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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte STEVEN W. LUNDBERG, LARS OLOF HUGO SVENSSON,
PETER W. REBUFFONI, TYLER L. NASIEDLAK, JILL D. YOUNG,
PIERS A. BLEWETT, and JOSEPH R. WILLIAMS

Appeal 2018-009240
Application 13/679,830
Technology Center 3600

Before JOHN A. JEFFERY, DENISE M. POTHIER, and
JUSTIN BUSCH, *Administrative Patent Judges*.

JEFFERY, *Administrative Patent Judge*.

DECISION ON APPEAL

Under 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1 and 3–17, which constitute all the claims pending in this application. Claim 2 has been cancelled. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as BLACK HILLS IP HOLDINGS, LLC. Appeal Br. 2.

STATEMENT OF THE CASE

Appellant's invention manages a patent portfolio by (1) assigning a first patent value unit to an issued patent in the portfolio that is *not cited* by another patent or patent application; (2) assigning a second patent value unit to an issued patent in the portfolio that is *cited* by another patent or patent application; and (3) summing the first and second patent value units to derive an aggregate value of the patent portfolio. *See generally* Abstract; Spec. ¶¶ 5–6, 226–229; Fig. 5.

Claim 1 is illustrative:

1. A computer-implemented method of deriving an aggregate value for a patent portfolio, the method comprising:

displaying, using one or more computer processors, a user interface, the user interface including a plurality of user interface elements;

selecting, using the one or more computer processors, upon determination of a user selection of a first selectable user interface element of the plurality of user interface elements, the patent portfolio, wherein determination of the user selection of the first selectable user interface element includes determining that a user of the user interface has interacted with the first selectable user interface element;

identifying, using the one or more computer processors, a first patent of the patent portfolio that has not been cited by another patent or patent application;

assigning, using the one or more computer processors, a first patent value unit to the first patent;

identifying, using the one or more computer processors, a second patent of the patent portfolio that has been cited by another patent or patent application;

determining, using the one or more computer processors, a corresponding industry of the second patent;

calculating, using the one or more computer processors, a value multiplier based on the number of patent office rejections of the second patent and the revenue of the corresponding industry and a quantity of total patents issued to the corresponding industry;

generating, using the one or more computer processors, a second patent value unit based on the product of the value multiplier and the first patent value unit;

calculating, using the one or more computer processors, the second patent value unit by multiplying the second patent value unit by a weighting multiplier for each forward citation of the second patent, wherein the weighting multiplier is based on a forward cite value and each forward cite value is assigned individually;

assigning, using the one or more computer processors, the second patent value unit to the second patent of the patent portfolio;

deriving, using the one or more computer processors, the aggregate value of the patent portfolio based on the number of patents in the portfolio assigned the first patent value unit and the number of patents in the portfolio assigned the second patent value unit; and

displaying, in the user interface, the aggregate value of the patent portfolio.

Related Appeals

On pages 3 and 4 of the Appeal Brief, Appellant identifies 32 related appeals as follows:

<u>Appeal No.</u>	<u>Application No.</u>	<u>Decided/Status</u>
2009-005709	10/128,141	Decision mailed Mar. 23, 2010

Appeal 2018-009240
Application 13/679,830

2009-006404	10/874,486	Decision mailed Aug. 2, 2010
2011-009966	11/061,383	Decision mailed Jan. 31, 2014
2012-004166	11/061,312	Decision mailed Nov. 4, 2014
2015-000319	13/309,080	Decision mailed May 27, 2016
2015-000321	13/309,127	Decision mailed July 26, 2017
2015-003180	13/309,039	Decision mailed Sept. 23, 2016
2015-007422	13/309,146	Decision mailed June 1, 2016
2016-000912	13/309,060	Decision mailed Aug. 25, 2017
2016-001687	11/888,632	Decision mailed Jan. 19, 2017
2016-002121	13/309,200	Decision mailed Aug. 28, 2017
2016-002680	13/310,279	Decision mailed Aug. 30, 2017
2016-002792	12/605,030	Decision mailed Sept. 1, 2017
2016-006797	13/310,368	Decision mailed Aug. 30, 2017
2016-007186	13/573,803	Decision mailed July 28, 2017
2016-007415	13/464,598	Decision mailed July 31, 2017
2016-007623	13/408,877	Decision mailed Sept. 6, 2017
2016-007787	13/310,322	Decision mailed Sept. 20, 2017
2016-008030	13/253,936	Decision mailed Aug. 3, 2017
2017-000280	13/408,917	Decision mailed Sept. 12, 2017
2017-000386	11/098,761	Decision mailed Nov, 17, 2017
2017-002337	14/010,376	Decision mailed Sept. 8, 2017
2017-003702	14/483,903	Decision mailed Sept. 25, 2017
2017-003815	14/094,542	Decision mailed Sept. 18, 2017
2017-004158	14/010,391	Decision mailed Oct. 25, 2017
2017-004159	14/010,380	Decision mailed Sept. 27, 2017
2017-004188	14/010,400	Decision mailed Nov. 3, 2017

2017-006390	13/409,189	Decision mailed Dec. 18, 2017
2017-006642	13/310,452	Decision mailed Sept. 29, 2017
2017-011247	13/253,811	Decision mailed Nov. 1, 2017
2017-011549	14/608,520	Decision mailed Nov. 27, 2017
2017-011552	14/628,941	Decision mailed Dec. 6, 2017

THE REJECTION²

The Examiner rejected claims 1 and 3–17 under 35 U.S.C. § 101 as directed to ineligible subject matter. Final Act. 7–60.³

FINDINGS, CONCLUSIONS, AND CONTENTIONS

The Examiner determines that claim 1 is directed to the abstract idea of “identifying, assigning data and calculating values used to derive an aggregate value in order to assign a specifically tailored aggregate value to a portfolio,” which is said to be a fundamental economic practice and mathematical relationship. Final Act. 7–19. The Examiner adds that claim 1’s additional elements do not add significantly more than the abstract idea. *Id.* at 19–24. Based on these determinations, the Examiner concludes that claim 1 is ineligible under § 101. *Id.* at 7–24.

