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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/198,429	06/30/2016	Joseph Tierney Masters Emison	261-05	8247
88145	7590	10/01/2019	EXAMINER	
Thompson Patent Law Offices PC 201 S. Lakeline Blvd., Suite 704 Cedar Park, TX 78613			WARDEN, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3693	
			NOTIFICATION DATE	DELIVERY MODE
			10/01/2019	ELECTRONIC

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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* JOSEPH TIERNEY MASTERS EMISON

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Appeal 2018-007730  
Application 15/198,429  
Technology Center 3600

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Before JUSTIN BUSCH, JOHN D. HAMANN, and JASON M. REPKO,  
*Administrative Patent Judges.*

BUSCH, *Administrative Patent Judge.*

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 21–30, which constitute all pending claims in this application. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

Appellant's claimed invention generally relates to determining roof age and an associated confidence score based on roof-age data in a database

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<sup>1</sup> 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 BuildFax, Inc. Br. 3.

“for use in the homeowners insurance industry.” Spec. ¶ 2. The claimed invention relates to using permit information of other properties to estimate the age of a target property’s roof, which can be used to determine whether to inspect and properly insure the target property. Spec. ¶¶ 7–11. Claims 21 and 28–30 are independent claims. Claim 21 is reproduced below:

21. A computer-implemented method for estimating roof age of a target structure, the method comprising:

identifying a target structure for which an estimated roof age is desired;

extracting from building permit documentation, roof permit documentation, inspection documentation by permitting authorities, roof warranty documentation, or roof material delivery documentation a year in which a roof replacement was performed for a plurality of structures located within a selected geographical region encompassing the target structure, which documentation is provided in computer-readable form and stored in a non-transitory computer-readable medium;

using a computer processor, determining a coverage area within the selected geographical region that has a desired level of roof enforcement by a permitting authority and is based on one or more of the following:

(i) a percentage of the number of roof permits compared with a total number of overall permits for the selected geographical region,

(ii) a percentage of the number of roof permits compared with population of the selected geographical region, or

(iii) a percentage of the number of roof permits compared with the number of structures located in the selected geographical region;

estimating a roof age of the target structure, without roof replacement information for the target structure and by using a computer processor, by determining an area average roof age for the coverage area as an estimated roof age of the target structure;

returning the estimated roof age of the target structure to a user.

## REJECTION

Claims 21–30 stand rejected under 35 U.S.C. § 101 as being directed to ineligible subject matter. Final Act. 5–8.

## ANALYSIS

The Examiner concludes claims 21–30 are directed to judicially excepted subject matter. Final Act. 5–8; Ans. 4–7. Appellant generally argues the § 101 rejection of all claims as a group. Br. 9–19. Appellant notes the differences in the recited claim language between independent claims 21 and 28–30, alleging different elements of these claims add significantly more to the abstract idea. Br. 12–16. We generally discuss the claims with respect to claim 21, but address the differences in the limitations recited in claims 28–30. Appellant chose not to file a reply brief.

The Examiner concludes the recited steps of determining a coverage area, estimating a roof age, calculating a weighted area average roof age, determining an enforcement level, determining a confidence score, and auditing data just describe the concept of estimating a roof age, which is an abstract idea. Final Act. 5; *see also* Final Act. 6 (determining claim 30 also “is directed to a mathematical algorithm,” because it calculates a roof age from a mathematical model). The Examiner explains that the claims’ relationship to tangible objects (i.e., a roof) does not change the character of the claims as being directed to the abstract idea of estimating a roof age. Final Act. 3. The Examiner determines the additional computer elements “are recited at a high level of generality [and] provide conventional computer functions that do not add meaningful limits to practicing the abstract idea,” either individually or as an ordered combination. Final Act. 5–6. The Examiner determines the additional steps related to extracting

information, receiving data, converting data into a standardized format, and returning information to a user do not render the claims eligible because “[t]hese steps are mere extra-solution activities, formatting, gathering and sending data . . . recited at a high level of generality and are recited as performing generic computer functions routinely used in computer applications.” Final Act. 7. The Examiner also determines the additional elements individually are well-understood, routine, and conventional computer elements or functions that simply implement the abstract idea on a computer and, when taken in combination, add nothing other than what the elements add individually because their collective function fails to improve a computer or other technology. Final Act. 7; *see also* Ans. 4–5 (explaining that using a unique set of data or particular calculations using certain data, even if novel, does not change the character of the claim or render the claims eligible as being directed to more than an abstract idea).

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 United States Patent and Trademark 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) (“Guidance”).

