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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MICHAEL COLE, PATRICK CHAN, KEVIN ENG, ADAM
GENN, CHARLES McMAHON, PATRICK SEDDEN, and ANAND
WAISHAMPAYAN

Appeal 2018-007220
Application 14/509,099
Technology Center 3600

Before DEBRA K. STEPHENS, CARL W. WHITEHEAD JR., and KARA
L. SZPONDOWSKI, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant,¹ Morgan Stanley, appeals from the Examiner's decision to reject claims 1–20 (Final Act. 2). We have jurisdiction under 35 U.S.C. § 6(b).

¹ 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 assignee MORGAN STANLEY, a corporation organized and existing under the laws of the State of Delaware, as evidenced by an Assignment recorded at Reel 033908, Frame 0272. Appeal Br. 1.

We AFFIRM.

CLAIMED SUBJECT MATTER

The claims are directed to a computerized account database access tool for complying with the Customer identification Program (“CIP”), anti-money laundering (“AML”) requirements, and the “Know Your Customer” (“KYC”) requirements (Spec. 1 ¶ 1). Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A computerized method of identifying accounts stored in a database of a computerized account management system, for review under jurisdictionally relevant CIP/AML/KYC requirements for a plurality of jurisdictions, the method comprising:

retrieving, using a processor, specified data from all accounts in the database of the computerized account management system;

for each account, using the retrieved specified data and the processor, determining whether each account is to be evaluated against regulatory requirements for each jurisdiction of the plurality of jurisdictions, by comparing retrieved data for each account with each of multiple jurisdiction-specific inclusion rules and, in each instance where an individual account satisfies a jurisdiction-specific inclusion rule, storing an identifier of that individual account in inclusion results storage specific to the jurisdiction associated with the satisfied jurisdiction-specific inclusion rule;

applying exclusion rules associated with a specific jurisdiction to the retrieved data for each individual account whose identifier is stored in the inclusion storage for the specific jurisdiction and, in each instance where the retrieved data for the individual account satisfies one or more of the specific jurisdiction exclusion rules, storing that individual account's identifier in exclusion results storage along with exclusion data reflecting the one or more satisfied jurisdiction-specific exclusion rules; and

merging and aggregating all of the accounts, using contents of the inclusion results storage and exclusion data from the exclusion results storage, to

(i) assign the accounts to per-jurisdiction buckets for review under the relevant CIP/AML/KYC requirements of the respective jurisdictions; and

(ii) maintain Scope/Reason buckets containing at least one of a tag, flag, record or rule identifier reflecting, for each account, each inclusion rule that caused them to have specific jurisdictional associations and each exclusion rule that caused any of the accounts to be excluded from review under any jurisdiction's CIP/AML/KYC requirements, such that, after the merging and aggregating, all accounts will be analyzed and assigned to one or more of the per-jurisdiction buckets or at least one default bucket and none of the accounts will go unassigned.

REJECTION

Claims 1–20 are rejected under 35 U.S.C. § 101 because the claimed invention is not directed to patent eligible subject matter (Final Act. 2).

OPINION

Principles of Law

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 Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[I]aws of nature, natural phenomena, and abstract ideas” are not patentable (*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 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 id.* 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, 69 (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 184 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1853))); 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 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 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 (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.* (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.*).

USPTO January 7, 2019 Revised Section 101 Memorandum

The USPTO published revised guidance on the application of § 101 (*see* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019 (“Guidance”))). Under the 2019 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* 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* Guidance, Section III(B)).

ANALYSIS

The Examiner concluded claims 1–20 are directed to patent-ineligible subject matter (Final Act. 2–10). Appellant argues the invention as recited in claims 1–20 is directed to patent-eligible subject matter (App. Br. 7–18). Therefore, the issue presented by the arguments is whether the Examiner erred in concluding the invention as recited is patent-ineligible.

STEP 1

Section 101 provides that “[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).

Representative independent claim 1 recites a method and independent claims 10 and 15 each recite a system and, thus, are each directed to a statutory class of invention within 35 U.S.C. § 101, i.e., a process and a machine.

STEP 2A, Prong 1

Under Step 2A, Prong 1 of the Guidance, we must determine whether the claims, being directed to statutory classes of invention, nonetheless fall within a judicial exception.

Appellant argues “the claims are not directed to a method of organizing human activity” (App. Br. 10). Rather, Appellant asserts, because the claim “acts on the *results* of previous human interaction, such as data representing accounts that humans created in the past, [this claim] is not directed to a method of organizing human activity” (*id.*).