Appellant argues that the claimed invention is not directed to an abstract idea. Appeal Br. 10–16; Reply Br. 2–6. According to Appellant,

² Because the Examiner withdrew an obviousness rejection of claims 1 and 3–17 (Ans. 3), that rejection is not before us.

³ Throughout this opinion, we refer to (1) the Final Rejection mailed November 15, 2017 (“Final Act.”); (2) the Appeal Brief filed May 15, 2018 (“Appeal Br.”); (3) the Examiner’s Answer mailed August 16, 2018 (“Ans.”); and (4) the Reply Brief filed September 27, 2018 (“Reply Br.”).

the Examiner failed to provide a reasoned rationale to support the rejection by, among other things, characterizing the claimed invention overly broadly. Appeal Br. 10–11; Reply Br. 2. Appellant adds that the claimed invention adds significantly more than the purported abstract idea by reciting limitations that are said to be other than what is well-understood, routine, and conventional in the field. Appeal Br. 12–13; Reply Br. 4–6.

ISSUE

Under § 101, has the Examiner erred in rejecting claims 1 and 3–17 as directed to ineligible subject matter? This issue turns on whether the claims are directed to an abstract idea and, if so, whether recited elements—considered individually and as an ordered combination—transform the nature of the claims into a patent-eligible application of that abstract idea.

PRINCIPLES OF LAW

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

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*Alice*, 573 U.S. at 219–20; *Bilski*, 561 U.S. at 611); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. (15 How.) 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

In *Diehr*, the claim at issue recited a mathematical formula, but the Supreme Court held that “[a] claim drawn to subject matter otherwise statutory does not become nonstatutory simply because it uses a mathematical formula.” *Diehr*, 450 U.S. at 176; *see also id.* at 191 (“We view respondents’ claims as nothing more than a process for molding rubber products and not as an attempt to patent a mathematical formula.”). That said, the Supreme Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, . . . and this principle cannot be circumvented by attempting to limit the use of the formula to a particular technological

environment.” *Id.* (citing *Benson* and *Flook*); *see, e.g., id.* at 187 (“It is now commonplace that an *application* of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.”).

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (quotation marks and 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.*

In January 2019, the USPTO published revised guidance on the application of § 101. *See 2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50 (Jan. 7, 2019) (“Guidance”).

Under the Guidance, we first look to whether the claim recites:

- (1) any judicial exceptions, including certain groupings of abstract ideas (i.e., mathematical concepts, certain methods of organizing human activities such as a fundamental economic practice, or mental processes); and
- (2) additional elements that integrate the judicial exception into a practical application (*see* MANUAL OF PATENT EXAMINING PROCEDURE (MPEP) §§ 2106.05(a)–(c), (e)–(h) (9th ed. Rev. 08.2017, Jan. 2018)).

Only if a claim (1) recites a judicial exception, and (2) does not integrate that exception into a practical application, do we then look to whether the claim:

(3) adds a specific limitation beyond the judicial exception that is not well-understood, routine, and conventional in the field (*see* MPEP § 2106.05(d)); or

(4) simply appends well-understood, routine, and conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception.

See Guidance, 84 Fed. Reg. at 56.

ANALYSIS

Prima Facie Case of Ineligibility

Despite Appellant's arguments to the contrary (Appeal Br. 10, 16; Reply Br. 4, 6), we conclude that the Examiner established a prima facie case of ineligibility under § 101.

The Examiner has a duty to give notice of a rejection with sufficient particularity to give Appellant a fair opportunity to respond to the rejection. *See* 35 U.S.C. § 132(a). Here, we find the Examiner's rejection satisfies the initial burden of production by identifying that the claims include limitations similar to the identified abstract idea of "identifying, assigning data[,] and calculating values used to derive an aggregate value in order to assign a specifically tailored aggregate value to a portfolio" (Final Act. 9), and that the remainder of the claims do not add significantly more to the abstract idea

because the generically-recited computer elements are well-understood, routine, and conventional (*id.* at 20–24).

Accordingly, the Examiner (1) set forth the statutory basis for the rejection, namely 35 U.S.C. § 101; (2) concluded that the claims are directed to a judicial exception to § 101, namely an abstract idea; and (3) explained the rejection in sufficient detail to permit Appellant to respond meaningfully. *See In re Jung*, 637 F.3d 1356, 1362 (Fed. Cir. 2011). On this record, then, the Examiner established a prima facie case of ineligibility.

Alice/Mayo Step One

Appellant argues the claims as a group. *See* Appeal Br. 10–16; Reply Br. 2–6. We, therefore, select independent claim 1 as the representative claim for this group, and claims 3–17 stand or fall with claim 1. 37 C.F.R. § 41.37(c)(1)(iv). Claim 1 recites:

A computer-implemented method of deriving an aggregate value for a patent portfolio, the method comprising:

displaying, using one or more computer processors, a user interface, the user interface including a plurality of user interface elements;

selecting, using the one or more computer processors, upon determination of a user selection of a first selectable user interface element of the plurality of user interface elements, the patent portfolio, wherein determination of the user selection of the first selectable user interface element includes determining that a user of the user interface has interacted with the first selectable user interface element;

identifying, using the one or more computer processors, a first patent of the patent portfolio that has not been cited by another patent or patent application;

assigning, using the one or more computer processors, a first patent value unit to the first patent;

identifying, using the one or more computer processors, a second patent of the patent portfolio that has been cited by another patent or patent application;

determining, using the one or more computer processors, a corresponding industry of the second patent;

calculating, using the one or more computer processors, a value multiplier based on the number of patent office rejections of the second patent and the revenue of the corresponding industry and a quantity of total patents issued to the corresponding industry;

generating, using the one or more computer processors, a second patent value unit based on the product of the value multiplier and the first patent value unit;

calculating, using the one or more computer processors, the second patent value unit by multiplying the second patent value unit by a weighting multiplier for each forward citation of the second patent, wherein the weighting multiplier is based on a forward cite value and each forward cite value is assigned individually;

assigning, using the one or more computer processors, the second patent value unit to the second patent of the patent portfolio;

deriving, using the one or more computer processors, the aggregate value of the patent portfolio based on the number of patents in the portfolio assigned the first patent value unit and the number of patents in the portfolio assigned the second patent value unit; and

