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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte
KRISHA GOPINATHAN and SRIRAM RANGARAJAN

Appeal 2019-000560
Application 13/278,072
Technology Center 3600

Before ROBERT E. NAPPI, ERIC S. FRAHM, and JUSTIN BUSCH,
Administrative Patent Judges.

FRAHM, *Administrative Patent Judge.*

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–10, which constitute all the claims pending in this application. 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. “The word ‘applicant’ when used in this title refers to the inventor or all of the joint inventors, or to the person applying for a patent as provided in §§ 1.43, 1.45, or 1.46.” 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Gain Credit, Inc. (Appeal Br. 1).

STATEMENT OF THE CASE

Disclosed Invention and Exemplary Claim

Appellant's disclosed and claimed invention relates to a method of collecting and processing data to predict an outcome (*see* Title; Abstract; Spec. ¶¶ 2; claim 1). More specifically, the method helps make credit decisions by more accurately evaluating creditworthiness of a consumer, organization, family, or business applying for a loan or financial service account when credit history information about the applicant is limited or entirely absent (Spec. ¶¶ 2, 4–9, 212; Abstract). Exemplary and sole independent claim 1 under appeal, with *emphases* and bracketed lettering added to key portions of the claim at issue, reads as follows:

1. A method of *generating a prediction of an outcome* comprising:

collecting data related to a prospect requesting an action and *storing the data* in a database;

using **a computer based processing system** to *identify references* related to the prospect, the references including at least one forward reference and at least one backward reference;

[A] using a network graph engine that is part of the computer-based processing system **to generate a network graph** where the nodes of the graph represent the prospect and the edges of the graph represent the strength of the references for the prospect;

[B] using a prediction engine that is part of the computer-based processing system **to apply a predictive model** to the network graph to determine a predicted outcome related to the requested action, the predictive model having a plurality of matrices, including at least one predictor linked data matrix and at least one singular vector matrix.

Appeal Br. 8, Claims Appendix (emphases and bracketed lettering added).

The Examiner's Rejections

(1) Claims 1–10 stand rejected under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter (an abstract idea). Final Act. 2–5.

(2) The Examiner rejected claims 1–10 as being anticipated under 35 U.S.C. § 102(b) by Bayliss (US 7,912,842 B1; issued March 22, 2011). Final Act. 5–7. Because the Examiner has withdrawn the § 102(b) rejection (Ans. 3), we will not address this rejection or Appellant's arguments (*see* Appeal Br. 5–7) directed thereto.

Appellant's Contentions

(1) Appellant contends (Appeal Br. 4–5; Reply Br. 1–3) that the Examiner erred in rejecting claims 1–10 under 35 U.S.C. § 101. Specifically, Appellant contends the claims are not directed to an abstract idea because the claimed invention amounts to *significantly more* than an abstract idea (Appeal Br. 4–5; Reply Br. 1–3). In other words, Appellant does not contest that the claims are directed to an abstract idea, only that additional elements of the claims (*see, e.g.*, claim 1, limitations A and B) amount to *significantly more* than the abstract idea. Appellant primarily presents arguments as to independent claim 1 (Appeal Br. 4–5; Reply Br. 1–3), and asserts that the dependent claims include similar limitations as claim 1, and are therefore patent eligible for the same reasons. Therefore, with regard to the patent-eligibility rejection, we select claim 1 as representative of the group of claims 1–10 pursuant to our authority under 37 C.F.R. § 41.37(c)(1)(iv).

Principal Issue on Appeal

Based on Appellant’s arguments in the Appeal Brief (Appeal Br. 4–7) and Reply Brief (Reply Br. 1–3), the following principal issue is presented on appeal:

Has Appellant shown the Examiner erred in rejecting claims 1–10 under 35 U.S.C. § 101 as being directed to patent-ineligible subject matter, because representative claim 1 recites significantly more than the abstract idea, that is, additional elements that are not well-understood, routine, or conventional activity in the field, or does claim 1 simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the abstract idea?

ANALYSIS

Patent Eligibility Under 35 U.S.C. § 101

Section 101 of the Patent Act provides “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” 35 U.S.C. § 101. However, 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, 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, 67 (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.”). Having said that, the Supreme Court also indicated that a claim “seeking patent protection for that formula in the abstract . . . is not accorded the protection of our patent laws, . . . and this principle cannot be circumvented by

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

If the claim is “directed to” an abstract idea, we turn to the second step of the *Alice* and *Mayo* framework, where “we must examine the elements of the claim to determine whether it contains an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (internal quotation marks omitted). “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (alterations in original) (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.*

The PTO published revised guidance on the application of § 101. USPTO, *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 activity such as a fundamental economic practice, or mental processes) (Step 2A, Prong 1); 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, 2018) (Step 2A, Prong 2).

