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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DIMITAR KRAJCEV, SEAD DIZDAREVIC,
SANJIN KARABEGOVIC, LISA DOOLEY, MIRJANA GARCIA,
STEPHEN WELCH, ADAM WIXTED, ELIZABETHE MIELLO, and
BRIAN MOSTELLER

Appeal 2018-008015¹
Application 14/230,870²
Technology Center 3600

Before HUBERT C. LORIN, CYNTHIA L. MURPHY, and
BRADLEY B. BAYAT, *Administrative Patent Judges*.

BAYAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the decision rejecting claims 1–20, which are the only claims pending in the Application, under 35 U.S.C. § 101 as directed to a judicial exception without significantly more. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ Our Decision references Appellants’ Appeal Brief (“App. Br.,” filed Jan. 26, 2018), and Reply Brief (“Reply Br.,” filed Aug. 1, 2018), the Examiner’s Answer (“Ans.,” mailed June 1, 2018) and Final Office Action (“Final Act.,” mailed July 27, 2017).

² According to the Appellants, the real party in interest is “Hospitality Management Technologies Solutions LLC.” App. Br. 2.

STATEMENT OF THE CASE

Claimed Subject Matter

Appellants' "invention relates to a method for the creation and management of hospitality programs for Olympic (and other) events, including pre-event planning, onsite logistics and management and post event activities." Spec. ¶ 2. Independent claim 11, reproduced below with bracketed notations, is illustrative of the subject matter on appeal.

11. A method of coordinating event inventory management for client groups and individual guests of the client groups attending an event, the method being implemented by a computer system that includes one or more physical processors executing one or more computer program instructions which, when executed, perform the method, the method comprising:

[(a)] monitoring, by the one or more physical processors, requests for one or more third-party event inventory items and forecasting, by the one or more physical processors, based on the request monitoring, future inventory item demand on a hospitality program provider to which the monitored requests are directed;

[(b)] causing, by the one or more physical processors, based on the forecasted future inventory item demand, third-party event inventory items to be purchased by generating automated requests to purchase the third-party event inventory items on behalf of the hospitality program provider;

[(c)] storing, by the one or more physical processors, based on the automated purchase requests, the third-party event inventory items as event inventory items that are at the disposal of a hospitality program provider;

[(d)] receiving, by the one or more physical processors, via a user interface over the Internet, one or more first requests from a first one of the client groups for at least two of the third-party event inventory items;

[(e)] causing, by the one or more physical processors, based on the one or more first requests, allocation of a first item

subset of the third-party event inventory items to the first one of the client groups;

[(f)] receiving, by the one or more physical processors, via a user interface over the Internet, one or more second requests from the first one of the client groups to allocate individual third party event inventory items of the first item subset to first individual guests of the first one of the client groups; and

[(g)] causing, by the one or more physical processors, based on the one or more second requests, allocation of the individual third-party event inventory items to the first individual guests.

App. Br. 12–13 (Claims Appendix).

ANALYSIS

We are not persuaded by the Appellants’ arguments that the Examiner erred in concluding that claims 1–20 are directed to a judicial exception without significantly more.

An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. But the Supreme Court has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[l]aws of nature, natural phenomena, and abstract ideas” are not patentable. *E.g.*, *Alice Corp. 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, first described in *Mayo* and further clarified in *Alice*. *Id.* at 217–18 (citing *Mayo Collaborative Servs. v. Prometheus Labs., Inc.*, 566 U.S. 66, 75–77 (2012)). According to that framework, we first determine what concept the claim is “directed to.” *See Alice*, 573 U.S. at 219 (“On their face, the claims before

us are drawn to the concept of intermediated settlement, *i.e.*, the use of a third party to mitigate settlement risk.”); *see also Bilski v. Kappos*, 561 U.S. 593, 611 (2010) (“Claims 1 and 4 in petitioners’ application explain the basic concept of hedging, or protecting against risk.”).

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (citation omitted). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (quoting *Mayo*, 566 U.S. at 77). “[M]erely requir[ing] generic computer implementation[] fail[s] to transform that abstract idea into a patent-eligible invention.” *Id.*

USPTO recently published revised guidance on the application of § 101. USPTO’s, January 7, 2019 Memorandum, *Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (“2019 Guidance”). Under Step 2A Prong One, the Guidance extracts and synthesizes key concepts identified by the courts as abstract ideas to explain that the abstract idea exception includes the following groupings of subject matter: (a) mathematical concepts, (b) certain methods of organizing human activity, and (c) mental processes. *Guidance*, 84 Fed. Reg. at 52. Under Step 2A Prong Two, the judicial exception (*i.e.*, an abstract idea) is evaluated for

integration into a practical application (*see* MPEP §§ 2106.05(a)–(c), (e)–(h)).³ *Id.* at 54.