*displaying, in the user interface, the aggregate value of the patent portfolio.*⁴

As the Specification explains, the present invention manages a patent portfolio by (1) assigning a first patent value unit to an issued patent in the portfolio that is *not cited* by another patent or patent application; (2) assigning a second patent value unit to an issued patent in the portfolio that is *cited* by another patent or patent application; and (3) summing the first and second patent value units to derive an aggregate value of the patent portfolio. *See* Spec. ¶¶ 5–6, 226–229; Fig. 5.

Turning to claim 1, we first note that the claim recites a method and, therefore, falls within the process category of § 101. *See* Guidance, 84 Fed. Reg. at 53–54 (citing MPEP §§ 2106.03, 2106.06). But despite falling within this statutory category, we must still determine whether the claim is directed to a judicial exception, namely an abstract idea. *See Alice*, 573 U.S. at 217. To this end, we must determine whether the claim (1) recites a judicial exception, and (2) fails to integrate the exception into a practical application. *See* Guidance, 84 Fed. Reg. at 52–55. If both elements are satisfied, the claim is directed to a judicial exception under the first step of the *Alice/Mayo* test. *See id.*

Contrary to Appellant’s contention that the Examiner ostensibly ignored the claim as a whole (*see* Appeal Br. 11), the Examiner determines that claim 1 is directed to an abstract idea, namely “identifying, assigning data[,] and calculating values used to derive an aggregate value in order to assign a specifically tailored aggregate value to a portfolio,” which is said to

⁴ Unless otherwise indicated, we italicize or quote text reproducing the recited limitations for emphasis and clarity.

be a fundamental economic practice and a mathematical relationship (Final Act. 9–10). To determine whether a claim recites an abstract idea, we (1) identify the claim’s specific limitations that recite an abstract idea, and (2) determine whether the identified limitations fall within certain subject matter groupings, namely, (a) mathematical concepts⁵; (b) certain methods of organizing human activity⁶; or (c) mental processes.⁷

Here, apart from the recited (1) “*computer-implemented*” method; (2) “*one or more computer processors*”; (3) “*user interface including a plurality of user interface elements*”; and (4) “*first selectable user interface element of the plurality of user interface elements*,” all of claim 1’s recited steps, which, when read as a whole, collectively are directed to deriving an aggregate value for a patent portfolio based on relative values of patents in that portfolio, fit squarely within at least one of the above categories of the agency’s guidelines.

First, the step reciting “*displaying*” information could be done by merely writing down and showing such information—a step that can involve

⁵ Mathematical concepts include mathematical relationships, mathematical formulas or equations, and mathematical calculations. *See* Guidance, 84 Fed. Reg. at 52.

⁶ Certain methods of organizing human activity include fundamental economic principles or practices (including hedging, insurance, mitigating risk); commercial or legal interactions (including agreements in the form of contracts; legal obligations; advertising, marketing or sales activities or behaviors; business relations); managing personal behavior or relationships or interactions between people (including social activities, teaching, and following rules or instructions). *See* Guidance, 84 Fed. Reg. at 52.

⁷ Mental processes are concepts performed in the human mind including an observation, evaluation, judgment, or opinion. *See* Guidance, 84 Fed. Reg. at 52.

mere judgment and logical reasoning. *Cf. CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1372–73 (Fed. Cir. 2011) (noting that a recited step that utilized a map of credit card numbers to determine the validity of a credit card transaction could be performed entirely mentally by merely using logical reasoning). Accordingly, the first displaying step falls squarely within the mental processes category of the agency’s guidelines and, therefore, recites an abstract idea. *See* Guidance, 84 Fed. Reg. at 52 (listing exemplary mental processes including observation and evaluation).

Second, the step reciting “*selecting . . . , upon determination of a user selection . . . , the patent portfolio*” could be done entirely mentally by merely *thinking* about, or writing down, such a patent portfolio—a step that can involve mere observation and logical reasoning. *Cf. CyberSource*, 654 F.3d at 1372–73; *Mortg. Grader Inc. v. First Choice Loan Servs., Inc.*, 811 F.3d 1314, 1324 (Fed. Cir. 2016) (holding a claim reciting, among other things, selecting information, upon determining a borrower wishes to obtain a loan, could be performed by humans without a computer); *accord* Final Act. 11–12 (finding the selecting step can be performed mentally). Accordingly, the selecting step falls squarely within the mental processes category of the agency’s guidelines and, therefore, recites an abstract idea. *See* Guidance, 84 Fed. Reg. at 52.

Third, the step reciting “*identifying . . . a first patent of the patent portfolio that has not been cited by another patent or patent application*” and “*identifying . . . a second patent of the patent portfolio that has been cited by another patent or patent application*” could be done entirely mentally by merely *thinking* about, or writing down, such a first and second patent of a patent portfolio—a step that can involve mere observation and

logical reasoning. *Cf. CyberSource*, 654 F.3d at 1372–73; *Mortg. Grader*, 811 F.3d at 1324 (holding a claim reciting, among other things, identifying lenders for a borrower could be performed by humans without a computer). Accordingly, the identifying step falls squarely within the mental processes category of the agency’s guidelines and, therefore, recites an abstract idea. *See* Guidance, 84 Fed. Reg. at 52.

