UNITED STATES PATENT AND TRADEMARK OFFICE

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WELSH FLAXMAN & GITLER LLC
2000 DUKE STREET, SUITE 100
ALEXANDRIA, VA 22314

EXAMINER
NICHOLS, JENNIFER ELIZABETH-JO

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte GAUTHAM SASTRI

_____

Appeal 2018-007315
Application 13/427,830
Technology Center 2100

_____

Before MEREDITH C. PETRAVICK, MICHAEL C. ASTORINO, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant[1] appeals from the
Examiner's decision rejecting claims 1, 2, 4–7, 9, and 10. We have
jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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[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 iSentium
LLC. Appeal Br. 1.

ILLUSTRATIVE CLAIM

1. A reaction indicator in a form of a computer-implemented graphical user interface, the reaction indicator combining sentiment and intensity data relating to a publicly traded asset for use in real-time evaluation of the publicly traded asset, comprising:

a monitor displaying graphic objects in a computer-implemented graphical user interface wherein the graphic objects are generated by a computer based upon sentiment and intensity data from a volume of social media messages relating to an asset;

the graphic objects displayed upon the monitor depicting intensity and social media market sentiment derived based upon pairs of lexical items in local syntactic context found in the volume of social media messages relating to the asset, the social media messages being of at most 140 characters, wherein the graphic objects are determined by the computer by

ingesting the social media messages, filtering the social media messages to form filtered social media messages,

processing the filtered social media messages based upon lexical databases to form filtered and processed social media messages,

applying rules to the filtered and processed social media messages so as to compute a representation of sentiment values of the filtered and processed social media messages, wherein each lexical item and phrase maintained in the lexical database is associated with an inherent polarity value and an inherent strength value used in computing lexical polarity and strength values defining the representation of sentiment values, the representation of the sentiment values being composed of a time series of the sentiment values of the filtered and processed social media messages and a time series of frequency of the filtered and processed social media messages,

establishing a target real-valued time series
relating to the asset, the target real-valued time series
being composed of a sequence of time and value pairs
ordered by increasing time, and

cross correlating the time series of the sentiment
values of the filtered and processed social media
messages and the time series of frequency of the filtered
and processed social media messages with the target real-
valued time series through an interpolation method based
upon time and lag to identify a cross correlation value
indicative of relevant patterns between the time series of
the sentiment values of the filtered and processed social
media messages, the time series of frequency of the
filtered and processed social media messages, and the
target real-valued time series, the cross correlation value
is displayed as the graphic objects depicting relations
identified by patterns between the time series of the
sentiment values of the filtered and processed social
media messages and the time series of frequency of the
filtered and processed social media messages with the
target real-valued time series,

predicting future properties of the asset based upon
patterns identified as being highly relevant based upon
the step of cross correlating and generating trading
signals based upon the predictions.

REFERENCES

Name	Reference	Date
McAtamney	US 2007/0005477 A1	Jan. 4, 2007
Wanzke et al. ("Wanzke")	US 2008/0192069 A1	Aug. 14, 2008
Godbole et al. ("Godbole")	US 2008/0270116 A1	Oct. 30, 2008
Goeldi	US 2010/0121707 A1	May 13, 2010
Busch et al. ("Busch")	US 2010/0299301 A1	Nov. 25, 2010
Janssens et al. ("Janssens")	US 2010/0332465 A1	Dec. 30, 2010

REJECTIONS[2]

I. Claims 1, 2, 4–7, 9, and 10 are rejected under 35 U.S.C. § 101 as ineligible subject matter.

II. Claims 1, 2, 5, 7, 9, and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Goeldi, Godbole, Wanzke, and Busch.

III. Claim 4 is rejected under 35 U.S.C. § 103(a) as unpatentable over Goeldi, Godbole, Wanzke, Busch, and Janssens.

IV. Claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over Goeldi, Godbole, Wanzke, Busch, and McAtamney.

FINDINGS OF FACT

The findings of fact relied upon, which are supported by a preponderance of the evidence, appear in the following Analysis.