Representative claim 1 recites, in part:

[(a)] retrieving, . . . , specified data from all accounts. . .

[(b)] for each account, . . . , determining whether each account is to be evaluated against regulatory requirements for each jurisdiction of the plurality of jurisdictions, by comparing retrieved data for each account with each of multiple jurisdiction-specific inclusion rules and, in each instance where an individual account satisfies a jurisdiction-specific inclusion rule, storing an identifier of that individual account . . . specific to the jurisdiction associated with the satisfied jurisdiction-specific inclusion rule;

[(c)] applying exclusion rules associated with a specific jurisdiction to the retrieved data . . . and, in each instance where the retrieved data for the individual account satisfies one or more of the specific jurisdiction exclusion rules, storing that individual account's identifier in exclusion results storage along with exclusion data . . . ; and

[(d)] merging and aggregating all of the accounts, using contents of the inclusion results storage and exclusion data from the exclusion results storage, to

(i) assign the accounts to per-jurisdiction buckets for review under the relevant CIP/AML/KYC requirements of the respective jurisdictions; and

(ii) maintain Scope/Reason buckets containing at least one of a tag, flag, record or rule identifier reflecting,

for each account, each inclusion rule that caused them to have specific jurisdictional associations and each exclusion rule that caused any of the accounts to be excluded from review under any jurisdiction's CIP/AML/KYC requirements, such that, . . . , all accounts will be analyzed and assigned to one or more of the per-jurisdiction buckets or at least one default bucket . . .

(Claim 1). Limitations (a) and (b) recite comparing retrieved data against inclusion rules (criteria) and, if an inclusion rule is satisfied, associating the account with an identifier (Claim 1). Limitation (c) recites applying exclusion rules associated with the identifier and, and if that criteria (rule) is met, storing the identifier along with the exclusion data (*id.*). Limitation (d) merges and aggregates all the accounts using the previously acquired data and identifiers, to assign account to buckets for review and to maintain Scope/Reason buckets containing information on the associated inclusion rule and exclusion rule (*id.*). Claims 10 and 15 are similarly recited—the systems are recited to perform the functions discussed above. These steps are directing to mitigating risks. As set forth in the Specification, “[t]he possibility of any such miss [of accounts subject to CIP/AML/KYC rules and/or requirements] creates a technical problem that results in a real liability/compliance risk to the entity handling the missed account(s)” (Spec. ¶ 5). The Specification further describes that the present invention “reduces or eliminates the risk of missing an account for review, re-review, or for or during an audit” (*id.* ¶ 6). Even further, the Specification discloses:

We have devised a technical solution to the query/report approach problem; a technical approach that helps ensure that accounts do not "fall through the cracks" or will be missed for review/re-review for compliance with policies implementing the CIP/AML/KYC rules and/or requirements to which an account

may be subject in each jurisdiction, for example, rules implementing Section 526 of the U.S. Patriot Act, as well as other regulatory processes such as Hong Kong Professional Investors (HKPI), and the European Markets in Financial Instruments Directive (MiFID) 2004/39/EC”

(*id.* ¶ 17). And even further, the Specification describes the invention is “for use in minimizing risk associated with complying with CIP/AML/HYC requirements by missing an account that should be certified” (*id.* ¶ 22).

Thus, Appellant’s Specification discloses that the purpose of its invention is to mitigate risk of missing an account subject to compliance with CIP/AML/KYC rules and/or requirements. The recited claims are directed to that purpose – comparing the data with rules to see if the rules apply, and based on that analysis, assigning accounts to various buckets based on whether any jurisdiction’s CIP/AML/KYC requirements may apply.

Accordingly, these steps comprise fundamental economic principles or practices and/or commercial or legal interactions; thus, the claim recites the abstract idea of “certain methods of organizing human activity” such as mitigating risk, sales activities and business relations (*see* Guidance, Section I (Groupings of Abstract Ideas)). Our reviewing courts have found claims to be directed to abstract ideas when they recited similar subject matter (*see 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”); *Dealertrack, Inc. v. Huber*, 674 F.3d 1315, 1333 (Fed. Cir. 2012) (claims directed to abstract idea of processing loan information through a clearinghouse); *Ultramercial, Inc. v. Hulu, LLC*, 772 F.3d 709, 715 (Fed. Cir. 2014) (sequence of receiving, selecting, offering for exchange, display, allowing access, and receiving payment recited an abstraction); *Inventor*

Holdings, LLC v. Bed Bath & Beyond, Inc., 876 F.3d 1372, 1378 (Fed. Cir. 2017) (holding that sequence of data retrieval, analysis, modification, generation, display, and transmission was abstract)).