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

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

(4) simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception (Step 2B).

See Guidance, 84 Fed. Reg. at 54–56.

Even if the claim recites an abstract idea, the Federal Circuit explains the “directed to” inquiry is not simply asking whether the claims involve a patent-ineligible concept:

The “directed to” inquiry . . . cannot simply ask whether the claims *involve* a patent-ineligible concept, because essentially every routinely patent-eligible claim involving physical products and actions *involves* a law of nature and/or natural phenomenon—after all, they take place in the physical world. *See Mayo*, 132 S.Ct. at 1293 (“For all inventions at some level embody, use, reflect, rest upon, or apply laws of nature, natural phenomena, or abstract ideas.”) Rather, the “directed to” inquiry applies a stage-one filter to claims, considered in light of the specification, based on whether “their character as a whole is directed to excluded subject matter.”

Enfish, LLC v. Microsoft Corp., 822 F.3d 1327, 1335 (Fed. Cir. 2016); *see also Diehr*, 450 U.S. at 188 (“In determining the eligibility of respondents’ claimed process for patent protection under § 101, their claims must be considered as a whole.”); *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299, 1314 (Fed. Cir. 2016) (the question is whether the claims as a whole “focus on a specific means or method that improves the relevant

technology or are instead directed to a result or effect that itself is the abstract idea and merely invoke generic processes and machinery”).

Step 1

Under Step 1 of the patent-eligibility inquiry under § 101, we determine whether a claim is directed to one of the four statutory categories of invention, i.e., a process, machine, manufacture, or composition of matter.

In the instant case on appeal, claim 1, and claims 2–10 depending therefrom, recite “[a] method of generating a prediction of an outcome” including the steps of “collecting data” and “storing data,” “identify[ing] references” related to the data, “generat[ing] a network graph,” and “apply[ing] a predictive model to the network graph” (claim 1). Therefore, claim 1, as well as claims 2–10 depending therefrom, as method claims, recite at least one of the enumerated categories (e.g., process) of eligible subject matter in 35 U.S.C. § 101.

In view of the foregoing, we agree with the Examiner that claim 1 is directed to a process including a series of steps (*see* Final Act. 3), and thus the claims pass muster under Step 1 of the patent-eligibility inquiry. Appellant does not dispute this determination.

As a result, as to claims 1–10, we continue our analysis under Step 2A, Prong 1 of the Guidance to determine whether the claims (1) recite a judicial exception (a law of nature, natural phenomenon, or subject matter within the enumerated groupings of abstract ideas above); and (2) are patent-eligible.

Step 2A, Prong 1

At a high level, representative claim 1 recites a method of generating a prediction of an outcome by operating on data (*see* claim 1), and

specifically, credit worthiness based on references (i.e., data) for a prospect (i.e., credit applicant) (*see* Abstract; Spec. ¶¶ 2, 4–9).

The Examiner determines, and we agree, that “claim 1 is directed to a process” that is a “series of steps instructing how to predict an outcome which is considered to be an abstract idea inasmuch as such activity is a method of organizing human activities” (Final Act. 3). Appellant does not dispute this determination.

According to Appellant, “the industry relevant to the current claims is the lending industry” (Appeal Br. 4). This is in agreement with Appellant’s disclosure that the invention relates to a method for predicting outcomes useful for making decisions on credit applications of consumers (Spec. ¶¶ 2, 4, 9).

We determine that the limitations of claim 1 are *focused on*, and generally relate to commercial activities, i.e., the prediction of creditworthiness and/or business relations between people (e.g., determining credit worthiness for credit applicants) (*see generally* Spec. ¶¶ 2, 4–9; Abstract). As such, the claimed invention recites certain methods of organizing human activity, which is an abstract idea. *See, e.g., Synopsys, Inc. v. Mentor Graphics Corp.*, 839 F.3d 1138, 1146 (Fed. Cir. 2016) (“analyzing information by steps people [can] go through in their minds, or by mathematical algorithms, without more [are] mental processes within the abstract-idea category.”); *Digitech Image Techs., LLC v. Electronics for Imaging, Inc.*, 758 F.3d 1344 (Fed. Cir. 2014) (process of organizing information through mathematical correlations found ineligible); *Digitech Information Systems, Inc. v. BMW Auto Leasing, LLC*, 504 F. App’x 920 (mem.) (Fed. Cir. 2013) (rendering a decision based on data and

mathematical formulas and finding process of operating on information using mathematical formulas/correlations patent ineligible); *Clarilogic v. Formfree Holdings*, 681 Fed. App'x. 950, 954–55 (Fed. Cir. 2017) (gathering, analyzing, and outputting financial data/assessment is an abstract idea that is patent ineligible).