ANALYSIS

Subject Matter Eligibility

Under 35 U.S.C. § 101, an invention is patent-eligible if it claims a "new and useful process, machine, manufacture, or composition of matter." 35 U.S.C. § 101. Yet, subject matter belonging to any of the statutory categories may, nevertheless, be ineligible for patenting. The Supreme Court has interpreted § 101 to exclude laws of nature, natural phenomena, and abstract ideas, because they are regarded as the basic tools of scientific and technological work, such that including them within the domain of

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[2] In addition to the rejections enumerated herein, the Final Office Action (pages 10–12) rejects claims 1, 2, 4–7, 9, and 10 are under 35 U.S.C. § 101, as constituting non-statutory subject matter, and under 35 U.S.C. § 112 (pre-AIA), second paragraph, as indefinite. These rejections are withdrawn. *See* Answer 3–4.

patent protection would risk inhibiting future innovation premised upon them. *Ass'n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 589 (2013).

Of course, "[a]t some level, 'all inventions . . . embody, use, reflect, rest upon, or apply'" these basic tools of scientific and technological work. *Alice Corp. v. CLS Bank Int'l*, 573 U.S. 208, 217 (2014). Accordingly, evaluating ineligible subject matter, under these judicial exclusions, involves a two-step framework for "distinguish[ing] between patents that claim the buildin[g] block[s] of human ingenuity and those that integrate the building blocks into something more, thereby transform[ing] them into a patent-eligible invention." *Id.* (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 88–89 (2012) (internal quotation marks omitted)). The first step determines whether the claim is directed to judicially excluded subject matter (such as a so-called "abstract idea"); the second step determines whether there are any "additional elements" recited in the claim that (either individually or as an "ordered combination") amount to "significantly more" than the identified judicially excepted subject matter itself. *Id.* at 217–18.

In 2019, the USPTO published revised guidance on the application of § 101, in accordance with judicial precedent. *See* 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50, 52 (Jan. 7, 2019) ("2019 Revised Guidance"). Under the 2019 Revised Guidance, a claim is "directed to" an abstract idea, only if the claim recites any of (1) mathematical concepts, (2) certain methods of organizing human activity, and (3) mental processes — without integrating such abstract idea into a "practical application," i.e., without "apply[ing], rely[ing] on, or us[ing] 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.* at 52–55. The considerations articulated in MPEP § 2106.05(a)–(c) and (e)–(h) bear upon whether a claim element (or combination of elements) integrates an abstract idea into a practical application. *Id.* at 55. A claim that is "directed to" an abstract idea constitutes ineligible subject matter, unless the claim recites an additional element (or combination of elements) amounting to significantly more than the abstract idea. *Id.* at 56.

Although created "[i]n accordance with judicial precedent" (*id.* at 52), the 2019 Revised Guidance enumerates the analytical steps differently than the Supreme Court's *Alice* opinion. Step 1 of the 2019 Revised Guidance addresses whether the claimed subject matter falls within any of the statutory categories of § 101. *Id.* at 53–54. Step 2A, Prong One, concerns whether the claim at issue recites ineligible subject matter and, if an abstract idea is recited; Step 2A, Prong Two, addresses whether the recited abstract idea is integrated into a practical application. *Id.* at 54–55. Unless such integration exists, the analysis proceeds to Step 2B, in order to determine whether any additional element (or combination of elements) amounts to significantly more than the identified abstract idea. *Id.* at 56.

The Appellant argues claims 1, 2, 4–7, 9, and 10 as a group. Appeal Br. 10–16. Pursuant to 37 C.F.R. § 41.37(c)(1)(iv), independent claim 1 is selected for analysis herein.

As to Step 1 of the 2019 Revised Guidance, the Final Office Action (pages 11–12) states that "[c]laim 1 does not fall within at least one of the

four categories of patent eligible subject matter"; however, this rejection is withdrawn (Answer 4).