Appellant further argues the claims are not directed to a fundamental economic practice and in particular, “there is nothing intuitive or fundamental about organizing accounts into ‘jurisdictional buckets’ and Scope/Reason buckets” (*id.*). We are not persuaded an ordinarily skilled artisan in the finance field would be unaware of “[t]he laws, rules and/or other legal controls . . . generally known as CIP, AML and/or KYC requirements” (Spec. 1 ¶ 2). Appellant additionally describes “[t]he possibility of any such miss [(of identifying accounts or conforming to rule)] creates a technical problem that results in a real liability/compliance risk to the entity handling the missed account(s)” (Spec. 2 ¶ 5). Accordingly, the claims are directed to certain methods of organizing human activity and in particular, fundamental economic principles or practices including mitigating risk.

Therefore, we conclude the claims recite an abstract idea pursuant to Step 2A, Prong One of the guidance (*see* Guidance, Section III(A)(1) (Prong One: Evaluate Whether the Claim Recites a Judicial Exception)).

STEP 2A Prong 2

Under Prong Two of the Revised Guidance, we must determine “whether the claim as a whole integrates the recited judicial exception into a practical application of the exception” (Guidance, Section III(A)(2)). The Guidance continues “[a] claim that integrates a judicial exception into a practical application will 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 judicial exception” (*id.*).

We acknowledge that some of the considerations at Step 2A, Prong 2, properly may be evaluated under Step 2 of *Alice* (Step 2B of the Office guidance). For purposes of maintaining consistent treatment within the Office, we evaluate them under Step 1 of *Alice* (Step 2A of the Office guidance) (*see* Guidance at 55 n.25, 27–32).

Appellant contends “the Examiner inappropriately strips out all unique and specific express features of the claim” (App. Br. 12). According to Appellant, “the entire claim must be considered” and the Examiner has “glossed over the expressly claimed elements,” and in particular, the recited modules (*id.* at 13). Appellant argues the claims recite “an unconventional data structure and method for interacting with that particular structure” that “improves[s] accuracy and usability and improve[s] the functionality of the system itself” (*id.*).

Appellant’s Specification supports the determination that the remaining limitations, “a processor,” “storage,” and “modules,” implementing the claimed invention recited in claims 1, 10 and 15, use generic computing elements performing generic computing functions. For example, the Specification describes “reference to ‘a processor’ is intended to encompass one, or more than one, processing element(s) whether microprocessor(s), minicomputer or mainframe processing units, server(s), or any other type of processing element, known or subsequently developed” (Spec. 22 ¶ 61). The Specification further discloses storage is “in the form of random access memory (RAM), read-only memory (ROM), non-transient

program storage, other non-transient storage such as disks, tape, DVD, CD, or any other media” (*id.*). Lastly, the Specification discloses a “module” is to be “understood as referring to any implementation, whether entirely in hardware, entirely in software and/or firmware running on some hardware (i.e., executed by one or more processors), or some combination thereof” (*id.* at 22–23 ¶ 62). Thus, the processes recited are performed using a generic processor and generic storage and each of the recited systems comprises a generic processor, generic storage, and generic modules.

We find Appellant’s claims are distinguished from those claims that our reviewing court has found to be patent eligible by virtue of reciting technological improvements to a computer system (*see, e.g., DDR Holdings, LLC v. Hotels.com LP*, 773 F.3d 1245, 1257 (Fed. Cir. 2014) (holding that claims reciting computer processor for serving “composite web page” were patent eligible because “the claimed solution is necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer networks”); *Visual Memory LLC v. NVIDIA Corp.*, 867 F.3d 1253, 1259 (Fed. Cir. 2017) (holding that claims directed to “an improved computer memory system” having many benefits were patent eligible)). For example, Appellant contends, like in *DDR*, the claims are necessarily rooted in computer technology in order to overcome a problem specifically arising in the realm of computer databases, in that the problem solved “is one that did not exist before computing systems” (Appeal Br. 14). Specifically, Appellant argues the technological problem of overlooking records is unique to database queries (Appeal Br. 15–16; Reply Br. 11). Appellant argues the various claimed modules implement a more efficient and extensible solution as compared to previous solutions (Appeal Br. 17).

We disagree with Appellant that overlooking or missing records is a problem unique to database queries. Rather, we agree with the Examiner that the claims are directed to an improvement to the abstract idea (*see* Ans. 5).