Fourth, the step reciting “*determining . . . a corresponding industry of the second patent*” could be done entirely mentally by merely *thinking* about, or writing down, such a corresponding industry—a step that can involve mere observation and logical reasoning. *Cf. CyberSource*, 654 F.3d at 1372–73; *Mortg. Grader*, 811 F.3d at 1324 (holding a claim reciting, among other things, determining underwriting criteria to generate a credit grading could be performed by humans without a computer); *Intellectual Ventures I LLC v. Symantec Corp.*, 838 F.3d 1307, 1318 (Fed. Cir. 2016) (noting that nothing in a claim reciting determining a set of actions from selected business rules forecloses it from being performed mentally or with pen and paper except generic computer-implemented steps). Accordingly, the determining step falls squarely within the mental processes category of the agency’s guidelines and, therefore, recites an abstract idea. *See* Guidance, 84 Fed. Reg. at 52.

Fifth, the step reciting “*calculating . . . a value multiplier based on the number of patent office rejections of the second patent and the revenue of the corresponding industry and a quantity of total patents issued to the corresponding industry*” could be done entirely mentally by merely *thinking* about, or writing down, such a value multiplier—a step that can involve mere observation and logical reasoning. *Cf. CyberSource*, 654 F.3d at

1372–73. In addition, this calculation involves at least mathematical relationships or formulas because this calculation can be a mathematical determination. *Cf.* MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY 161 (10th ed. 1993) (“Merriam-Webster Dictionary”) (defining “calculate,” in pertinent part, as “to determine by mathematical processes”); *see also In re Grams*, 888 F.2d 835, 837 n.1 (Fed. Cir. 1989) (“Words used in a claim operating on data to solve a problem can serve the same purpose as a formula.”); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016) (noting that analyzing information by steps people go through in their minds, or by mathematical algorithms, without more, are essentially mental processes within the abstract idea category). Therefore, the recited value multiplier calculation step falls squarely within the mental processes and mathematical concepts categories of the agency’s guidelines and, therefore, recites an abstract idea. *See* Guidance, 84 Fed. Reg. at 52 (additionally listing exemplary mathematical concepts).

Sixth, the step reciting “*generating . . . a second patent value unit based on the product of the value multiplier and the first patent value unit*” could be done entirely mentally by merely *thinking* about, or writing down, such a value multiplier—a step that can involve mere observation and logical reasoning. *Cf. CyberSource*, 654 F.3d at 1372–73. In addition, the generating step’s “product” involves at least mathematical relationships or formulas because the product can be a number resulting from multiplying the value multiplier and first patent value unit together. *Cf.* Merriam-Webster Dictionary at 930 (defining “product,” in pertinent part, as “the number or expression resulting from the multiplication together of two or more numbers or expressions”); *see also Grams*, 888 F.2d at 837 n.1; *Elec.*

Power, 830 F.3d at 1354. Accordingly, the generating step falls squarely within the mental processes and mathematical concepts categories of the agency’s guidelines and, therefore, recites an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

Seventh, the step reciting “*calculating . . . the second patent value unit by multiplying the second patent value unit by a weighting multiplier for each forward citation of the second patent, wherein the weighting multiplier is based on a forward cite value and each forward cite value is assigned individually*” could be done entirely mentally by merely *thinking* about, or writing down, such a value multiplier—a step that can involve mere observation and logical reasoning. *Cf. CyberSource*, 654 F.3d at 1372–73. In addition, this calculation also involves at least mathematical relationships or formulas given the recited multiplication between the second patent value unit and weighting multiplier. *See Grams*, 888 F.2d at 837 n.1; *Elec. Power*, 830 F.3d at 1354. Accordingly, the calculating second patent value unit step falls squarely within the mental processes category of the agency’s guidelines and, therefore, recites an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

Eighth, the steps reciting “*assigning . . . a first patent value unit to the first patent*” and “*assigning . . . the second patent value unit to the second patent of the portfolio*” could be done entirely mentally by merely *thinking* about, or writing down, such a first patent value unit—a step that can involve mere observation and logical reasoning. *Cf. CyberSource*, 654 F.3d at 1372–73. Accordingly, the assigning steps fall squarely within the mental processes category of the agency’s guidelines and, therefore, recite an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

Ninth, the step reciting “*deriving . . . the aggregate value of the patent portfolio based on the number of patents in the portfolio assigned the first patent value unit and the number of patents in the portfolio assigned the second patent value unit*” could be done entirely mentally by merely *thinking* about, or writing down, such an aggregate value—a step that can involve mere observation and logical reasoning. *Cf. CyberSource*, 654 F.3d at 1372–73. Accordingly, the deriving step falls squarely within the mental processes category of the agency’s guidelines and, therefore, recite an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

Tenth, the step reciting “*displaying . . . the aggregate value of the patent portfolio*” could be done by writing down and showing such information—a step that can involve mere judgment and logical reasoning. *Cf. CyberSource*, 654 F.3d at 1372–73. Accordingly, the displaying aggregate value step falls squarely within the mental processes category of the agency’s guidelines and, therefore, recites an abstract idea. *See Guidance*, 84 Fed. Reg. at 52.

Although the claim recites an abstract idea based on these mental processes and mathematical concepts, we nevertheless must still determine whether the abstract idea is integrated into a practical application, namely whether the claim applies, relies on, or uses the abstract idea in a manner that imposes a meaningful limit on the abstract idea, such that the claim is more than a drafting effort designed to monopolize the abstract idea. *See id.* at 54–55. To this end, we (1) identify whether there are any additional recited elements beyond the abstract idea, and (2) evaluate those elements individually and collectively to determine whether they integrate the exception into a practical application. *See id.*

Here, the recited (1) “*computer-implemented*” method; (2) “*one or more computer processors*”; (3) “*user interface including a plurality of user interface elements*”; and (4) “*first selectable user interface element of the plurality of user interface elements*” are the only recited elements beyond the abstract idea, but those additional elements do not integrate the abstract idea into a practical application when reading claim 1 as a whole.