With regard to the inquiries corresponding to Step 2A, Prong One, the Examiner identifies the following claim limitations as a "fundamental economic practice[ ]":

> filtering the social media messages to form filtered social media messages,
>
> processing the filtered social media messages based upon lexical databases to form filtered and processed social media messages,
>
> applying rules to the filtered and processed social media messages so as to compute a representation of sentiment values of the filtered and processed social media messages, . . . the representation of sentiment values, the representation of the sentiment values being composed of a time series of the sentiment values of the filtered and processed social media messages and a time series of frequency of the filtered and processed social media messages,
>
> establishing a target real-valued time series relating to the asset, the target real-valued time series being composed of a sequence of time and value pairs ordered by increasing time, and
>
> cross correlating the time series of the sentiment values of the filtered and processed social media messages and the time series of frequency of the filtered and processed social media messages with the target real-valued time series through an interpolation method based upon time and lag to identify a cross correlation value indicative of relevant patterns between the time series of the sentiment values of the filtered and processed social media messages, the time series of frequency of the filtered and processed social media messages, and the target real-valued time series, . . . [and]
>
> predicting future properties of the asset based upon patterns identified as being highly relevant based upon the step of cross correlating.

Final Action 12–13.

In addition, the Examiner states that the foregoing limitations form the "analyzing" part of the trio of "collecting information, analyzing it, and displaying certain results of the collection and analysis" identified as an abstract idea in *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016), together with the following limitations of claim 1: "ingesting the social media messages" (collecting); and "displaying graphic objects in a computer-implemented graphical user interface," "the graphic objects displayed upon the monitor depicting intensity and social media market sentiment derived based upon pairs of lexical items in local syntactic context found in the volume of social media messages relating to the asset," and "the cross correlation value is displayed as the graphic objects depicting relations identified by patterns between the time series of the sentiment values of the filtered and processed social media messages and the time series of frequency of the filtered and processed social media messages with the target real-valued time series" (displaying). Final Action 12–14.

Still further, the Examiner likens all of the above-identified subject matter to those in claims regarded as abstract ideas in various other court decisions. *Id.* at 14–15 (citing *Gottschalk v. Benson*, 409 U.S. 63 (1972), *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332 (Fed. Cir. 2017), *Content Extraction & Transmission LLC v. Wells Fargo Bank*, 776 F.3d 1343 (Fed. Cir. 2014), *Digitech Image Techs., LLC v. Elecs. For Imaging, Inc.*, 758 F.3d 1344 (Fed. Cir. 2014), *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366 (Fed. Cir. 2011), and *Classen Immunotherapies, Inc. v. Biogen Idec*, 609 F.3d 1057 (Fed. Cir. 2011)).

The Examiner also states that "[t]he limitation of 'generating trading signals based upon the predictions' is the abstract idea because it merely computerizes a business method." *Id.* at 14.

Viewed through the lens of the 2019 Revised Guidance, the Examiner's analysis (*see* Final Action 13) could be understood to characterize claim 1 as reciting a type of "advertising, marketing, or sales activit[y]" — a "commercial . . . interaction[ ]" that could constitute an abstract idea, in the form of a method of organizing human activity. 2019 Revised Guidance, 84 Fed. Reg. at 52.

Portions of the identified claim language (*see* Final Action 12–15) might also be regarded as reciting a mental process — another category of abstract idea — because it includes "concepts performed in the human mind (including an observation, evaluation, judgment, opinion)." 2019 Revised Guidance, 84 Fed. Reg. at 52 (footnotes omitted). The court cases identified on page 15 of the Final Office Action (*Benson*, *Intellectual Ventures*, *Content Extraction*, *Digitech*, *CyberSource*, and *Classen Immunotherapies*), although they employ a variety of verbal formulations, all refer to claims reciting types of mental processes.

However, the Examiner's reliance on *Electric Power Group* is somewhat misplaced. Although *Electric Power Group* determines that the claim language describing "collecting information, analyzing it, and displaying certain results of the collection and analysis" recites a mental process, the Federal Circuit was careful to point out that the claims at issue were remarkable for their lack of detail — particularly as to what constitutes the claimed "analyzing" and "displaying." *Elec. Power Grp.*, 830 F.3d at 1353. The *Electric Power Group* claims fail to recite what type of

"analy[sis]" would be performed and how this might be accomplished, and the claims also fail to delineate any particular technique or instrumentality for "displaying" the results:

> Though lengthy and numerous, the claims do not go beyond requiring the collection, analysis, and display of available information in a particular field, stating those functions in general terms, without limiting them to technical means for performing the functions that are arguably an advance over conventional computer and network technology.