Only if a claim (1) recites a judicial exception and (2) does not integrate that exception into a practical application, under Step 2B of the Guidance, the Examiner looks 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.

Id. at 56.

Alice Step 1

The Examiner determined

the claims are directed towards a series of steps of acquiring inventory items based on forecasted demand, allocating inventory items to client groups based on requests, and then allocating the inventory items to individual guests in the client groups. This claimed invention is therefore directed towards an abstract idea of gathering and organizing inventory items into different allocations and storage, and allocating inventory to clients based on a contractual agreement. This abstract is similar to concepts previously identified by the Court, such as organizing information through mathematical correlations (*Digitech*), and completing a contractual relationship (*buySAFE*). More simply, the organization of inventory items

³ We acknowledge that some of these considerations may be properly evaluated under Step 2 of *Alice* (Step 2B of Office guidance). Solely for purposes of maintaining consistent treatment within the Office, we evaluate it under Step 1 of *Alice* (Step 2A of Office guidance). *See* Guidance, 84 Fed. Reg. at 54–56.

into different allocations and storage, and allocating inventory to clients based on a contractual agreement is an abstract idea.

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In contesting the rejection, Appellants argue claims 1–20 together as a group. *See* App. Br. 4–9. We select claim 11 as the representative claim for the group; thus, claims 1–10 and 12–20 stand or fall with claim 11.

37 C.F.R. § 41.37(c)(1)(iv). In their Appeal Brief, Appellants do not contest the Examiner’s characterization of the abstract idea.⁴ Appellants acknowledge “the instant claims (at most) ‘involve’ the mathematical organization of information or the completion of a contractual relationship” (App. Br. 5), but argue that the claims “achieve an improved technological result.” *Id.* at 6. For the following reasons, we are not persuaded by Appellants’ arguments.

Does claim 11 recite a judicial exception?

Independent claim 11 recites “[a] method of coordinating event inventory management for client groups and individual guests of the client groups attending an event” comprising seven steps: (a) “monitoring . . . requests for one or more third-party event inventory items and forecasting . . . based on the request monitoring, future inventory item demand on a hospitality program provider to which the monitored requests are directed;” (b) “causing . . . based on the forecasted future inventory item demand, third-party event inventory items to be purchased by generating . . . requests

⁴ *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential) (“If an appellant fails to present arguments on a particular issue — or, more broadly, on a particular rejection — the Board will not, as a general matter, unilaterally review those uncontested aspects of the rejection.”).

to purchase the third-party event inventory items on behalf of the hospitality program provider;” (c) “storing . . . based on the . . . purchase requests, the third-party event inventory items as event inventory items that are at the disposal of a hospitality program provider;” (d) “receiving . . . one or more first requests from a first one of the client groups for at least two of the third-party event inventory items;” (e) “causing . . . based on the one or more first requests, allocation of a first item subset of the third-party event inventory items to the first one of the client groups;” (f) “receiving . . . one or more second requests from the first one of the client groups to allocate individual third party event inventory items of the first item subset to first individual guests of the first one of the client groups; and” (g) “causing . . . based on the one or more second requests, allocation of the individual third-party event inventory items to the first individual guests.” App. Br. 12–13, Claims Appendix.

The steps recited in claim 11 describe a process of coordinating event inventory management for a hospitality program provider. For example, in order to assess third-party event inventory items that need to be purchased, steps (a) and (b) describe monitoring requests for those inventory items to forecast future demand, and based on the forecasted future inventory item demand, purchasing third-party event inventory items on behalf of the hospitality program provider. Step (c) describes storing the third-party event inventory items as event inventory items at the disposal of the hospitality program provider so they can be allocated to a client group or individual guest (steps (e) and (g)) based on the received requests (steps (d) and (f)). As a whole, the activities recited in steps (a) through (g) describe a process of managing the purchase and distribution of third-party event inventory

items for a hospitality program provider, which describe fundamental economic practices involving sales activities or behaviors that fall within the Guidance’s “[c]ertain methods of organizing human activity” grouping, and, thus, recite an abstract idea. Guidance, 84 Fed. Reg. at 52.

