. Cir. 2016) (holding that “[e]ven assuming” that a particular claimed feature was novel does not “avoid the problem of abstractness”).

As evidence of the conventional nature of the reporting and display techniques, we refer to paragraph 82 of the Specification, which states that “other reporting and display techniques may be used to enhance the look, feel, usefulness, etc. of the report output 450.” Spec. ¶ 82. Specification paragraph 83 describes the conventional nature of the various computer subsystems. Spec. ¶ 83. Similarly, paragraphs 84 through 86 describe the well-understood, routine, and conventional nature of the computational system, storage devices, and network communication. Spec. ¶¶ 84–86. Paragraph 61 describes that the aggregated data may be arranged in any useful way, for example, as an associative database, as a flat file, as sets of datasets, in encrypted or unencrypted form, in compressed or uncompressed form, etc. Spec. ¶ 61. These generic computer components described in the Specification are well-understood, routine, and conventional, at least because the Specification describes the computer components in a manner that indicates that the additional elements are sufficiently well-known that the Specification does not need to describe the particulars of such additional elements to satisfy 35 U.S.C. § 112(a). *See Berkheimer Memo*³ § III.A.1; Spec. ¶¶ 61, 82–87.

³ “Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*)” at 3 (Apr. 19, 2018) (explaining that a specification that describes additional elements “in a manner that indicates that the additional elements are sufficiently well-known that the specification does not need to describe

Thus, because the Specification describes the additional elements in general terms, without describing the particulars, we conclude the claim limitations may be broadly, but reasonably, construed as reciting conventional computer components and techniques, particularly in light of Appellant’s Specification, as cited above. We conclude claim 1 does not have an inventive concept because the claim, in essence, merely recites various computer-based elements along with no more than mere instructions to implement the identified abstract idea using the computer-based elements.

Because we determine that claim 1 is directed to an abstract idea and does not contain an inventive concept, we sustain the Examiner’s rejection of claim 1 under 35 U.S.C. § 101. For the same reasons, we sustain the Examiner’s rejection under 35 U.S.C. § 101 of grouped claims 2–16 and 24–31, not argued separately with particularity.

DECISION

We affirm the decision of the Examiner rejecting claims 1–16 and 24–31.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Basis	Affirmed	Reversed
1–16, 24–31	101	Exception	1–16, 24–31	
Overall Outcome:			1–16, 24–31	

the particulars of such additional elements to satisfy 35 U.S.C. § 112(a)” can show that the elements are well understood, routine, and conventional).

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TIME PERIOD FOR RESPONSE

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

AFFIRMED