Id. at 1351. *See also id.* at 1355 ("The claims in this case do not even require a new source or type of information, or new techniques for analyzing it.") (citations omitted). Additionally, according to *Electric Power Group*,

> a large portion of the lengthy claims is devoted to enumerating types of information and information sources available within the power-grid environment. But merely selecting information, by content or source, for collection, analysis, and display does nothing significant to differentiate a process from ordinary mental processes, whose implicit exclusion from § 101 undergirds the information-based category of abstract ideas.

Id. at 1355. Accordingly, the court in *Electric Power Group*, in describing the shortcomings of the claims at issue in that case, repeatedly invokes the caveat "without more," in order to emphasize the unusually spare nature of the claims before the court — in regard to the very features that would need to be more fulsome, in order to avoid the pitfall of subject-matter ineligibility. *Id.* at 1354 ("[W]e have treated 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"; "[W]e have recognized that merely presenting the results of abstract processes of collecting and analyzing information, *without more* (such as identifying a particular tool for presentation), is abstract as an ancillary part

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of such collection and analysis"; "Most obviously, limiting the claims to the particular technological environment of power-grid monitoring is, *without more*, insufficient to transform them into patent-eligible applications of the abstract idea at their core.") (emphasis added).

In contrast to the claims in *Electric Power Group*, the portions of the Appellant's claim 1 that the Examiner characterizes as corresponding to "collecting," "analyzing," and "displaying" (*see* Final Action 12–14) involve significant complexity — reciting, for example:

> cross correlating the time series of the sentiment values of the filtered and processed social media messages and the time series of frequency of the filtered and processed social media messages with the target real-valued time series through an interpolation method based upon time and lag to identify a cross correlation value indicative of relevant patterns between the time series of the sentiment values of the filtered and processed social media messages, the time series of frequency of the filtered and processed social media messages, and the target real-valued time series.

The word "analyzing" does not capture all of the complexity in this claim language.

Similarly unavailing is the Examiner's position that "[t]he limitation of 'generating trading signals based upon the predictions' is the abstract idea because it merely computerizes a business method." Final Action 14. This statement, by itself, does not amount to a viable legal standard. Rather than belonging to any judicial exception that the Examiner identifies, claim 1's limitation of "generating trading signals based upon the predictions" would be better characterized as an additional element, for consideration under Step 2A, Prong Two, or Step 2B of the 2019 Revised Guidance.

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The Appellant disputes the Examiner's determination that claim 1 recites an abstract idea, arguing:

> The pending claims are directed to a reaction indicator in the form of a computer-implemented graphical user interface. The reaction indicator combines sentiment and intensity data relating to a publicly traded asset for use in real-time evaluation of the publicly traded asset. This does not constitute a broad idea or a fundamental practice, and does not constitute an abstract idea as contemplated by the Supreme Court. Rather, the claimed invention constitutes a real world reaction indicator embodied in the form of a graphical user interface for the purpose of using vast amounts of social media data to generate and display sentiment and intensity data relating to a publicly traded asset for use in real-time evaluation of publicly traded assets. As such, there is nothing abstract about the claimed method and the pending claims are entitled to patent protection.

Appeal Br. 11.

The Appellant's view that the claimed subject matter is a "real world" solution would not preclude a claim from being directed to a judicial exception. Indeed, the Supreme Court has explained that such considerations do not resolve the question of subject-matter eligibility:

> The fact that a computer necessarily exist[s] in the physical, rather than purely conceptual, realm, is beside the point. There is no dispute that a computer is a tangible system (in § 101 terms, a "machine"), or that many computer-implemented claims are formally addressed to patent-eligible subject matter. But if that were the end of the § 101 inquiry, an applicant could claim any principle of the physical or social sciences by reciting a computer system configured to implement the relevant concept. Such a result would make the determination of patent eligibility depend simply on the draftsman's art, thereby eviscerating the rule that [l]aws of nature, natural phenomena, and abstract ideas are not patentable.

Alice, 573 U.S. at 224 (citations and internal quotation marks omitted).