If a claim falls within one of the statutory categories of patent eligibility (i.e., a process, machine, manufacture, or composition of matter), we determine 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 our inquiry, we “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). The Guidance directs us to address this inquiry using the following 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 Guidance, if the judicial exception is integrated into a practical application, the claim is patent eligible under § 101. 84 Fed. Reg. at 54–55. If the claim is directed to a judicial exception (i.e., the claim both recites a judicial exception and fails to integrate the exception into a practical application), we next determine whether the claim provides an inventive concept, which includes determining 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.

Here, we conclude the claims are directed to mental processes (i.e., a concept performed in the human mind, such as, an observation, evaluation, judgment, and opinion), which are abstract ideas. *See* 84 Fed. Reg. at 52. The claims are directed to estimating the age of a target structure’s roof, and a level of confidence in the estimate, using non-target structure information. This is consistent with how Appellants describe the claimed invention. *See* Spec. ¶¶ 2 (“the present invention relates to a computer-implemented method for determining roof age and a roof age confidence score based on information stored in a database of roof-age source information”), 7–11 (describing embodiments using various information to estimate roof age); Br. 6 (“Independent claim 21 and its dependents and claims 28-30 relate to

computer-implemented methods for estimating roof age of a target structure. The methods rely on algorithmic rules to estimate the roof age of a target structure based on information from non-target structures.”), 9 (“Appellant's claims are directed to specific mathematical rules for estimating the roof age of a target structure”).

Claim 21 is reproduced below, with the claim limitations that recite elements of the abstract idea of estimating the age of a target structure’s roof, and a level of confidence in the estimate, using non-target structure information emphasized in *italics*:

21. A computer-implemented method for estimating roof age of a target structure, the method comprising:

*identifying a target structure for which an estimated roof age is desired;*

*extracting from building permit documentation, roof permit documentation, inspection documentation by permitting authorities, roof warranty documentation, or roof material delivery documentation a year in which a roof replacement was performed for a plurality of structures located within a selected geographical region encompassing the target structure, which documentation is provided in computer-readable form and stored in a non-transitory computer-readable medium;*

*using a computer processor, determining a coverage area within the selected geographical region that has a desired level of roof enforcement by a permitting authority and is based on one or more of the following:*

*(i) a percentage of the number of roof permits compared with a total number of overall permits for the selected geographical region,*

*(ii) a percentage of the number of roof permits compared with population of the selected geographical region, or*

*(iii) a percentage of the number of roof permits compared with the number of structures located in the selected geographical region;*

*estimating a roof age of the target structure, without roof replacement information for the target structure and by using a computer processor, by determining an area average roof age for the coverage area as an estimated roof age of the target structure;*

*returning the estimated roof age of the target structure to a user.*

More particularly, estimating the age of a target structure's roof, and a level of confidence in the estimate, using non-target structure information comprises (i) identifying a target structure—an observation and evaluation or judgment; (ii) extracting (or receiving) information from various sources (i.e., permit, inspection, warranty, and material delivery documentation)—an observation; (iii) determining a relevant region based on a mathematical relationship identified in the collected information—an evaluation or judgment; (iv) estimating the target structure's roof age based on a mathematical relationship of non-target structures in the relevant region—a judgment, opinion, or mathematical determination; and (v) providing the results of the estimating step—an observation or opinion.

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 be performed practically in the mind. *See Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) (“[W]ith the exception of generic computer-implemented steps, there is nothing in the claims themselves that foreclose them from being performed by a human, mentally or with pen and paper.”); *see also CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372, 1375–76 (Fed. Cir. 2011) (holding that the incidental use of “computer” or “computer readable medium” does

not make a claim otherwise directed to process that “can be performed in the human mind, or by a human using a pen and paper” patent eligible, explaining that “purely mental processes can be unpatentable, even when performed by a computer”); *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 71 (2012) (explaining mental processes are not patentable); 84 Fed. Reg. at 52–53 nn.14–15.

The concept recited in the claims is simply a series of observations, evaluations, and judgements for determining relevant data and calculating a roof age based on the relevant data. Consistent with our Guidance and case law, we conclude that estimating the age of a target structure’s roof, and a level of confidence in the estimate, using non-target structure information is a mental process and, therefore, an abstract idea. *See* 84 Fed. Reg. at 52; *Digitech Image Techs., LLC v. Elecs. for Imaging, Inc.*, 758 F.3d 1344, 1351 (Fed. Cir. 2014) (concluding “taking existing information . . . and organizing this information into a new form” is an abstract idea); *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1167 (Fed. Cir. 2018) (concluding claims were directed to the abstract idea of “selecting certain information, analyzing it using mathematical techniques, and reporting or displaying the results of the analysis”); *see also Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353–54 (Fed. Cir. 2016) (concluding that “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” and concluding claims directed to “collecting information, analyzing it, and displaying certain results of the collection and analysis” were abstract); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1340 (Fed. Cir. 2017) (concluding claims that focused on

collecting, displaying and manipulating data were directed to an abstract idea).

