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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte PETER G. MARTIN and TREVOR CUSWORTH

Appeal 2019-000610
Application 14/664,511
Technology Center 3600

Before MIRIAM L. QUINN, ADAM J. PYONIN, and
DAVID J. CUTITTA II, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to finally reject claims 1–7, 9, 10, 12–17, and 19–23. *See* Final Act. 1. 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 Schneider Electric Systems USA, Inc., a subsidiary of Schneider Electric SE. Appeal Br. 1.

CLAIMED SUBJECT MATTER

The claims are directed to management of assets in a process control system. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A system for improving production of a product produced a process control system comprising:

a processor;

one or more sensors coupled to the processor, said sensors gathering process data from one or more assets in a process control system producing products, said sensors configured for measuring at least one of:

an amount of material input into the process control system,

an amount of energy input into the process control system,

an amount of an asset material consumed by the process control system,

an amount of asset flow in the process control system, and

an asset temperature of the process control system;

an asset performance measurement system providing an energy cost, a material cost, and a product value;

one or more human-machine interfaces coupled to the processor and the process, said human-machine interface comprising a visual display of at least one of:

a maintenance station presenting on its visual display information about a maintenance schedule or prior issues,

an operator station presenting on its visual display real-time information as to current operation of an asset, and

an engineering station presenting on its visual display trend information;

a storage memory coupled to the processor, said storage memory storing data gathered by the one or more sensors, the asset performance measurement system, and processor-executable instructions, said processor-executable instructions configured for:

receiving process data from the one or more sensors;

determining an input cost of the one or more assets based on the received process data from the one or more sensors, based on the received energy cost, and based on the received material cost;

determining an output value of the one or more assets based on the received process data from the one or more sensors, based on the received energy cost, and based on the received material cost;

providing a net production value of the one or more assets based on comparing the determined input cost and determined output value and based on the product value;

storing the determined input cost, determined output value, and net production value in the storage memory;

displaying the determined input cost, determined output value, and net production value to a user on the visual display the one or more human-machine interfaces;

automatically changing, based on at least one of the determined input cost, determined output value, and net production value, the process control system to modify at least one of the amount of material input, the amount of energy input, the amount of asset material consumed, the amount of asset flow, and the asset temperature in such a way that the net production value increases.

REJECTION

The Examiner rejects claims 1–7, 9, 10, 12–17, and 19–23 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Ans. 3.

ANALYSIS

We review the appealed rejection for error based upon the issues identified by Appellant, and in light of the arguments and evidence produced thereon. *Ex parte Frye*, 94 USPQ2d 1072, 1075 (BPAI 2010) (precedential). To the extent Appellant has not advanced separate, substantive arguments for particular claims, or other issues, such arguments are waived. 37 C.F.R. § 41.37(c)(1)(iv) (2017). For example, here Appellant argues claims 1–7, 9, 10, 12–17, and 19–23 together. Appeal Br. 7–14. We therefore decide the appeal for this rejection based on claim 1. *See* 37 C.F.R. § 41.37(c)(1)(iv).

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. Pty. Ltd. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014). To determine whether a claim falls within an excluded category, the Court has set out a two-part 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)). That framework requires to first consider 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

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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 and quotation marks omitted).

The PTO recently published revised guidance on the application of § 101. *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); and (2) additional elements that integrate the judicial exception into a practical application (*see* 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 recites an inventive concept, by determining 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.

See Guidance. With these principles in mind, we turn to the Examiner’s § 101 rejection.

(a) The Judicial Exception—Step 2A, Prong 1 of the Guidance

The Guidance breaks the *Alice/Mayo* test for identifying claims directed to judicial exceptions into two prongs. Guidance, 84 Fed. Reg. at 53. Step 2A, Prong 1 asks whether the claims *recite* a judicial exception. The Examiner determines that the claims recite “determining an input cost of the one or more assets based on the received process data based on the received energy cost and based on the received material cost, determining an output value of the one or more assets based on received process data based on the received energy cost and based on the received material cost and based on the product value, as evidenced by the language of the independent claims 1 and 21.” Ans. 3–4 (emphasis omitted). Accordingly, the Examiner states that the claims recite the abstract idea of improving production of a process control system by comparing new and stored information and using rules to identify options. Final Act. 8. Under the Guidance, looking to the specific limitations in claim 1, as the representative claim, we agree with the Examiner that claim 1 recites an abstract idea.