To the extent that the Appellant relies upon claim 1's "real-time evaluation" of "vast amounts of social media data" (Appeal Br. 11), we understand the Appellant to argue that the demands of handling "raw data composed of millions, if not billions, of social media messages" (*id.* at 14; *see also* Reply Br. 2) might exceed the abilities of the human mind, such that the subject matter would not constitute a mental process. However, there does not appear to be any claim language that might mandate the handling of such massive volumes of data — and the Appellant identifies none.

In view of the foregoing, we are not persuaded of error, in regard to the inquiries corresponding to Step 2A, Prong One, of the 2019 Revised Guidance.

Turning to Step 2A, Prong Two, unless a claim that recites a judicial exception (such as an abstract idea) "integrates the recited judicial exception into a practical application of that exception," the claim is "directed to" the judicial exception. 2019 Revised Guidance, 84 Fed. Reg. at 53. The analysis of such an "integration into a practical application" involves "[i]dentifying . . . any additional elements recited in the claim beyond the judicial exception(s)" and "evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application." *Id*. at 54–55. Among the considerations "indicative that an additional element (or combination of elements) may have integrated the exception into a practical application" is whether "[a]n additional element reflects an improvement in the functioning of a computer, or an improvement to other technology or technical field." *Id.* at 55 (footnote omitted). "[W]hether an additional element or combination of elements

integrate[s] the exception into a practical application should be evaluated on the claim as a whole." *Id.* at 55 n.24.

The Appellant contends that the claimed subject matter "improves the relevant technology" (Appeal Br. 12), but does not pinpoint any additional elements that might accomplish the improvement, or precisely what the improvement would be.

The Appellant also contends that claim 1, in the manner of claims in *DDR Holdings LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014), "provides a solution specifically arising in the realm of computer networks," because "the present invention would not have been possible in the pre-Internet world." Appeal Br. 15. *See also* Reply Br. 8 ("If the claimed invention is not rooted in computer technology, it must be asked what it is rooted in.")

Yet, "not all claims purporting to address Internet-centric challenges are eligible for patent." *DDR*, 773 F.3d at 1258. Although claim 1 unquestionably operates on computer/Internet materials ("social media messages"), the Appellant does not identify any aspect in which the claim overcomes some problem that is an artifact of the computer technology at issue, in the manner of *DDR*. *See id.* ("[T]he 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.") Contrary to the situation in *DDR*, claim 1 relies upon computer technology as a tool to implement a technique that the Examiner identifies as an abstract concept. *See* Answer 12–13.

Therefore, we are not persuaded of error in the rejection, with regard to analyses corresponding to Step 2A, Prong Two.

Proceeding to Step 2B of the 2019 Revised Guidance (84 Fed. Reg. at 56), a claim that recites a judicial exception (such as an abstract idea) might, nevertheless, be patent-eligible, if the claim contains "additional elements amount[ing] to significantly more than the exception itself" — i.e., "a specific limitation or combination of limitations that [is] not well-understood, routine, conventional activity in the field, which is indicative that an inventive concept may be present." *See Alice*, 573 U.S. at 223 ("[T]he mere recitation of a generic computer cannot transform a patent-ineligible abstract idea into a patent-eligible invention.")

The Appellant (Appeal Br. 13–14) argues that claim 1 "provides a highly complex reaction indicator in the form of a computer-implemented graphical user interface, wherein the reaction indicator combines sentiment and intensity data relating to a publicly traded asset for use in real-time evaluation of the publicly traded asset," but relies extensively upon claim limitations that the Examiner determines to be part of a judicial exception (Final Action 12–14). As such, the Appellant's position is not based upon "additional elements," as Step 2B requires. "It has been clear since *Alice* that a claimed invention's use of the ineligible concept to which it is directed cannot supply the inventive concept that renders the invention 'significantly more' than that ineligible concept." *BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1290 (Fed. Cir. 2018).

Further, the Appellant reprises an argument, addressed above, to the effect that claim 1 provides:

> [A] solution to a problem confronting the present world, that is,
> how to make use of the vast amounts of available data in a
> concrete, effective and tangible manner. The claimed steps take
> previously useless social media data and processes the data to
> allow for real-time use thereof.