Because the claim recites a judicial exception, we next determine whether the claim integrates the judicial exception into a practical application. 84 Fed. Reg. at 54. To determine whether the judicial exception is integrated into a practical application, we identify whether there are “*any additional elements recited in the claim beyond the judicial exception(s)*” and evaluate those elements to determine whether they integrate the judicial exception into a recognized practical application. 84 Fed. Reg. at 54–55 (emphasis added); *see also* Manual of Patent Examining Procedure (“MPEP”) §§ 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 08.2017, Jan. 2018).

Appellant argues the “claims are directed to specific mathematical rules for estimating the roof age and do not encompass well-known, routine, or conventional features.” Br. 9. In particular, Appellant argues the claims are not directed to an abstract idea because the claims “concern a target structure (*e.g.*, real property) and relate particularly to the roof of that structure” and “involve calculation steps which together define a particular way of estimating the roof age.” Br. 9–10. Appellant asserts the claims differentiate over prior solutions because the claims have specific mathematical solutions to estimate a roof age using information about structures *other than* the target structure and without physically inspecting the target structure’s roof. Br. 12–17 (describing the particular analyses and calculations for estimating roof age of a target structure based on information about non-target structures recited in independent claims 21 and 28–30, including: using an average roof age in an area, as recited in claim 21; using (and converting to standardized format) year built and roof

replacement information, as recited in claim 29; using year built and roof replacement information to calculate a weighted area average roof age and additionally providing a confidence score, as recited in claim 28; and using a weighted area average roof age based on year built and roof age information in a target area, as recited in claim 30). Appellant also contends the claims provide an improvement to actuarial sciences. Br. 18–19.

To the extent Appellant’s arguments assert the claims are not *directed to* an abstract idea because the claims (1) recite a particular method of calculating a roof age, (2) relate to real property, or (3) represent an improvement to actuarial sciences (by not requiring a physical inspection or inspection of the target property’s information), *see* Br. 9–18, we disagree. The particular method used and using data not previously used in the field (i.e., non-target structure data) are aspects of the recited mental processes that make up the abstract idea and, therefore, cannot integrate the abstract idea (i.e., itself) into a practical application. When evaluating integration into a practical application, we look to the elements recited *in addition to* the abstract idea to see if these additional elements integrate the abstract idea into a practical application. 84 Fed. Reg. at 54–55.

Additionally, the fact that the information collected relates to a physical structure is not relevant to the question of whether Appellant’s claims are directed to an abstract idea because the claims are not directed to the physical structure. Moreover, whether something claimed is physical is not the test for determining whether claimed subject matter is judicially-excepted from patent-eligibility. Were that the case, which it is not, claims to computers necessarily would be patent eligible. *See Alice*, 573 U.S. at 224 (explaining that a computer’s existence in the physical rather than

conceptual realm is not relevant to the analysis); *Solutran, Inc. v. Elavon, Inc.*, 931 F.3d 1161, 1168 (Fed. Cir. 2019) (“The physical nature of processing paper checks in this case does not require a different result, where the claims simply recite conventional actions in a generic way (*e.g.*, capture data for a file, scan check, move check to a second location, such as a back room) and do not purport to improve any underlying technology.”).

Therefore, we look to the additional elements to see if these elements, alone or in combination, integrate the abstract idea into a practical application. The additional elements recited in the claims include (1) the “computer processor” that performs certain recited steps, (2) the fact that the methods are “computer-implemented,” and (3) the fact that (i) the documentation from which claim 21 extracts a year in which a roof replacement was performed and (ii) the data received in claims 28 through 30 is provided in computer-readable format and stored in a non-transitory computer-readable medium. For purposes of this Decision, although we determine the returning the estimate steps and the extracting or receiving data steps are merely mental processes and part of the abstract idea, we alternatively analyze these steps an additional element.