Because we conclude, and Appellant does not contest, claim 1 recites an abstract idea, we proceed to Step 2A, Prong 2 of the Guidance to determine whether claim 1 is “directed to” the judicial exception, by determining whether additional elements of the claim integrate the abstract idea into a practical application. Such additional elements *may* reflect an improvement to a technology or technical field. *See* Guidance, 84 Fed. Reg. at 55.

Step 2A, Prong 2 – Practical Application

Under Step 2A, Prong 2, we determine whether the recited judicial exception is integrated into a practical application of that exception. If the recited judicial exception is integrated into a practical application, the claim is not directed to the judicial exception.

The claimed invention receives, processes, and generates data – this is merely conventional data gathering and analysis. *See* MPEP § 2106.05(g); *OIP Techs., Inc. v. Amazon.com, Inc.*, 788 F.3d 1359, 1363 (Fed. Cir. 2015); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1354 (Fed. Cir. 2016). As such, based on the record before us, we determine that the claimed invention is not integrated into a practical application. And, we note our agreement with the Examiner that:

the recited “processor” and “network graph engine” are recited at a high level of generality to simply perform the computer functions of receiving, processing, calculating, storing,

transmitting information and displaying data (i.e., That is, the computer processor is provided to process certain instructions or data; input from the user is received to provide an indication of a first consideration to be applied in the process and to indicate an expression of interest by the user in certain types of the descriptive material; a particular display of information is presented based upon the first consideration and the indication of expressed interest received; and a provision is made to allow the user to complete an instance or session of the process). Thus, taken alone, the additional elements do not amount to significantly more than the above-identified judicial exception (the abstract idea). And looking at the limitations as an ordered combination of elements add nothing that is not already present when looking at the elements taken individually. There is no indication that the combination of the elements improves the functioning of a computer or improves any other technology. Their collective functions merely provide conventional computer implementation.

(Ans. 3–4).

Merely adding a programmed computer to perform generic computer functions does not automatically overcome an eligibility rejection. *Alice*, 573 U.S. at 223–24. Furthermore, the use of a general purpose computer to apply an otherwise ineligible algorithm does not qualify as a particular machine. *See Ultramercial*, 772 F.3d at 716–17; *In re TLI Commc’ns LLC v. AV Automotive, LLC*, 823 F.3d 607, 613 (Fed. Cir. 2016) (mere recitation of concrete or tangible components is not an inventive concept); *Eon Corp. IP Holdings LLC v. AT&T Mobility LLC*, 785 F.3d 616, 623 (Fed. Cir. 2015) (noting that *Alappat*’s rationale that an otherwise ineligible algorithm or software could be made patent-eligible by merely adding a generic computer to the claim was superseded by the Supreme Court’s *Bilski* and *Alice* decisions).

For the reasons discussed above, we conclude Appellant’s claim 1 (and claims 2–10 grouped therewith) invokes generic computer components merely as a tool in which the computer instructions apply the judicial exception and, thus, the abstract idea is not integrated into a practical application. Because Appellant does not dispute the Examiner’s determination that claim 1 recites an abstract idea under Step 2A, and claim 1 recites a judicial exception (i.e., the abstract idea of a method of organizing human activity) that is not integrated into a practical application, in accordance with the Guidance, we conclude claim 1 and claims 2–10 grouped therewith are directed to an abstract idea under Step 2A, and the eligibility analysis with regard to claims 1–10 proceeds to Step 2B.

Step 2B – Inventive Concept

Having determined claim 1 and claims 2–10 grouped therewith are directed to an abstract idea that is not integrated into a practical application, we now evaluate whether the additional elements add a specific limitation that is not well-understood, routine, or conventional activity in the field, or simply append well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the abstract idea. *See generally* Guidance.

Here, claim 1 recites the additional elements of “a computer based processing system,” “a network graph engine,” and “a prediction engine” (claim 1; *see also* Final Act. 4; Ans. 3 (similar findings of Examiner)). Considering claim 1 as a whole, none of the additional elements applies or uses the abstract idea in a meaningful way such that the claim as a whole is more than a drafting effort designed to monopolize the exception.