Under Supreme Court precedent, claims directed purely to an abstract idea are patent ineligible. As set forth in the Guidance, which extracts and synthesizes key concepts identified by the courts, abstract ideas include (1) mathematical concepts, (2) certain methods of organizing human activity, and (3) mental processes. The Examiner finds that claim 1 recites a certain method of organizing a human activity. Ans. 8 (stating that claim 1’s “solution is a solution for a conflict in organizing human activity: organizing employee teams by taking into account each employee team goal.”). We agree with the Examiner that claim 1 recites an abstract idea of certain methods of organizing human activity. And we also determine that claim 1 recites a mental process as will be explained in further detail below.

The following are enumerated limitations recited in claim 1, which we analyze further in determining the abstract idea:

- (A) a processor;
- (B) one or more sensors coupled to the processor, said sensors gathering process data from one or more assets in a process control system producing products, said sensors configured for measuring at least one of:
 - an amount of material input into the process control system,
 - an amount of energy input into the process control system,
 - an amount of an asset material consumed by the process control system,
 - an amount of asset flow in the process control system, and
 - an asset temperature of the process control system;
- (C) an asset performance measurement system providing an energy cost, a material cost, and a product value;
- (D) one or more human-machine interfaces coupled to the processor and the process, said human-machine interface comprising a visual display of at least one of:
 - a maintenance station presenting on its visual display information about a maintenance schedule or prior issues,
 - an operator station presenting on its visual display real-time information as to current operation of an asset, and
 - an engineering station presenting on its visual display trend information;
- (E) a storage memory coupled to the processor, said storage memory storing data gathered by the one or more sensors, the asset performance measurement system, and processor-

executable instructions, said processor-executable instructions configured for:

- (1) receiving process data from the one or more sensors;
- (2) determining an input cost of the one or more assets based on the received process data from the one or more sensors, based on the received energy cost, and based on the received material cost;
- (3) determining an output value of the one or more assets based on the received process data from the one or more sensors, based on the received energy cost, and based on the received material cost;
- (4) providing a net production value of the one or more assets based on comparing the determined input cost and determined output value and based on the product value;
- (5) storing the determined input cost, determined output value, and net production value in the storage memory;
- (6) displaying the determined input cost, determined output value, and net production value to a user on the visual display the one or more human-machine interfaces;
- (7) automatically changing, based on at least one of the determined input cost, determined output value, and net production value, the process control system to modify at least one of the amount of material input, the amount of energy input, the amount of asset material consumed, the amount of asset flow, and the asset temperature in such a way that the net production value increases.

Appeal Br. 16–17 (Claims Appendix).

We divide the claim into two groups of limitations: structural limitations ((A)–(E)) and step limitations ((1)–(7)). In determining the abstract idea, we first focus on the step limitations (1)–(7), which, under

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their broadest reasonable interpretation, contribute to a method of analyzing the performance of an asset and improving the asset performance by applying the result of that analysis to the process control system. The Specification states, for instance, that an asset performance system works “to provide users with asset performance information and to respond to that asset performance information in order to improve the asset performance.” Spec. ¶ 27. “An asset may be any mechanical, chemical, electrical, biological or combined mechanism or set of mechanisms that is used to convert energy and materials into value added products or production.” *Id.* More particularly, the step limitations describe the steps of (1) *receiving* process data, (2) *determining* an input cost, (3) *determining* an output value, (4) *providing* a net production value, (5) *storing* the results of steps (2), (3), and (4), and (6) *displaying* those results on a visual display. Similar activity has been found to be patent ineligible. *See Elec. Power Grp. v. Alstom SA*, 850 F.3d 1350, 1355 (Fed. Cir. 2016) (discussing gathering and analyzing information of a specified content, and then displaying the results as patent ineligible). As such, the recited functions are mental process that include evaluations and opinions using gathered data and logic. *See Guidance*, 84 Fed. Reg. at 52. The data analysis is recited at such a high level of generality, that it could be practically performed in the human mind. *See October 2019 Update: Subject Matter Eligibility*, 7 (Oct. 17, 2019) (citing *Elec. Power*, 850 F.3d at 1356).

Limitation (7) recites “automatically changing . . . the process control system to modify at least one of the amount of material input, the amount of energy input, the amount of asset material consumed, the amount of asset flow, and the asset temperature in such a way that the net production value increases.” Under the broadest reasonable construction, limitation (7) is

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directed to issuing a command to change the system so that the asset increases in production value. For instance, the Specification describes the controller of the system as sending “command data 212 to the connected process,” which “causes the connected process to change operations in such a way as to move toward the control strategy goals.” Spec. ¶ 23. The recited change of the process control system is, therefore, merely a change of the operating data for the system. This too is an abstract idea of a mental process, such as performing a judgment and rendering an opinion based on the available information, that can be practically performed by the human mind. *Cf. Chamberlain Grp., Inc. v. Techtronic Indus. Co.*, 935 F.3d 1341, 1348 (Fed. Cir. 2019) (Determining claims are abstract “where the claims merely recite a system that communicates status information”).