Notably, we do not find that the claim recites additional elements (1) improving the computer itself; (2) improving another technology or technical field; (3) implementing the abstract idea in conjunction with a particular machine or manufacture that is integral to the claim; (4) transforming or reducing a particular article to a different state or thing; or (5) applying or using the abstract idea in some other meaningful way beyond generally linking the abstract idea’s use to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception. *See* Guidance, 84 Fed. Reg. at 55 (citing MPEP §§ 2106.05(a)–(c), (e)). Rather, the above-noted additional elements merely (1) apply the abstract idea on a computer; (2) include instructions to implement the abstract idea on a computer; or (3) use the computer as a tool to perform the abstract idea. *See id.* (citing MPEP § 2106.05(f)). Therefore, the recited additional elements, namely the recited (1) “*computer-implemented*” method; (2) “*one or more computer processors*”; (3) “*user interface including a plurality of user interface elements*”; and (4) “*first selectable user interface element of the plurality of user interface elements*” do not integrate the abstract idea into a practical application when reading claim 1 as a whole.

We add that the first displaying step not only recites an abstract idea and uses generic computing components to perform the abstract idea as noted above, but the first displaying step is also insignificant pre-solution activity and, therefore, does not integrate the exception into a practical application for that additional reason. *See In re Bilski*, 545 F.3d 943, 963 (Fed. Cir. 2008) (en banc), *aff'd on other grounds*, 561 U.S. 593 (2010) (characterizing data gathering steps as insignificant extra-solution activity); *see also CyberSource*, 654 F.3d at 1371–72 (noting that even if some physical steps are required to obtain information from a database (e.g., entering a query via a keyboard, clicking a mouse), such data-gathering steps cannot alone confer patentability). *Accord* Ans. 11; Guidance, 84 Fed. Reg. at 55 (citing MPEP § 2106.05(g)).

In addition, the aggregate value displaying step is insignificant post-solution activity, at least in the sense that it is merely ancillary to the aggregate value deriving focus of the claimed invention, given its high level of generality and context in the claimed invention. Thus, the recited displaying aggregate value step is insignificant post-solution activity and, therefore, does not integrate the exception into a practical application for this additional reason. *See* Guidance, 84 Fed. Reg. at 55 (citing MPEP § 2106.05(g)); *accord* Ans. 11.

In conclusion, although the recited functions may be beneficial by deriving an aggregate value for a patent portfolio based on relative values of patents in that portfolio, a claim for a useful or beneficial abstract idea is still an abstract idea. *See Ariosa Diagnostics, Inc. v. Sequenom, Inc.*, 788 F.3d 1371, 1379–80 (Fed. Cir. 2015); *see also Synopsys, Inc. v. Mentor Graphics*

Corp., 839 F.3d 1138, 1151 (Fed. Cir. 2016) (noting “a claim for a *new* abstract idea is still an abstract idea.”).

We, therefore, agree with the Examiner that claim 1 is directed to an abstract idea.

Alice/Mayo Step Two

Turning to *Alice/Mayo* step two, claim 1’s additional recited elements, namely the recited (1) “*computer-implemented*” method; (2) “*one or more computer processors*”; (3) “*user interface including a plurality of user interface elements*”; and (4) “*first selectable user interface element of the plurality of user interface elements*”—considered individually and as an ordered combination—do not provide an inventive concept such that these additional elements amount to significantly more than the abstract idea. *See Alice*, 573 U.S. at 221; *see also* Guidance, 84 Fed. Reg. at 56. As noted above, the claimed invention merely uses generic computing components to implement the recited abstract idea.

Appellant asserts the Examiner’s findings “satisfy the evidentiary requirement of [*Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018)] in relation to computer functions” (Reply Br. 4), but contends the Examiner does not provide any evidentiary support that *the combination of elements* is well-understood, routine, and conventional (*id.* at 5, emphasis added). We are not persuaded of error.

To the extent that Appellant contends that the combination of recited elements detailed above in connection with *Alice/Mayo* step one add significantly more than the abstract idea to provide an inventive concept under *Alice/Mayo* step two (*see* Appeal Br. 13, 15–16; Reply Br. 4–5), these

elements are not *additional* elements *beyond* the abstract idea, but rather are directed to the abstract idea as noted previously. *See* Guidance, 84 Fed. Reg. at 56 (instructing that *additional* recited elements should be evaluated in *Alice/Mayo* step two to determine whether they (1) *add* specific limitations that are not well-understood, routine, and conventional in the field, or (2) simply *append* well-understood, routine, and conventional activities previously known to the industry (citing MPEP § 2106.05(d)).

Rather, the recited (1) “*computer-implemented*” method; (2) “*one or more computer processors*”; (3) “*user interface including a plurality of user interface elements*”; and (4) “*first selectable user interface element of the plurality of user interface elements*”—individually and in combination—are the additional recited elements whose generic computing functionality is well-understood, routine, and conventional. *See 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); *Mortg. Grader*, 811 F.3d at 1324–25 (Fed. Cir. 2016) (noting that components such as an *interface* are generic computer components that do not satisfy the inventive concept requirement); *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1368 (Fed. Cir. 2015) (noting that a recited user profile (i.e., a profile keyed to a user identity), database, and communication medium are generic computer elements); *accord* Final Act. 23 (citing Spec. ¶¶ 32, 35–36, 66; Figs. 1, 2, 4 and concluding that the claims’ generically recited computer components do not add significantly more than the abstract idea); Ans. 11 (citing Spec. ¶¶ 230–236, 238–240).

We reach a similar conclusion regarding the recited insignificant extra-solution activity, namely the first displaying step and the aggregate value displaying step. That information is displayed does not mean that these steps are performed in an unconventional way to add significantly more than the abstract idea and provide an inventive concept under *Alice/Mayo* step two. *See* Guidance, 84 Fed. Reg. at 56. Given these limitations’ (1) high level of generality, and (2) use of generic computing components whose functionality is well-understood, routine, and conventional for the reasons noted previously, the recited insignificant extra-solution activity does not add significantly more than the abstract idea to provide an inventive concept under *Alice/Mayo* step two.