Appellant has not shown claim 1 recites additional elements that integrate the judicial exception into a practical application, either by way of evidence or argument. In particular, Appellant has not shown the additional elements (e.g., a computer-based processing system, the network graph engine recited in limitation A, and/or the prediction engine recited in limitation B), alone or in some combination, integrate the judicial exception into a practical application.

In the instant case on appeal, the additional elements recited in claim 1 (“a computer based processing system,” “a network graph engine,” and “a prediction engine”) do not “contain[] an ‘inventive concept’ sufficient to ‘transform’ the claimed abstract idea into a patent-eligible application.” *Alice*, 573 U.S. at 221 (internal quotation marks omitted). Nor do the additional elements “include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (alterations in original) (quoting *Mayo*, 566 U.S. at 77). Instead, claim 1 merely requires a generic computer implementation and fails to transform that abstract idea into a patent-eligible invention. *Id.*

Here, the Examiner determines, and we agree, that the only elements beyond the abstract idea are *generic* computer components used to perform *generic* computer functions (Final Act. 4–5; Ans. 4–5) — a determination that is supported by Appellant’s Figures 18 and 19 and the accompanying descriptions found in the Specification (*see, e.g.*, Figs. 18, 19; Spec. ¶¶ 198–210). As stated by Appellant in the Specification, “the system may be implemented on any suitable computing environment including personal computing devices, smart-phones, pad computers, and the like” (Spec. ¶ 210). Appellant’s Specification only shows (*see* Figs. 18, 19) and

describes (*see* Spec. ¶¶ 198–210) well-understood, routine, conventional computer components (e.g., a computer, memory database, and processor or engine) that are “in a general purpose computing environment” (Spec. ¶ 200) in a manner that indicates the components and the functions they perform were well-known in the art. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384 (Fed. Cir. 1986) (explaining that “a patent need not teach, and preferably omits, what is well known in the art”); *see also* USPTO, Memorandum on Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*) at 3 (Apr. 19, 2018), available at <https://www.uspto.gov/sites/default/files/documents/memo-berkheimer-20180419.PDF> (explaining that a specification that describes additional elements “in a manner that indicates that the additional elements are sufficiently well-known that the specification does not need to describe the particulars of such additional elements to satisfy 35 U.S.C. § 112(a)” can show that the elements are well understood, routine, and conventional); *Intellectual Ventures I LLC v. Erie Indem. Co.*, 850 F.3d 1315, 1331 (Fed. Cir. 2017) (“The claimed mobile interface is so lacking in implementation details that it amounts to merely a generic component (software, hardware, or firmware) that permits the performance of the abstract idea, i.e., to retrieve the user-specific resources.”).

As a result, we are not persuaded that the operations recited in claim 1 are anything beyond generic computer functions as opposed to an improvement to a fundamental economic practice and/or method of organizing human activity. Considering the elements of claim 1 individually and as an ordered combination, claim 1 does no more than simply instruct

the practitioner to implement the abstract idea on a generic computer, processor, and/or mobile device. *Dealertrack, Inc. v. Huber*, 674 F.3d 1315, 1333–34 (Fed. Cir. 2012) (“Simply adding a ‘computer aided’ limitation to a claim covering an abstract concept, without more, is insufficient to render [a] claim patent eligible.”)

The Examiner concludes, and we agree, that (i) “[t]here are no improvements to the technical field or the technology, nor are there improvements to the computer system itself. Consequently the claim [claim 1] is not patent eligible” (Final Act. 4 (emphasis omitted)); and (ii) “[t]here is no indication that the combination of the elements improves the functioning of a computer or improves any other technology” (Final Act. 5). *See Elec. Power Grp.*, 830 F.3d at 1355 (finding that use of “conventional computer, network, and display technology for gathering, sending, and presenting the desired information” does not add significantly more to the claimed abstract idea); *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n*, 776 F.3d 1343, 1347 (Fed. Cir. 2014) (discussing that data collection, recognition, and storage is well-known); *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011) (“[T]he incidental use of a computer to perform the [claimed process] does not impose a sufficiently meaningful [limitation] on the claim’s scope.”).