In addition to a mental process, we determine that limitations (1)–(7) also recite certain methods of organizing human activity, as stated by the Examiner. Ans. 8. The Specification states that maximizing business performance is the ultimate objective for most industrial operations. Spec. ¶ 30. “This common business performance-based performance measure is referred to as asset performance.” *Id.* And monitoring the performance measure of each asset with the claimed system allows for predicting how to set up the asset performance vector to result in “maximized productivity and minimized but efficiently spaced maintenance down time.” *Id.* ¶ 31; *see also* ¶ 49 (“The premise that led to the development of a more business oriented asset performance measurement system was that such a system would encourage both better business-based decision-making in industrial operations while simultaneously encouraging operations and maintenance to collaborate to gain superior results.”). Thus, the recited limitations are a process that facilitates the fundamental economic practice of evaluating the

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profitability of a machine in an industrial setting and issuing instructions that increase the machine's production value. As such, the limitations (1)–(7) recite the abstract idea of certain methods of organizing human activity, and more particularly to the sub-group of fundamental economic practices or principles. *October 2019 Update: Subject Matter Eligibility*, 7 (Oct. 17, 2019) (citing *Elec. Power*, 850 F.3d at 1356) (limiting the group to the sub-groupings of (a) fundamental economic principles or practices, (b) commercial or legal interactions, and (c) managing personal behavior, and relationships or interactions between people).

But another sub-group is also applicable to these claim limitations because the Specification states that: “With this asset performance measure as the guiding performance measure for both the operations and maintenance teams, the level of collaboration between the teams is expected to increase, leading to more effective problem solving and cooperation which should result in improved performance across industrial operations.” *Id.* ¶ 32; *see also id.* ¶ 50 (“These asset performance measures may be utilized by maintenance, operations[,] and engineering in order to have positive business impact on industrial operations.”). The recited calculation results are displayed to one or more human-machine interfaces, which the claim identifies as one of the following: (a) maintenance station, (b) operator station, and (c) engineering station. *See* claim limitations (6) and (D); *see also id.* ¶ 53 (“This real-time decision support information will enable all three groups (Maintenance, Operators and Engineers) to perform their actions and activities in a more effective manner by providing real-time feedback of the impact of their actions, but will also encourage collaboration and cooperation because these three teams will be working to common asset performance measures.”). In light of the Specification, we determine that

limitations (1)–(7) also recite certain methods of organizing human activity, in the sub-group of *managing* personal behavior or relationships or *interactions between people*.

(b) Integration into a Practical Idea—Step 2A, Prong 2 of the Guidance

Step 2A, Prong 2 asks whether the claims are “directed to” a judicial exception or whether the claims integrate the judicial exception into a practical application. Guidance, 84 Fed. Reg. at 53 (explaining the practical application test responds to “a growing body of decisions . . . distinguish[ing] between claims that are ‘directed to’ a judicial exception . . . and those that are not”). A practical application is one where the claim “will 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.” *Id.* at 54. For example, limitations that are indicative of “integration into a practical application” include:

- 1) Improvements to the functioning of a computer, or to any other technology or technical field —*see* MPEP § 2106.05(a);
- 2) Applying the judicial exception with, or by use of, a particular machine —*see* MPEP § 2106.05(b);
- 3) Effecting a transformation or reduction of a particular article to a different state or thing —*see* MPEP § 2106.05(c); and
- 4) Applying or using the judicial exception in some other meaningful way beyond generally linking the use of the judicial exception to a particular technological environment, such that the claim as a whole is more than a drafting effort designed to monopolize the exception —*see* MPEP § 2106.05(e).

In contrast, limitations that are not indicative of “integration into a practical application” include:

- 1) Adding the words “apply it” (or an equivalent) with the judicial exception, or mere instructions to implement an abstract idea on a computer, or merely uses a computer as a tool to perform an abstract idea —*see* MPEP § 2106.05(f);
- 2) Adding insignificant extra-solution activity to the judicial exception —*see* MPEP § 2106.05(g); and
- 3) Generally linking the use of the judicial exception to a particular technological environment or field of use —*see* MPEP § 2106.05(h).