Appellant’s reliance on the decision in *BASCOM Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341 (Fed. Cir. 2016) (Appeal Br. 14–16) is unavailing. There, the court held eligible claims directed to a technology-based solution to filter Internet content that overcame existing problems with other Internet filtering systems by making a known filtering solution—namely a “one-size-fits-all” filter at an Internet Service Provider (ISP)—more dynamic and efficient via individualized filtering at the ISP. *BASCOM*, 827 F.3d at 1351. Notably, this customizable filtering solution improved the computer system’s performance and, therefore, was patent-eligible. *See id.* But, unlike the filtering system improvements in *BASCOM* that added significantly more to the abstract idea in that case, the claimed invention here uses generic computing components to implement an abstract idea as noted previously.

That the Examiner withdrew an obviousness rejection of the claimed invention as Appellant indicates (*see* Reply Br. 4) is not dispositive to patent

eligibility—a separate statutory inquiry. *See Return Mail, Inc. v. U.S. Postal Serv.*, 868 F.3d 1350, 1370 (Fed. Cir. 2017). Although the second step in the *Alice/Mayo* test is a search for an “inventive concept,” the analysis is not directed to novelty or nonobviousness, but rather searches for elements sufficient to ensure that the claimed invention is directed to more than a patent ineligible concept, such as an abstract idea. *See Alice*, 573 U.S. at 217–18. “Groundbreaking, innovative, or even brilliant discovery does not by itself satisfy the § 101 inquiry.” *Ass’n for Molecular Pathology v. Myriad Genetics, Inc.*, 569 U.S. 576, 591 (2013); *see also Diehr*, 450 U.S. at 188–89 (“The ‘novelty’ of any element or steps in a process, or even of the process itself, is of no relevance in determining whether the subject matter of a claim falls within the § 101 categories of possibly patentable subject matter.”); *Affinity Labs of Tex., LLC v. DIRECTV, LLC*, 838 F.3d 1253, 1263 n.3 (Fed. Cir. 2016) (noting that an eligibility finding does not turn on the novelty of using a user-downloadable application for the particular purpose recited in the claims).

In conclusion, the additional recited elements—considered individually and as an ordered combination—do not add significantly more than the abstract idea to provide an inventive concept under *Alice/Mayo* step two. *See Alice*, 573 U.S. at 221; *see also* Guidance, 84 Fed. Reg. at 56.

Therefore, we are not persuaded that the Examiner erred in rejecting claim 1, and claims 3–17 not argued separately with particularity.

CONCLUSION⁸

In summary:

Claims Rejected	Basis	Affirmed	Reversed
1, 3–17	§ 101	1, 3–17	

AFFIRMED

⁸ We leave to the Examiner to determine whether the claims comply with the written description requirement of 35 U.S.C. § 112, first paragraph due to the possibility that new matter may have been introduced into independent claims 1, 7, and 8 by amendment during prosecution. *See* Amd't filed Sept. 23, 2015, at 2–6 (Claims App'x). Although the Board is authorized to reject claims under 37 C.F.R. § 41.50(b), no inference should be drawn when the Board elects not to do so. *See* MPEP § 1213.02.

Notice of References Cited	Application/Control No.	Applicant(s)/Patent Under Reexamination	
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U.S. PATENT DOCUMENTS