Claim 1 explicitly recites neither (i) improving the efficiency or speed of the computing system or engines components nor (ii) reducing needed memory storage space. Instead, claim 1 merely recites computer elements performing generic computer functions to perform the abstract idea (i.e., a fundamental economic practice such as business relations and/or commercial practices like predicting an outcome for a credit applicant), and does not

“include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Alice*, 573 U.S. at 221 (alterations in original) (quoting *Mayo*, 566 U.S. at 77). Thus, the method of generating an outcome prediction recited in Appellant’s claim 1 does not exhibit the type of activity that distinguishes inventions having significantly more than the abstract idea from those claims that do no more than generically link the use of the method to a particular technological environment, that is, by computers, memories, processors, or engines. *Alice*, 573 U.S. at 226. Instead, claim 1 merely requires generic computer implementation and fails to transform that abstract idea into a patent-eligible invention. *Id.*

Appellant does not persuasively argue any specific limitation or combination thereof is not well-understood, routine, or conventional in the field. Nor does Appellant persuasively argue the Examiner erred in that aspect. In particular, Appellant’s attorney arguments that “the examiner has not provided the requisite findings under Step 2B of the analysis for patent eligibility” (Appeal Br. 4, 5; Reply Br. 1, 2), are unpersuasive, because they are not supported by competent evidence. *See In re Geisler*, 116 F.3d 1465, 1470 (Fed. Cir. 1997); *Meitzner v. Mindick*, 549 F.2d 775, 782 (Fed. Cir. 1977). Indeed, we agree with the Examiner that court decisions exist that demonstrate the additional elements are in fact well-understood, routine, or conventional (*see* Ans. 4, citing *Versata Development Group v. SAP America, Inc.*, 793 F.3d 1306 (Fed. Cir. 2015)). Appellant does not specifically rebut this finding.

Additionally, as noted in MPEP § 2106.05(d)(II), the courts have previously recognized that using computer processors and memories to

collect data and keep records, perform repetitive calculations, and/or receive/send data are well-understood, routine, and conventional functions when they are claimed in a merely generic manner (e.g., at a high level of generality) or as insignificant extra-solution activity (*see* MPEP § 2106.05(d)(II)(i)–(iv)). *See also Berkheimer v. HP Inc.*, 881 F.3d 1360, 1366 (Fed. Cir. 2018) (acts of parsing, comparing, storing, and editing data are abstract ideas); *SAP Am., Inc. v. Investpic, LLC*, 890 F.3d 1016, 1021 (Fed. Cir. 2018) (“merely presenting the results of abstract processes of collecting and analyzing information . . . is abstract as an ancillary part of such collection and analysis”); *Intellectual Ventures I LLC v. Capital One Fin. Corp.*, 850 F.3d 1332, 1340 (Fed. Cir. 2017) (“collecting, displaying, and manipulating data” is an abstract idea); *Smart Sys. Innovations, LLC v. Chicago Transit Authority*, 873 F.3d 1364, 1372 (Fed. Cir. 2017) (concluding “claims directed to the collection, storage, and recognition of data are directed to an abstract idea.”).

Not only has the Examiner cited at least one court decision as noted above (*see supra* citing Ans. 4), but the Examiner cited and described a prior art reference, Bayliss (*see* Final Act. 5–6, citing Bayliss, Figs. 8,² 10, 14; Abstract; cols. 1,³ 4, 13, 59–60), that demonstrates the additional elements

² Notably, Figure 8 represents a network graph (*see* Fig. 8; col. 6, ll. 7–9).

³ Bayliss describes using a computer processing system and method “for accessing data from one or more sources, processing such data” (col. 1, ll. 19–20), and then using that data to process applications for “consumer related applications, credit reporting, scoring and/or evaluating; debt collection; entity identification verification; account establishment, scoring and monitoring; fraud detection” by predicting an outcome for an application (col. 1, ll. 50–53). Bayliss shows the use of computer processing components, like those shown in Figures 18 and 24–26, demonstrating that

(“computer based processing system,” “network graph engine,” and/or “prediction engine”), whether taken alone or in some combination thereof, are in fact well-understood, routine, and conventional. In addition, as noted previously above, Appellant’s own Specification supports this finding (*see supra* citing Figs. 18, 19; Spec. ¶¶ 198–210).

As a result, Appellant’s contentions (Appeal Br. 4–5; Reply Br. 1–3) that the Examiner has failed to make appropriate findings under Step 2B of the analysis for patent eligibility are unpersuasive, and Appellant has not persuaded us the Examiner erred with respect to the Guidance’s Step 2B analysis. *See* Guidance, 84 Fed. Reg. at Step 2B.

CONCLUSION

As explained above, under the USPTO’s Revised Patent Eligibility Guidance, based on the record before us, and informed by our governing case law concerning 35 U.S.C. § 101, Appellant has not shown the Examiner erred in rejecting claims 1–10 as being directed to patent-ineligible subject matter without significantly more, and we sustain the rejection of claims 1–10 under 35 U.S.C. § 101.

For all of the reasons above, we hold as follows:

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–10	101	Ineligibility	1–10	

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

computer engines, modules, processors, and/or servers are well-understood, routine, and conventional.