Predictive analysis is a well-established statistical technique applied in a variety of fields, especially in the field of financial services to assess risk and make future predictions in guiding decision making and managing financial transactions, which is analogous to the concept held abstract by the Federal Circuit in *OIP Technologies, Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1362 (Fed. Cir. 2015) (“claim 1 has the following relevant limitations: (1) testing a plurality of prices; (2) gathering statistics generated about how customers reacted to the offers testing the prices; (3) using that data to estimate outcomes (i.e. mapping the demand curve over time for a given product); and (4) automatically selecting and offering a new price based on the estimated outcome;” that is, claim 1 is “directed to the concept of offer-based price optimization”, an abstract idea). *See also eResearchTechnology, Inc. v. CRF, Inc.*, 186 F. Supp. 3d 463 (W. D. Pa., 2016), *aff’d*, 2017 WL 1033672 (Mem) (Fed. Cir. 2016) (“obtaining data, generating an algorithm by quantitative analysis, and translating said algorithm into a more useful rule” is an abstract idea). In light of these precedents, we conclude that, under Prong One of Step 2A of the Guidance, claim 11 recites an abstract idea. Guidance, 84 Fed. Reg. at 54.

Is claim 11 “directed to” the recited judicial exception?

Because claim 11 recites an abstract idea, we determine whether the recited judicial exception is integrated into a practical application.

Guidance, 84 Fed. Reg. at 51. When a claim recites a judicial exception and fails to integrate the exception into a practical application, the claim is “directed to” the judicial exception. *Id.* The claim may integrate the judicial exception when, for example, it reflects an improvement to technology or a technical field. *Id.* at 55.

In that regard, Appellants argue that

the claims are patent-eligible under the first step of the two-part *Alice* test at least because they recite a particular ordered combination of operations to provide a particular useful application that improves another technology or technical field, such as improving upon prior event inventory management computer systems by (i) reducing the amount of computational resources for default/filler-based entry, (ii) making event inventory management computer systems simpler or more efficient for users to interact with, and (iii) increasing accuracy of event inventory management computer systems, as described in greater below.

Appeal Br. 5–6. Appellants draw a parallel between the claimed invention and the decisions in *Enfish*,⁵ *McRO*,⁶ and *Thales Visionix*.⁷ *See id.* at 6–9; *see also* Reply Br. 7–9. We are not persuaded by these arguments.

“The ‘abstract idea’ step of the inquiry calls upon us to 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. v. DirecTV, LLC*, 838 F.3d 1253, 1257 (Fed. Cir. 2016 (quoting *Elec.*

⁵ *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327 (Fed. Cir. 2016).

⁶ *McRO, Inc. v. Bandai Namco Games America*, 837 F.3d 1299 (Fed. Cir. 2016).

⁷ *Thales Visionix Inc. v. United States*, 850 F.3d 1343 (Fed. Cir. 2017).

Power Grp., LLC v. Alstom S.A., 830 F.3d 1350, 1353 (Fed. Cir. 2016)); *see also Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016). Here, we can look to the Specification to assess the problems addressed and the solution advanced by Appellants, and the Specification makes clear that the focus of the claimed advance lies in automating the claimed process. Appellants identify the problem as follows: “The amount of planning and logistics involved in handling some of these hospitality programs can be very significant. In the past, many of these activities were performed manually. This is tedious, time consuming and inefficient.” Spec. ¶ 3. Appellants acknowledge that although “some aspects of these logistics and management have been automated through the use of computer technology” (*id.*), “[o]ne drawback is the inability to effectively and timely communicate changes that may occur at the last minute.” *Id.* ¶ 4. Appellants solved this and other drawbacks by fully automating the process to include real-time alters, notifications, and updates (Spec. ¶¶ 43, 57–60), and “[i]n order to enable effective and timely communication staff and guests may be provided a mobile communications device” (*id.* ¶ 9), such as a “cell phone, pager, PDA, or any other mobile device with network capabilities.” *Id.* ¶ 12.

Computer-based efficiency by itself does not save an otherwise abstract method. *See Bancorp Servs., L.L.C. v. Sun Life Assur. Co. of Canada (U.S.)*, 687 F.3d 1266, 1277–78 (Fed. Cir. 2012) (Performance by computer of operations that previously were performed manually or mentally, albeit less efficiently, does not convert a known abstract idea into eligible subject matter.). Moreover, a claim does not gain subject matter eligibility solely because it is narrowed or limited to Appellants’ alleged improvement over existing processes. *See, e.g., Intellectual Ventures I LLC*

v. Symantec Corp., 838 F.3d 1307, 1321 (Fed. Cir. 216) (“A narrow claim directed to an abstract idea, however, is not necessarily patent-eligible”); *see also BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1287 (Fed. Cir. 2018) (“a claim is not patent eligible merely because it applies an abstract idea in a narrow way.”).