Focusing now on structural limitations (A)–(E), and the combination of recited limitations, we determine that claim 1 is not directed to a practical application of the abstract idea. Limitations (A)–(E) recite generic computer components or logic that are conventional and do nothing more than function as generic tools to implement the abstract idea. For instance, limitation (A) recites a processor, limitation (D) recites visual displays, and limitation (E) recites storage memory. These limitations do not implement the abstract idea to a specific technical solution, such as a technical improvement to the recited generic processor, memory, and displays. Further, these limitations are not directed to any particular machine as the Specification describes these as generic components. Spec. ¶¶ 75–78. The “asset performance measurement system” of limitation (C) lacks detail as to being any particular machine. More particularly, the Specification describes this recited element in terms of its functions, and as such, the recitation of it as a “system” is nothing more than a collection of algorithms performed by a generic computer, which the Specification describes (at paragraph 75) as a

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generic computer. The recited sensors in limitation (B) fare no better. As the Examiner notes, and we agree, the sensors are coupled to the processor, are not tied to any particular machine, and are described in the Specification at a high level of generality, merely in terms of their function of data gathering. Ans. 5.

In short, the recited components of a processor, memory, displays, and sensors are insignificant extra-solution activity used in the process of collecting, analyzing, and displaying information. Further, to the extent limitations (A)–(E) are directed to contribute to an asset, such addition merely links the judicial exception to the particular use of improving the value of an asset. It is no different than limiting the abstract idea to a field of use. To this point, Appellant argues that the claim is directed to an improvement in a control system because it modifies “the physical characteristics of the assets,” in an effort to place the claim in the realm of technical improvements. Appeal Br. 9. We do not agree. *See In re Marco Guldenaar Holding B.V.*, 911 F.3d 1157, 1161 (Fed. Cir. 2018) (“the abstract idea exception does not turn solely on whether the claimed invention comprises physical versus mental steps”). As stated above, the function of changing a parameter of a machine and issuing a command to that effect is part of the abstract idea of certain methods of organizing human activity (fundamental business practice) implemented by increasing the net production value via issuing an instruction accordingly. That the claim uses some algorithm to issue the instruction or command that automatically changes an operating parameter is but a computer automation of a human activity of determining a course of action based on a desired goal (a mental concept) and issuing a command to make the desired changes. There is no particular technology recited in limitation (7), and asserting the change of

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the “process control system” amounts to mere extra-solution activity or reciting “apply it” as an instruction in a generic computer that affects a “process control system” without limitation. Nor is the limitation directed to any improvement in the technology itself.²

Appellant also argues that the claim is directed to providing a technical solution to a technical problem of “suboptimal performance of industrial operations.” *Id.* at 12. We do not agree. The claim is directed to solving a business problem of increasing net production value of an asset. As Appellant admits, the Specification describes “[the] conflict between maximizing availability and maximizing utilization of assets in industrial processes.” *Id.* The Specification describes the problem as a business performance issue. Spec. ¶ 30. Indeed, the Specification refers to maximizing productivity and minimizing downtime (maximizing asset utilization) by using the asset performance metrics “from a business performance perspective.” *Id.* ¶ 31. Accordingly, we are not persuaded that the claims are directed to solving a technical problem. Rather, we view the claim as a whole as more of a drafting effort designed to monopolize the abstract idea. *See* MPEP § 2106.05(e) (discussing *Diamond v. Diehr*, 450 U.S. 175, 188 (1981)); *cf.* *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d

² Appellant generally argues that the claim is analogous to the claims in *Diehr*, *Thales Visionix*, and *CellzDirect*, without any particularity. For instance, Appellant argues that the claim “improves operation of industrial processes.” Appeal Br. 11. The argument is insufficient to show any parallels with the mentioned cases. Nevertheless, we do not find that the claims are directed to an improvement of an industrial process. Rather, as discussed below, the improvement, if at all, is in solving a business performance issue. And references to improving an industrial process or an asset merely link the judicial exception to the industrial environment, which is insufficient to transform the abstract idea into a practical application.

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759, 771 (Fed. Cir. 2019) (“And the fact that the electricity flow is modified based on demand response principles does nothing to make this claim directed to something other than the abstract idea,” as “[d]emand response is itself an abstract concept --a familiar business choice to alter terms of dealing to help match supply and demand.”).