Here, we find the additional limitations do not integrate the judicial exception into a practical application. More particularly, the claims do not recite: (i) an improvement to the functionality of a computer or other technology or technical field (see MPEP § 2106.05(a)); (ii) using a “particular machine” to apply or use the judicial exception (see MPEP § 2106.05(b)); (iii) a particular transformation of an article to a different thing or state (see MPEP § 2106.05(c)); or (iv) any other meaningful limitation (see MPEP § 2106.05(e)). *See also* 84 Fed. Reg. at 55. Rather, the

additional elements simply (1) use computers as tools to implement the abstract idea requiring no more than generic computer elements to perform generic computer functions or (2) add insignificant extra-solution activity.

The recited “computer processor” is a generic computer element recited at an extremely high level of generality. *See, e.g.*, Spec. ¶¶ 101–106. The receiving data and extracting information steps, the returning the estimate steps, and the fact that the methods are “computer-implemented” and receive or extract information from data/documentation in “computer-readable form” stored in “non-transitory computer readable media” are the most fundamental, generic, and basic purpose of computers to receive, process, transmit, and display information. Spec. ¶¶ 96–106; *See Alice*, 573 U.S. at 226 (“Nearly every computer will include a [computer components] . . . capable of performing the basic calculation, storage, and transmission functions required by the method claims.”); *see also Solutran*, 931 F.3d at 1169 (“Merely using a general-purpose computer and scanner to perform conventional activities in the way they always have, as the claims do here, does not amount to an inventive concept.”). Accordingly, these steps simply recite the use of generic computer components as tools to implement the abstract idea. *See* 84 Fed. Reg. at 55; MPEP § 2106.05(f).

Moreover, although the receiving data and extracting information steps are part of the abstract idea because they are merely observations (i.e., mental processes), to the extent these steps could be considered additional elements beyond the abstract idea, they are merely pre-solution data gathering steps required to obtain the data necessary to perform the recited estimations. Furthermore, to the extent returning the estimated roof age is a step beyond the abstract idea, displaying or transmitting the results of the

estimation is merely post-solution activity to output the results of the mental steps. These steps recite the type of insignificant extra-solution activity the courts have determined insufficient to transform judicially excepted subject matter into a patent-eligible application. *See* 84 Fed. Reg. at 55, 55 n.31; MPEP § 2106.05(g); *Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Can.*, 771 F.Supp.2d 1054, 1065 (E.D. Mo. 2011) *aff'd*, 687 F.3d 1266 (Fed. Cir. 2012) (explaining that “providing data . . . [is] insignificant post solution activity”); *Bilski v. Kappos*, 561 U.S. 593, 612 (holding the use of well-known techniques to establish inputs to the abstract idea as extra-solution activity that fails to make the underlying concept patent eligible); *see also Parker v. Flook*, 437 U.S. 584, 590 (1978) (explaining “[t]he notion that post-solution activity, no matter how conventional or obvious in itself, can transform an unpatentable principle into a patentable process exalts form over substance”); *Elec. Power*, 830 F.3d at 1354 (recognizing “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 of such collection and analysis”).

We agree with the Examiner that the combination of the additional computer components merely applies the abstract idea on generic computing components without improving the underlying computer or technology or imposing any other meaningful limits on the abstract idea, adding only, at most, insignificant pre-solution data gathering and post-solution data presentation. *See* MPEP § 2106.05(a), (e)–(g); *see also Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324–25 (Fed. Cir. 2016) (noting that components such as an “interface,” “network,” and “database”

are generic computer components that do not satisfy the inventive concept requirement); *buySAFE*, 765 F.3d at 1355 (“That a computer receives and sends the information over a network—with no further specification—is not even arguably inventive.”). That is, the claims invoke computers merely as a tool to implement the abstract idea for obtaining and analyzing information in a particular way. *See BSG Tech LLC v. BuySeasons, Inc.*, 899 F.3d 1281, 1286 (Fed. Cir. 2018); 84 Fed. Reg. at 55; MPEP § 2106.05(f).

Appellant argues the claims “amount to more than merely automating conventional methods” because the claims “provide specific rule-base methods for determining the physical condition of a target structure” and “allow for accurate and reliable estimates of roof age without the need for an in-person evaluation.” Br. 17–18 (citing *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016)). This argument is also unpersuasive.

Even accepting Appellant’s argument that prior solutions did not estimate roof age using the particular method and data recited in the claims, this does not change the character of the claims. Simply using a generic computer to automate a process does not confer eligibility onto an otherwise abstract idea because it does not improve a computer or technology, but rather improves the process itself. *See Gottschalk v. Benson*, 409 U.S. 63, 67 (1972) (explaining that the claimed steps could easily “be carried out in existing computers long in use, no new machinery being necessary”); *see also Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1370 (Fed. Cir. 2015) (“[O]ur precedent is clear that merely adding computer functionality to increase the speed or efficiency of the process does not confer patent eligibility on an otherwise abstract idea.”).