We disagree with Appellants’ arguments that the method set forth in claim 11 provides non-abstract improvements to computer technology. Indeed, there is a fundamental difference between computer functionality improvements, on the one hand, and uses of existing computers as tools to perform a particular task, on the other. In *Enfish*, for example, the court noted that “[s]oftware can make non-abstract improvements to computer technology just as hardware improvements can.” *Enfish*, 822 F.3d at 1335. The court asked “whether the focus of the claims is on [a] specific asserted improvement in computer capabilities . . . or, instead, on a process that qualifies as an ‘abstract idea’ for which computers are invoked merely as a tool.” *Id.* at 1335–36. The court found that the “plain focus of the claims” there was on an improvement to computer functionality itself (a self-referential table for a computer database, designed to improve the way a computer carries out its basic functions of storing and retrieving data), not on a task for which a computer is used in its ordinary capacity. *Id.*

Appellants do not explain, and we do not see, how any enhancement in computer functionality is reflected in the language of claim 11; rather, any alleged enhancement appears to be derived solely from automating the recited process, and claim 11 recites this automation at a high level of generality. And, unlike *Thales*, where the improvement was to a physical tracking system, here the focus of the claim is not to a physical-realm

improvement but an improvement in wholly abstract ideas—coordinating event inventory management for a hospitality program provider.

In *McRO* the court asked whether the claim as a whole “focus[es] on a specific means or method that improves the relevant technology” or is “directed to a result or effect that itself is the abstract idea and merely invoke[s] generic processes and machinery.” *McRO*, 837 F.3d at 1314–15 (Claims determined not abstract because they “focused on a specific asserted improvement in computer animation.”). The claims in *McRO* were directed to a system of lip synchronization and facial expressions of animated characters, and the court concluded that the computerized system in *McRO* operated by rules whose implementation was not previously available manually. *Id.* at 1316. Here, in contrast to *McRO*, implementation was previously available and conducted, although without computer assistance. Unlike *McRO*, we find the focus of the claim as a whole here is directed to a result or effect that itself is the abstract idea, because the claimed additional elements (i.e., one or more physical processors, user interface over the Internet) are merely invoked as tools for automating coordinating event inventory management for a hospitality program provider.

We also are not persuaded by Appellants’ argument that the claims in *Core Wireless*⁸ are similar to the claims before us here. Reply Br. 9–10. For example, to the extent there is an improvement in claim 11, the improvement is to the abstract idea, and this improvement is implemented with conventional computer equipment and processing. Although *Core Wireless* is “directed to a particular manner of summarizing and presenting

⁸ *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, 880 F.3d 1356 (Fed. Cir. 2018).

information in electronic devices,” resulting in an improved user interface, claim 11 does not recite an improved user interface. *See Core Wireless*, 880 F.3d at 1362. There, the court stated:

Claim 1 of the ‘476 patent requires “an application summary that can be reached directly from the menu,” specifying a particular manner by which the summary window must be accessed. The claim further requires the application summary window list a limited set of data, “each of the data in the list being selectable to launch the respective application and enable the selected data to be seen within the respective application.” This claim limitation restrains the type of data that can be displayed in the summary window. Finally, the claim recites that the summary window “is displayed while the one or more applications are in an un-launched state,” a requirement that the device applications exist in a particular state. These limitations disclose a specific manner of displaying a limited set of information to the user, rather than using conventional user interface methods to display a generic index on a computer. Like the improved systems claimed in *Enfish*, *Thales*, *Visual Memory*, and *Finjan*, these claims recite a specific improvement over prior systems, resulting in an improved user interface for electronic devices.

Id. at 1362–63. In contrast, Appellants’ claim is directed to a process that qualifies as an abstract idea for coordinating event inventory management for a hospitality program provider, in which a computer and GUI are invoked merely as tools.

Therefore, we determine that the claims do not “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,” i.e., the claims do not integrate the abstract idea into a practical application under Prong Two of Step 2B of the Guidance. *See Guidance*, 84 Fed. Reg. at 54.

Alice Step 2

“Well-understood, routine, conventional activities?”

To determine whether a claim provides an inventive concept, the additional elements are considered—individually and in combination—to determine whether they (1) add a specific limitation beyond the judicial exception that is not “well-understood, routine, conventional” in the field or (2) simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception. Guidance, 84 Fed. Reg. at 56.

In that regard, the Examiner found:

The claims do not include additional elements, taken individually or in combination that are sufficient to amount to significantly more than the judicial exception because the mere reception and transmission of information (requests for inventory items and individual allocation requests) are mere extrasolution activity that would be routine, well-known, and conventional in the field. In addition, the generic computer elements (physical processors, and computer system), recited in high generality, fail to amount to significantly more than the abstract idea, as their implementation would have been routine, well-known, and conventional in any computer implementation of the abstract idea.