Finally, we address Appellant’s argument that the Examiner “failed to give this combination of specific claim elements its due weight, instead conflating a desired result, i.e., the *what* of the invention, with *how* the claimed method *achieves that result.*” Appeal Br. 14 (some of the original emphasis omitted). We are not persuaded by Appellant’s argument. Although faulting the Examiner for allegedly not conducting a “whole” claim analysis, Appellant focuses on limitation (7) and how it recites modifying asset operating parameters based on calculations made in other claim limitations (in essence arguing that the combination of calculations has been overlooked). As stated above, the combination of limitations (1)–(7) are all directed to the abstract idea of mental processes and also to certain methods of organizing human activity. Even if used for an industrial process, the steps are still calculations that can be practically performed by the human mind, except that the claim is implemented in a computer operating in an industrial machine environment. These steps are also performed by generic computer equipment to manage the interrelationship of the maintenance, operations, and engineering group in managing the asset performance. For instance, although the recited process determines the input cost, output value, and net production value, it is the maintenance, operations, and engineering teams that interact with this information to determine how to increase the net production value, as described in the Specification and as asserted by the Examiner. *See* Spec. ¶ 69 (“The

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operations personnel may make changes to the process to increase the 74%, decrease the \$131,170, and increase the [\$]489,040 going forward. This will be accomplished by providing real-time feedback to maintenance, operations and engineering on these three statistics and the history of each. This will allow each of these groups to perform their duties in a manner that will maximize the asset performance of the Crude Unit.”); *see also* Ans. 8–10 (Examiner explaining that the Specification describes data gathering and conveying the information and notifications to personnel and that the changes are effected by personnel). The Examiner’s analysis of the claim, therefore, is not piecemeal, and does not ignore *how* the *claimed limitations* are directed to *achieving the result*.

We conclude, based on our analysis above, that the additional elements, alone or in combination, do not apply 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. For these reasons, we conclude that claim 1 does not integrate the recited abstract idea into a practical application and therefore is *directed to* an abstract idea.

(c) Inventive Concept—Step 2B of the Guidance

Because we agree with the Examiner that claim 1 is “directed to” an abstract idea, we consider whether an additional element (or combination of elements) adds a limitation that is not well-understood, routine, conventional (“WURC”) activity in the field or whether the additional elements simply append WURC activities previously known to the industry, specified at a high level of generality, to the judicial exception. Guidance, 84 Fed. Reg. at 23. The Examiner’s finding that an additional element (or combination of elements) is a WURC activity must be supported with a factual

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determination. *Id.* (citing MPEP § 2106.05(d), as modified by the *Berkheimer* Memorandum³).

The Examiner points out that the additional limitations are computer components as mere tools to perform the abstract idea and that the Specification describes the additional limitations as well-known computing systems. Ans. 4–5 (citing Spec. ¶ 75). We agree. The Specification states that well-known computing systems, environments, and configurations are suitable for use with aspects of the invention. Spec. ¶ 75 (identifying “personal computers, server computers, hand-held or laptop devices, multiprocessor systems, microprocessor-based systems, set top boxes, programmable consumer electronics, mobile telephones, network PCs, minicomputers, mainframe computers, distributed computing environments that include any of the above systems or devices, and the like.”). The Examiner also points out that gathering of data by the sensors is a generic, extra-solution activity, and that the sensors are not defined by technology in the Specification, but rather are described by their function. Ans. 5. We agree because the Specification just describes sensors in their ordinary, conventional operation of gathering data. *See* Spec. ¶ 21 (“The sensors 106 monitor the process at various points and gather data from those points. The sensors 106 send the data gathered to the controller 104.”). And finally, as for the “human-machine interface comprising a visual display,” the Examiner finds, and we agree, that such interfaces, *without more*, have been determined by a court as insignificant extra-solution activity. Ans. 5 (citing *Electric Power Group*, 830 F.3d at 1354–55); *see also* Spec. ¶ 29

³ “Changes in Examination Procedure Pertaining to Subject Matter Eligibility, Recent Subject Matter Eligibility Decision (*Berkheimer v. HP, Inc.*),” April 19, 2018 (hereinafter “*Berkheimer* Memorandum”).

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(describing the human-machine interfaces for the various stations as a hardware interface or a software interface that can be accessed on a single device where the “display engine 414 may provide different information and a different appearance to each of the stations . . . based on what the users of the stations may need.”). That is, the visual displays are not recited with any particular functionality or technology that is unconventional or not well-understood, and as such, they fall into the category that courts have recognized as extra-solution activity that does not transform the abstract idea into an inventive concept.

We therefore conclude that claim 1, considered as a whole, does not include an inventive concept.

CONCLUSION

For the reasons explained above, we conclude that claim 1 is directed to an abstract idea that is not integrated into a practical application, and does not recite an inventive concept. Accordingly, we sustain the Examiner’s rejection of claim 1 under 35 U.S.C. § 101. For the same reasons, we also sustain the § 101 rejection of independent claim 21 and dependent claims 2–7, 9, 10, 12–17, 19, 20, 22, and 23.

DECISION SUMMARY

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–7, 9, 10, 12–17, 19–23	101	Eligibility	1–7, 9, 10, 12–17, 19–23	

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TIME PERIOD FOR RESPONSE

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

AFFIRMED