The claims in *McRO* were held eligible because the solution focused upon improvements over existing, manual 3-D animation techniques. *See McRO*, 837 F.3d at 1314 (“The computer here is employed to perform a distinct process to automate a task previously performed by humans.”). The claims in *McRO* did not automate the mental steps animators previously used, but instead claimed an improved animation method that allowed a computer to perform a task it could not previously perform. The court determined this technological solution to a technological problem was sufficient for eligibility. *See McRO*, 837 F.3d at 1314 (“It is the incorporation of the claimed rules, not the use of the computer, that ‘improved [the] existing technological process’ by allowing the automation of further tasks.”), 1316 (“When looked at as a whole, claim 1 is directed to a patentable, technological improvement over the existing, manual 3–D animation techniques. The claim uses the limited rules in a process specifically designed to achieve an improved technological result in conventional industry practice.”). On the other hand, Appellant’s claims merely implement a data-based solution to a business problem using generic computers as tools instead.

Thus, we agree with the Examiner that Appellant’s claims are directed to the abstract idea of estimating the age of a target structure’s roof, and a level of confidence in the estimate, using non-target structure information. The recited steps of this process involve only mental processes, which the Guidance identifies as a category of abstract idea. *See* 84 Fed. Reg. at 55. The additionally recited elements are generic computer components recited at a high level of generality and insignificant extra-solution activity, which fail to integrate the abstract idea into a practical application.

Because we determine the claims are directed to an abstract idea, we analyze the claims under step two of *Alice* to determine whether there are additional limitations that individually, or as an ordered combination, ensure the claims amount to “significantly more” than the abstract idea. *Alice*, 573 U.S. at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 72–73, 77–79 (2012)). As stated in the Guidance, many of the considerations to determine whether the claims amount to “significantly more” under step two of the *Alice* framework are already considered as part of determining whether the judicial exception has been integrated into a practical application. 84 Fed. Reg. at 56. Thus, at this point of our analysis, we determine if the claims add a specific limitation, or combination of limitations, that is not well-understood, routine, conventional activity in the field, or simply appends well-understood, routine, conventional activities at a high level of generality. 84 Fed. Reg. at 56.

Appellant’s claims do not recite specific *additional* limitations (or a combination of limitations) that are more than well-understood, routine, and conventional, and Appellant has not pointed to anything that would raise a genuine issue of material fact that the generically recited components or the sending and returning steps constitute limitations beyond what was well-understood, routine, and conventional. For example, as discussed above, the generic computer functions of sending requests and returning data do not amount to “significantly more” than the judicial exception. *See buySAFE*, 765 F.3d at 1355 (“That a computer receives and sends the information over a network—with no further specification—is not even arguably inventive.”); *Cf. Alice*, 573 U.S. at 226 (“Nearly every computer will include a [computer

components] . . . capable of performing the basic calculation, storage, and transmission functions required by the method claims.”).

Similarly, the recited computer components (i.e., the computer processor and the fact that the methods are “computer-implemented” and receive or extract information from data/documentation in “computer-readable form” stored in “non-transitory computer readable media”) as well as the receiving data, extracting information, and returning the estimate steps are generically recited at a high level of generality performing generic computing functions. Thus, the recited computer components are well-understood, routine, and conventional components performing well-understood, routine, and conventional activities. *See Alice*, 573 U.S. at 226.

Considered both individually and together, the claimed limitations do not add significantly more to the abstract idea and, therefore, do not render the subject matter patent eligible.

Appellant also argues the claims “do not pre-empt others from using . . . conventional methods” that rely on features of the target property itself.” Br. 19. The Examiner notes that “the absence of complete preemption does not guarantee that a claim is eligible” and preemption concerns are addressed by the two-part *Alice* test. Ans. 6–7.

“[W]hile preemption may signal patent ineligible subject matter, the absence of complete preemption does not demonstrate patent eligibility.” *FairWarning IP*, 839 F.3d at 1098 (quoting *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) (“[T]hat 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.”). Further, “[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*, 788 F.3d at 1379.

**SUMMARY**

For the above reasons, Appellant has not persuaded us the Examiner erred in rejecting claims 21–30 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter.

**CONCLUSION**

In summary:

<b>Claims Rejected</b>	<b>Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
21–30	§ 101	21–30	

**AFFIRMED**