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Under the second step of the *Alice* and *Mayo* framework, we are not apprised of error in the Examiner’s determination that the elements of the claim do not contain an “inventive concept” sufficient to “transform” the claimed abstract idea into a patent-eligible application. In their Appeal Brief, Appellants do not dispute these findings. As such, any basis for asserting error in this regard has been waived. 37 C.F.R. § 41.37(c)(1)(vii).

In the Reply Brief, Appellants argue that “the recent Federal Circuit decision of *Berkheimer v. HP Inc.*⁹ made clear that one attacking the patent-eligibility of a claim must factually demonstrate that the *inventive concept* of the claim is well-understood, routine, and conventional.” Reply Br. 2. However, the Federal Circuit also made clear that no such factual demonstration is necessary when the alleged “inventive concept” resides solely an abstract idea.

Berkheimer held that “[t]he patent eligibility inquiry may contain underlying issues of fact.” *Berkheimer*, 881 F.3d at 1365 (quoting *Mortgage Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1325 (Fed. Cir. 2016) (“The § 101 inquiry ‘*may* contain underlying factual issues.”)). The inquiry as to whether a claim element or combination is well-understood, routine, and conventional falls under step two in the § 101 framework. *Berkheimer v. HP Inc.*, 890 F.3d 1369, 1374 (Fed. Cir. 2018) (citation omitted). As such, there is no genuine issue of material fact when the only alleged “inventive concept” is the abstract idea. *Id.* (“*Berkheimer* and *Aatrix* leave untouched the numerous cases from this court which have held claims ineligible because the only alleged ‘inventive concept’ is the abstract idea”) (citation omitted).

Also, “[w]hen there is no genuine issue of material fact regarding whether the claim element or claimed combination is well-understood, routine, [and] conventional to a skilled artisan in the relevant field” (i.e., no facts are in dispute), evidence is not necessary. *Berkheimer*, 881 F.3d at 1368. And, here, there is no factual dispute. The processors and GUI are

⁹ *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1369 (Fed. Cir. 2018).

the only additional recited elements beyond the abstract idea. The Specification conveys that these additional elements are generic computer components that provide generic computing functionality that is well-understood, routine, and conventional. (*See e.g.*, Spec. ¶¶ 57, 59, 70, 74, 88, 90, 102, 120, Fig. 2.) Using a generic computer for “monitoring,” “causing,” “storing,” and “receiving,” information simply takes advantage of some of the “most basic functions of a computer.” *See Alice*, 573 U.S. at 225 (the “use of a computer to obtain data, adjust account balances, and issue automated instructions; all of these computer functions are ‘well-understood, routine, conventional activit[ies]’ previously known to the industry”) (quoting *Mayo*, 566 U.S. at 71–73); *see also Gottschalk v. Benson*, 409 U.S. 63, 65 (1972) (noting that a “computer operates then upon both new and previously stored data. The general-purpose computer is designed to perform operations under many different programs.”); *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); *Mortgage Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1324–25 (Fed. Cir. 2016) (indicating components such as an “interface” are generic computer components that do not satisfy the inventive concept requirement).

Finally, Appellants’ reliance on *DDR Holdings*¹⁰ (Reply Br. 15–16) is unavailing, because the claims at issue do not address a problem unique to the Internet. *See Intellectual Ventures I LLC v. Capital One Bank (USA)*,

¹⁰ *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245 (Fed. Cir. 2014).

792 F.3d 1363, 1371 (Fed. Cir. 2015) (“The patent at issue in *DDR* provided an Internet-based solution to solve a problem unique to the Internet that (1) did not foreclose other ways of solving the problem, and (2) recited a specific series of steps that resulted in a departure from the routine and conventional sequence of events after the click of a hyperlink advertisement. The patent claims here do not address problems unique to the Internet, so *DDR* has no applicability.” (Citation omitted)).

As such, under Step 2B of the Guidance, claim 11’s additional elements do not amount to significantly more than the abstract idea itself. *See* Guidance, 84 Fed. Reg. at 56.

Thus, we are not persuaded of error in the Examiner’s determination that claim 11 is directed to a judicial exception without significantly more. Accordingly, we sustain the rejection of independent claim 11 under 35 U.S.C. § 101, and claims 1–10 and 12–20, which fall with claim 11.

DECISION

The rejection under 35 U.S.C. § 101 is affirmed.

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

AFFIRMED