Appellant also contends the claims are similar to those in *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1303 (Fed. Cir. 2016) (Appeal Br. 11, 14). We disagree. In *McRO*, the Federal Circuit concluded that the claim, when considered as a whole, was directed to a “technological improvement over the existing, manual 3-D animation techniques” through the “use [of] limited rules . . . specifically designed to achieve an improved technological result in conventional industry practice” (*McRO*, 837 F.3d at 1316). Specifically, the Federal Circuit found that the claimed rules allowed computers to produce accurate and realistic lip synchronization and facial expressions in animated characters that previously could only be produced by human animators; and further, the rules were limiting because they defined morph weight sets as a function of phoneme sub-sequences (*id.* at 1313).

We find no evidence of record here that the present situation is like the one in *McRO* where computers had been unable to make certain subjective determinations, e.g., regarding morph weight and phoneme timings, which could only be made prior to the claimed invention by human animators. The Background section of one of the patents at issue in *McRO*, Rosenfeld (US Patent 6,307,576 B1; issued Oct. 23, 2001), includes a description of the admitted prior art method and the shortcomings associated with that prior method (*see McRO*, 837 F.3d at 1303–06). There is no comparable discussion in Appellant’s Specification or elsewhere of record (*see* Appeal Brief 12–14, Specification ¶¶ 60-62). Further, as the Federal Circuit has

explained, a “claim for a *new* abstract idea is still an abstract idea” (*Synopsis, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1151 (Fed. Cir. 2016)). Even assuming the technique claimed was “[g]roundbreaking, innovative, or even brilliant,” that would not be enough for the claimed abstract idea to be patent eligible (*see Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 591 (2013)).

Appellant contends “the claims recite a technical solution for a problem in an electronic context that improves speed and accuracy with a specific method of efficiently querying and storing data in a database system (Appeal Br. 14; Reply Br. 10). We disagree. Any alleged improvement to the efficiency, speed, and accuracy, arise out of the conventional advantages of using the claimed computer components as tools, and not a particular improvement to the computer itself (*see Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1370 (Fed. Cir. 2015) (“[M]erely adding computer functionality to increase the speed or efficiency of the process does not confer patent eligibility on an otherwise abstract idea”)).

Subsequently, we do not find Appellant’s arguments persuasive because the claims utilize a computerized account management system having a processor, storage, and a database without any improvement to the functioning of the devices themselves (*see* Specification ¶¶ 60-62; *see also Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335–36 (Fed. Cir. 2016) (“[W]e find it relevant to ask whether the claims are directed to an improvement to computer functionality versus being directed to an abstract idea . . . the focus of the claims is on the specific asserted improvement in computer capabilities (i.e., the self-referential table for a computer database) or, instead, on a process that qualifies as an ‘abstract idea’ for which

computers are invoked merely as a tool.”)). Instead, the claims recite, at most, a new arrangement of information, e.g., into buckets, in order to reduce the risk that an account is missed (*see* Spec. ¶ 5–6). Appellant argues the “Scope/Reason buckets . . . provide the discrepancy highlighting functionality that improves data quality,” and the “‘default bucket’ . . . ensures that no account ‘slips through the cracks’ and reduces organizational non-compliance risk (Appeal Br. 17; Reply Br. 10). However, Appellant has not sufficiently explained how these “buckets” constitute “an unconventional data structure” in such a way that they improve the functioning of the computer, make the computer operate more efficiently, or solve any technological problem.

Therefore, the claims do not recite an additional element or elements that reflect an improvement in the functioning of a computer, or an improvement to other technology or technical field (*see Alice*, 573 U.S. at 222 (“In holding that the process was patent ineligible, we rejected the argument that ‘implement[ing] a principle in some specific fashion’ will ‘automatically fal[l] within the patentable subject matter of § 101.’” (Alterations in original) (quoting *Parker v. Flook*, 437 U.S. 584, 593 (1978)))).

Accordingly, we determine the claims do not integrate the judicial exception into a practical application (*see* Guidance, Section III(A)(2) (Prong Two: If the Claim Recites a Judicial Exception, Evaluate Whether the Judicial Exception Is Integrated Into a Practical Application)).

STEP 2B

Next, we determine whether the claims include additional elements that provide significantly more than the recited judicial exception, thereby

providing an inventive concept (*Alice*, 573 U.S. at 218–219 (quoting *Mayo*, 566 U.S. at 72–73)). “If a claim has been determined to be directed to a judicial exception under revised Step 2A,” the additional elements should be evaluated “individually and in combination . . . to determine whether they provide an inventive concept (*i.e.*, whether the additional elements amount to significantly more than the exception itself)” (Guidance, Section III(A)(2)).