Appeal Br. 15. Yet, the Appellant's assertion hinges upon the proposed
invention's capacity to harness "the raw data composed of millions, if not
billions, of social media messages" that is "useless by itself for the purpose
of predicting future properties of an asset," such as "the real-time use of this
data through the provision of a reaction indicator." *Id.* at 14. As explained
above, the Appellant's argument is deficient, because the claim language
does require the contemplated massive volume of data. *See* Answer 11.

Therefore, we are also not persuaded of error in the Examiner's
analysis corresponding to Step 2B of the 2019 Revised Guidance.
Accordingly, and in view of the foregoing, we sustain the rejection of
claims 1, 2, 4–7, 9, 10 under 35 U.S.C. § 101.

Obviousness

Among the arguments that the Appellant presents, in regard to the
obviousness rejections, the Appellant contends that the Examiner
erroneously determines (*see* Final Action 22–23) that the Godbole reference
discloses the following features of claim 1:

> cross correlating the time series of the sentiment values of the
> filtered and processed social media messages and the time
> series of frequency of the filtered and processed social media
> messages with the target real-valued time series.

See Appeal Br. 19–24. Notably, claim 1 also states that the recited "target
real-valued time series" is "a sequence of time and value pairs ordered by
increasing time," "relating to the asset" (identified in the claim as a "publicly

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traded asset"), and the "cross correlating" is performed in order to "identify a cross correlation value indicative of relevant patterns between the time series of the sentiment values . . ., the time series of frequency . . ., and the target real-valued time series."

The Appellant maintains that the Examiner incorrectly maps Godbole's median of sentiment values (associated with, e.g., American Idol contestant Taylor Hicks in Figure 7 of the reference) to the claimed "target real-valued time series." *See* Appeal Br. 20, Reply Br. 9–10. According to the Examiner:

> The median value, which represents the target real-valued time series, is composed of a sequence of time and value pairs ordered by increasing time. There is nothing in the claim that requires the median not to be a "flat line". Appellant admits that the "medium" value . . . is presented along a timeline (sequences of time) and it represents a midpoint of observed values (values pairs). Since the sentiment and polarity values are graphed along with the median value, a correlation is occurring between the values and relevant patterns can therefore be determined.

Answer 15.

Yet, the Examiner's reliance on Godbole's median value, for the disclosure of the "target real-valued time series," would negate the claimed requirement that the "cross correlation value" be "indicative of relevant patterns between the time series of the sentiment values," "the time series of frequency," and the "target real-valued time series." Because, in the Examiner's mapping, there is no variation in the "target real-valued time series," the claimed "cross correlation" reveals no "patterns."

The understanding that the "target real-valued time series" cannot be a simple median, throughout the time frame in question, is further supported by the Specification, which states:

> [T]he present system and method provides a mechanism for cross-correlating the sentiment and intensity data with *the actual fluctuations with asset prices*. The present invention provides two methods to find patterns in a target real-valued time series by utilizing two other real-valued time series derived from a stream of social-media messages (Twitter for instance): sentiment and frequency.

Spec. 50 (emphasis added).

Furthermore, the Examiner's proposal to use Godbole's median value (as the claimed "target real-valued time series") would undermine the overall goal of claim 1: "predicting future properties of the asset based upon patterns identified as being highly relevant based upon the step of cross correlating."

Accordingly, we are persuaded of error in the rejection of independent claim 1, such that we do not sustain the rejection of claim 1 and dependent claims 2, 4–7, 9, and 10, under 35 U.S.C. § 103(a).

CONCLUSION

In summary:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 2, 4–7, 9, 10	101	Subject matter eligibility	1, 2, 4–7, 9, 10	
1, 2, 5, 7, 9, 10	103(a)	Goeldi, Godbole, Wanzke, Busch		1, 2, 5, 7, 9, 10
4	103(a)	Goeldi, Godbole, Wanzke, Busch, Janssens		4
6	103(a)	Goeldi, Godbole, Wanzke, Busch, McAtamney		6
Overall Outcome			1, 2, 4–7, 9, 10	

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