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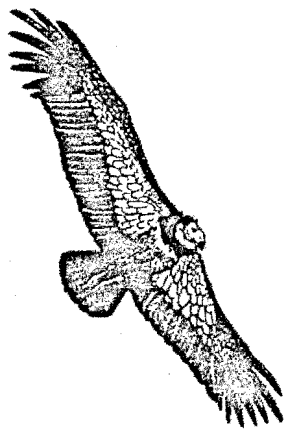
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carbonate crystallized in hexagonal form and including common limestone, chalk, and marble — compare ARAGONITE — **cal-cit'ic** \k'al-'sit-ik\ adj. **cal-ci-to-nin** \k'al-sə-'tō-nin\ n [*calc-* + *-tonin* (as in *serotonin*)] (1961) ; a polypeptide hormone esp. from the thyroid gland that tends to lower the level of calcium in the blood plasma — called also *thyrocalcitonin*. **calc-i-um** \k'al-'sē-əm\ n, often attrib [NL, fr. L *calc-*, *calc* lime] (1808) ; a silver-white bivalent metallic element of the alkaline-earth group occurring only in combination — see ELEMENT table. **calcium carbide** n (ca. 1888) ; a usu. dark gray crystalline compound CaC₂ used esp. for the generation of acetylene and for making calcium cyanamide. **calcium carbonate** n (1873) ; a compound CaCO₃ found in nature as calcite and aragonite and in plant ashes, bones, and shells and used in making lime and portland cement and as a gastric antacid. **calcium channel blocker** n (1982) ; any of a class of drugs that prevent or slow the influx of calcium ions into smooth muscle cells and are used to treat some forms of angina pectoris and some cardiac arrhythmias. **calcium chloride** n (ca. 1885) ; a white deliquescent salt CaCl₂ used in its anhydrous state as a drying and dehumidifying agent and in a hydrated state for controlling dust and ice on roads. **calcium cyanamide** n (ca. 1893) ; a compound CaCN₂ used as a fertilizer and a weed killer and as a source of other nitrogen compounds. **calcium gluconate** n (1884) ; a white powdery salt CaC₁₂H₂₂O₁₄ used esp. to supplement bodily calcium stores. **calcium hydroxide** n (ca. 1889) ; a white crystalline strong alkali Ca(OH)₂ that is used esp. to make mortar and plaster and to soften water. **calcium hypochlorite** n (ca. 1889) ; a white powder CaCl₂O₂ used esp. as a bleaching agent and disinfectant. **calcium oxalate** n (1919) ; a crystalline salt CaC₂O₄ normally deposited in many plant cells and in animals sometimes excreted in urine or retained in the form of urinary calculi. **calcium oxide** n (ca. 1885) ; a caustic solid CaO that is white when pure and that is the chief constituent of lime. **calcium phosphate** n (1869) ; any of various phosphates of calcium; as a : the phosphate CaH₂P₂O₈ used as a fertilizer and in baking powder b : the phosphate CaHPO₄ used in pharmaceutical preparations and animal feeds c : the phosphate Ca₃P₂O₈ used as a fertilizer d : the naturally occurring phosphate Ca₅(F,Cl,OH,½CO₃)(PO₄)₃ that contains other elements or radicals and is the chief constituent of phosphate rock, bones, and teeth. **calcium silicate** n (ca. 1888) ; any of several silicates of calcium used esp. in construction materials (as portland cement). **calcium sulfate** n (ca. 1885) ; a white salt CaSO₄ that occurs esp. as anhydrite, gypsum, and plaster of paris and that in hydrated form is used as a building material and in anhydrous form is used as a drying agent. **cal-cu-la-ble** \k'al-kyə-'lə-bəl\ adj (ca. 1734) 1 : subject to or ascertainable by calculation 2 : that may be counted on : **DEPENDABLE**. **cal-cu-late** \k'al-kyə-'lāt\ vb -lat-ed; -lat-ing [L *calculus*, pp. of *calcularē*, fr. *calculus* pebble (used in reckoning), perh. irreg. dim. of *calc-*, *calc* lime — more at **CHALK**] 1 a : to determine by mathematical processes b : to reckon by exercise of practical judgment : **ESTIMATE** c : to solve or probe the meaning of : **FIGURE OUT** (trying to ~ his expression — Hugh MacLennan) 2 : to design or adapt for a purpose 3 a : to judge to be true or probable b : **INTEND** (I ~ to do it or perish in the attempt — Mark Twain) ~ vi 1 a : to make a calculation b : to forecast consequences 2 : **COUNT, RELY**. **cal-cu-lat-ed** \-lā-təd\ adj (1722) 1 : **APT, LIKELY** 2 a : worked out by mathematical calculation b : engaged in, undertaken, or displayed after reckoning or estimating the statistical probability of success or failure (a ~ risk) 3 a : planned or contrived to accomplish a purpose b : **DELIBERATE, INTENDED** — **cal-cu-lat-ed-ly** adv — **cal-cu-lat-ed-ness** n. **cal-cu-lat-ing** \-lā-tīŋ\ adj (1710) 1 : making calculations (~ machine) 2 : marked by prudent analysis or by shrewd consideration of self-interest : **SCHEMING** — **cal-cu-lat-ing-ly** \-tīŋ-lē\ adv. **cal-cu-la-tion** \k'al-kyə-'lā-shən\ n (14c) 1 a : the process or an act of calculating b : the result of an act of calculating 2 a : studied care in analyzing or planning b : cold heartless planning to promote self-interest — **cal-cu-la-tion-al** \-lāsh-nəl, -'lā-shə-nəl\ adj. **cal-cu-la-tor** \k'al-kyə-'lā-tər\ n (14c) 1 : one that calculates; as a : a usu. electronic device for performing mathematical calculations b : a person who operates a calculator. **cal-cu-lous** \k'al-kyə-'lə-s\ adj (1605) ; caused or characterized by a calculus or calculi. **cal-cu-lus** \-'lə-s\ n, pl -li -li, -lā also -lus-es [L, stone (used in reckoning)] (1666) 1 a : a method of computation or calculation in a special notation (as of logic or symbolic logic) b : the mathematical methods comprising differential and integral calculus 2 : **CALCULATION** 3 a : a concretion usu. of mineral salts around organic material found esp. in hollow organs or ducts b : **TARTAR** 4 : a system or arrangement of intricate or interrelated parts. **calculus of variations** (1837) ; a branch of mathematics concerned with applying the methods of calculus to finding the maxima and minima of a function which depends for its values on another function or a curve. **cal-de-ra** \k'al-'der-ə, kōl-, 'dir-\ n [Sp, lit., caldron, fr. LL *caldaria* — more at **CAULDRON**] (1691) ; a volcanic crater that has a diameter many times that of the vent and is formed by collapse of the central part of a volcano or by explosions of extraordinary violence. **cal-dron** var of **CAULDRON**. **ca-lèche** or **ca-le-che** \kə-'lesh, -'lāsh\ n [F *calèche* — more at **CALASH**] (1666) 1 a : **CALASH** la b : a 2-wheeled horse-drawn vehicle with a driver's seat on the splashboard used in Quebec 2 : **CALASH** 2. **cal-e-fac-to-ry** \kə-'lā-fək-(tə-)rē\ n, pl -ries [ML *calefactorium*, fr. L *calefacere* to warm — more at **CHAFE**] (ca. 1681) ; a monastery room warmed and used as a sitting room. **cal-en-dar** \k'al-'lən-dər\ n [ME *calender*, fr. AF or ML; AF *calender*, fr. ML *kalendarius*, fr. L, moneylender's account book, fr. *kalendae* *calends*] (13c) 1 : a system for fixing the beginning, length, and divi-