Appellants argue:

[T]he Examiner’s Answer does not, as a matter of law, satisfy the Office’s burden of showing that the claims do not amount to “significantly more.” *See Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018). “Whether something is well-understood, routine, and conventional to a skilled artisan at the time of the patent [application] is a factual determination” (*id.* at 1369), and cannot be maintained without an express admission by the applicant, citation to a court decision or other appropriate publication, or a taking of official notice based on an examiner’s personal certainty. (*See* April 2018 Memo Re: Changes in Examination Procedure Pertaining to Subject Matter Eligibility, at 3-4)

(Reply Brief 8). The Guidance in Section III(B), footnote 36 states (emphasis added):

In accordance with existing guidance, an examiner’s conclusion that an additional element (or combination of elements) is well understood, routine, conventional activity must be supported with a factual determination. For more information concerning evaluation of well-understood, routine, conventional activity, *see* MPEP 2106.05(d), as modified by the USPTO *Berkheimer* Memorandum.

We do not find Appellant’s argument persuasive of Examiner error. The Examiner determines, “[t]he term ‘fundamental’ is used in the sense of

being foundational or basic, and not in the sense of necessarily being ‘old’ and ‘well-known’” (July 2015 Update: Subject Matter Eligibility, p. 4 [“The phrase ‘fundamental economic practices’ is used to describe concepts relating to the economy and commerce, such as agreements between people in the form of contracts, legal obligations, and business relations. The term ‘fundamental’ is used in the sense of being foundational or basic, and not in the sense of necessarily being ‘old’ or ‘well-known.’],” Final Action 3). Thus, Appellant’s arguments are not persuasive.

Furthermore, we agree with the Examiner’s determination that the claims do not recite “more than the abstract idea itself” (Final Act. 7) and therefore, do not include additional elements providing significantly more than the recited judicial exception. In particular, we agree with the Examiner that the claims recite “‘retrieving . . . specified data,’ ‘comparing [] data . . . ,’ ‘applying exclusion rules,’ ‘storing [] individual account’s identifier in exclusion results storage [] with exclusion data . . . ,’ and ‘merging and aggregating’ data” (Final Act. 7) (*see Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1378 (Fed. Cir. 2017) (holding that considering claims reciting data retrieval, analysis, modification, generation, display, and transmission as an “‘ordered combination’” reveals that they “amount to ‘nothing significantly more’ than an instruction to apply [an] abstract idea” using generic computer technology) (internal citation omitted); *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 is insufficient to add an inventive concept)).

Similarly, the remaining claim limitations recited in independent claims 10 and 15, which are not part of the abstract idea discussed above, recite generic computing elements and functions, e.g., “processor,” “storage,” and various “modules” running on the processor (*see, e.g., Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324–25 (Fed. Cir. 2016) (holding that “generic computer components such as an ‘interface,’ ‘network,’ and ‘database’” did not satisfy the “inventive concept” requirement); *Fair Warning IP, LLC v. Iatric Sys., Inc.*, 839 F.3d 1089, 1096 (Fed. Cir. 2016) (noting that using generic computing components like a microprocessor or user interface do not transform an otherwise abstract idea into eligible subject matter); *Prism Techs. LLC v. T-Mobile USA, Inc.*, 696 F. App’x 1014, 1016–17 (Fed. Cir. 2017) (describing the claimed “authentication server,” “access server,” “Internet Protocol network,” “client computer device,” and “database” as “indisputably generic computer components”)).

Moreover, to the extent Appellant relies on the novelty or non-obviousness (Appeal Br. 18), “[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” (*Diamond v. Diehr*, 450 U.S. 175, 188–89 (1981)). A novel and nonobvious claim directed to a purely abstract idea is, nonetheless, patent ineligible (*see Mayo*, 566 U.S. at 90).

We, thus, conclude the claims do not provide an inventive concept because the additional elements recited in the claims do not provide significantly more than the recited judicial exception. Therefore, independent claims 1, 10, and 15 do not recite patent-eligible subject matter

Appeal 2018-007220
Application 14/509,099

under 35 U.S.C. § 101. Claims 2–9, 11–14, and 16–20 depend from independent claims 1, 10, and 15, respectively. Appellant did not argue these claims separately, instead relying on the arguments set forth for the independent claims (*see generally* App. Br.). Accordingly, claims 2–9, 11–14, and 16–20 are not directed to patent-eligible subject matter under 35 U.S.C. § 101.

DECISION

The Examiner’s rejection of claims 1–20 under 35 U.S.C. § 101 for being directed to patent ineligible subject matter is affirmed.

FINALITY AND 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