sions of the civil year and arranging days and longer divisions of time (as weeks and months) in a definite order — see **MONTH** table 2 ; a tabular register of days according to a system usu. covering one year and referring the days of each month to the days of the week 3 : an orderly list; as a : a list of cases to be tried in court b : a list of bills or other items reported out of committee for consideration by a legislative assembly c : a list or schedule of planned events or activities giving dates and details 4 *Brit* : university catalog. **cal-en-dar** vi -dared; -dar-ing \-d(ə-)rīŋ\ (15c) ; to enter in a calendar. **cal-en-dar year** n (ca. 1909) 1 : a period of a year beginning and ending with the dates that are conventionally accepted as marking the beginning and end of a numbered year 2 : a period of time equal in length to that of the year in the calendar conventionally in use. **cal-en-der** \k'al-'lən-dər\ vi -dared; -der-ing \-d(ə-)rīŋ\ [MF *calendrier*, fr. *calandre* machine for calendring, fr. (assumed) VL *calendra* cylinder, modif. of Gk *kylindros* — more at **CYLINDER**] (1513) ; to press (as cloth, rubber, or paper) between rollers or plates in order to smooth and glaze or to thin into sheets — **cal-en-der-er** \-dər-ər\ n. **cal-en-dar** n (1688) ; a machine for calendring something. **cal-en-dar** n [Per *qalandar*, fr. Ar, fr. *Per kalandar* uncouth man] (1621) ; a member of a Sufic order of wandering mendicant dervishes. **cal-en-dri-cal** \kə-'lən-dri-kəl, kə- also kə-'lən-dri-kəl\ adj (ca. 1843) ; of, relating to, characteristic of, or used in a calendar. **cal-en-dris** \kə-'lən-drɪz, 'kə-\ n pl *but sing or pl in cons* [ME *kalendes*, fr. L *kalendae, calendae*] (14c) ; the first day of the ancient Roman month from which days were counted backward to the ides. **cal-en-du-la** \kə-'lən-jə-lə, -dyū-lə\ n [NL, genus name, fr. ML, fr. L *calendula calends*] (1789) ; any of a small genus (*Calendula*) of yellow-rayed composite herbs of temperate regions. **cal-en-ture** \k'al-'lən-čūr\ n [Sp *calentura*, fr. *calentar* to heat, fr. L *calent-, calens*, prp. of *calere* to be warm — more at **LEE**] (1593) ; a fever formerly supposed to affect sailors in the tropics. **calf** \k'af, 'kaf, dial also k'āf\ n, pl calves \k'ävz, 'kävz\ also k'ävz often attrib [ME, fr. OE *cealf*; akin to OHG *kaib* calf] (bef. 12c) 1 a : the young of the domestic cow; also : that of a closely related mammal (as a bison) b : the young of various large animals (as the elephant or whale) 2 pl *calfs* ; the hide of the domestic calf; esp : **CALFSKIN** 3 : an awkward or silly youth — **calf-like** \k'af-'lik, 'käf-, dial also k'äl-\ adj — in calf ; **PREGNANT** — used of a cow. **calf n, pl calves** \k'ävz, 'kävz\ [ME, fr. ON *kālf*] (14c) ; the fleshy back part of the leg below the knee. **calf-love** \-'lav\ n (1823) ; **PUPPY LOVE**. **calf's-foot jelly** \k'ävz-'füt-, 'käfs-, 'kävz-, 'käfs- also k'ävz-\ n (1775) ; jelly made from gelatin obtained by boiling calves' feet. **calf-skin** \k'af-'skīn, 'käf- also 'käf-\ n (15c) ; leather made of the skin of a calf. **Cal-gon** \k'al-'gän\ trademark — used for a water softener. **Cal-i-ban** \k'al-'lə-'bän\ n ; a savage and deformed slave in Shakespeare's *The Tempest*. **cal-i-ber** or **cal-i-bre** \k'al-'lə-'bər, *Brit* also kə-'lə-\ n [MF *calibre*, fr. OIt *calibro*, fr. Ar *qalīb* shoemaker's last] (1567) 1 a : degree of mental capacity or moral quality b : degree of excellence or importance 2 a : the diameter of a bullet or other projectile b : the diameter of a bore of a gun usu. expressed in hundredths or thousandths of an inch and typically written as a decimal fraction (.32 ~) 3 : the diameter of a round body; esp : the internal diameter of a hollow cylinder. **cal-i-brate** \k'al-'lə-'brāt\ vi -brat-ed; -brat-ing (ca. 1864) 1 : to ascertain the caliber of (as a thermometer tube) 2 : to determine, rectify, or mark the graduations of (as a thermometer tube) 3 : to standardize (as a measuring instrument) by determining the deviation from a standard so as to ascertain the proper correction factors 4 : to adjust precisely for a particular function — **cal-i-brat-or** \-'brāt-ər\ n. **cal-i-bra-tion** \k'al-'lə-'brā-shən\ n (ca. 1859) 1 : the act or process of calibrating ; the state of being calibrated 2 : a set of graduations to indicate values or positions — usu. used in pl. (~s on a gauge). **cal-i-che** \kə-'lə-'chē\ n [AmerSp, fr. Sp. flake of lime, fr. *cal* lime, fr. L *calx* — more at **CHALK**] (ca. 1858) 1 : the nitrate-bearing gravel or rock of the sodium nitrate deposits of Chile and Peru 2 : a crust of calcium carbonate that forms on the stony soil of arid regions. **cal-i-co** \k'al-'li-'kō\ n, pl -coes or -cos [Calicut, India] (1578) 1 a : cotton cloth imported from India b *Brit* ; a plain white cotton fabric that is heavier than muslin c : any of various cheap cotton fabrics with figured patterns 2 : a blotched or spotted animal; esp : one that is predominantly white with red and black patches — **calico** adj. **calico bass** n (ca. 1882) ; **BLACK CRAPPIE**. **calico bush** n (1814) ; **MOUNTAIN LAUREL**. **Cal-i-for-nia condor** \k'al-'lə-'fōr-nyə-\ n [*California*, state of U.S.] (ca. 1889) ; a large nearly extinct vulture (*Gymnogyps californianus*) found most recently in the mountains of southern California that is related to the condor of So. America. **California laurel** n (1871) ; an evergreen Pacific coast tree (*Umbellularia californica*) of the laurel family with small umbellate flowers. **California poppy** n (1891) ; any of a genus (*Eschscholzia*) of herbs of the poppy family; esp : one (*E. californica*) widely cultivated for its usu. yellow or orange flowers.



California condor

\ə\ about \ə\ kitten, F table \ər\ further \ə\ ash \ə\ ace \ə\ mop, mar \ə\ out \ə\ chin \ə\ bet \ə\ easy \ə\ go \ə\ hit \ə\ ice \ə\ job \ə\ sing \ə\ go \ə\ law \ə\ boy \ə\ thin \ə\ the \ə\ loot \ə\ foot \ə\ yet \ə\ vision \ə, k, ʰ, c, ç, œ, œ, \ see Guide to Pronunciation

