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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* DANIEL R. FITZPATRICK and  
JAMES WORDEN TOFFEY

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Appeal 2019-001272  
Application 14/264,847  
Technology Center 3600

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Before RICHARD M. LEOVITZ, DAVID COTTA, and  
MICHAEL A. VALEK, *Administrative Patent Judges*.

LEOVITZ, *Administrative Patent Judge*.

DECISION ON APPEAL

The Examiner rejected the claims under 35 U.S.C. § 101 as reciting patent ineligible subject matter and under the judicially-created doctrine of obviousness-type double patenting. Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject the claims. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

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<sup>1</sup> We use the word "Appellant" to refer to "applicant" as defined in 37 C.F.R. § 1.42. Appellant identifies the real party in interest as Thomson Reuters Global Resources Unlimited Company. Appeal Br. 2.

### STATEMENT OF THE CASE

The claims stand finally rejected by the Examiner as follows:

Claims 1–5, 7–12, and 14–20 under 35 U.S.C. § 101 as directed to a judicial exception to patent eligibility. Final Act. 10; Ans. 3.

Claims 1–5, 7–12, and 14–20 under judicially-created doctrine of obviousness-type double patenting over claims 1–9 of U.S. Patent No. 8,732,063. Final Act. 14; Ans. 8.

With respect to the obviousness-type double-patenting rejection, Appellant requested that the rejection “be held in abeyance pending a finding of allowable subject matter.” Appeal Br. 6. Because the rejection has not been withdrawn by the Examiner, and Appellant did not provide any reason as to why the Examiner’s reasoning is erroneous, we summarily affirm the obviousness-type double-patenting rejection.<sup>2</sup>

There are three independent claims on appeal, claims 1, 12, and 20. Appellant did not provide separate arguments for the independent claims or the dependent claims. The claims therefore stand or fall together. 37 C.F.R. § 41.37(c)(1)(iv). We select claim 1 as representative and reproduce it below. Bracketed numbers have been added to the claim for reference to the claim limitations, which are referred to throughout this decision.

1. A system for communicating an indication of interest message for a financial instrument, comprising:
  - [1] a first computer element communicatively associated with [2] one or more trade messaging systems, the first computer element programmed and configured to receive from

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<sup>2</sup> “If a ground of rejection stated by the examiner is not addressed in the appellant’s brief, appellant has waived any challenge to that ground of rejection and the Board may summarily sustain it, unless the examiner subsequently withdrew the rejection in the examiner’s answer.” Manual of Patent Examining Procedure § 1205.02 (Rev. 8.2017, January 2018).

the one or more trade messaging systems historical trading activity and current trading activity associated with each of a plurality of trading parties;

[3] a data analyzer module configured to compute a trading posture for each of the plurality of trading parties using the historical trading and current trading activity corresponding to each of the plurality of trading parties;

[4] a database for storing the computed trading posture for each of the plurality of trading parties;

[5] a second computer element communicatively associated with [4] the database, [3] the data analyzer module, and [6] at least one user computer, the second computer element programmed and configured to

[7] receive an indication of interest message from [6] the at least one user computer;

[8] compare at least one information in the indication of interest message with information related to the trading posture of each of the plurality of trading parties;

[9] transmit the indication of interest message to the at least one of the plurality of trading parties if the at least one of the plurality of trading parties is a trading counterparty based on the trading posture; and

[10] block communication of the indication of interest message to the at least one of the plurality of trading parties if the at least one of the plurality of trading parties is not a trading counterparty based on the trading posture.

## REJECTION BASED ON § 101

### Principles of Law

Under 35 U.S.C. § 101, an invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” However, not every discovery is eligible for patent protection. *Diamond v. Diehr*, 450 U.S. 175, 185 (1981). “Excluded from such patent protection are laws of nature, natural phenomena, and abstract ideas.” *Id.* The Supreme Court articulated a two-step analysis to determine whether a claim falls

within an excluded category of invention. *Alice Corp. Pty. Ltd. v. CLS Bank Int'l*, 573 U.S. 208, 216 (2014); *Mayo Collaborative Servs. v. Prometheus Labs, Inc.*, 566 U.S. 66, 75–77 (2012).

In the first step, it is determined “whether the claims at issue are directed to one of those patent-ineligible concepts.” *Alice*, 573 U.S. at 217. If it is determined that the claims are directed to an ineligible concept, then the second step of the two-part analysis is applied in which it is asked “[w]hat else is there in the claims before us?” *Id.* The Court explained that this step involves

a search for an ‘inventive concept’ — *i.e.*, an element or combination of elements that is ‘sufficient to ensure that the patent in practice amounts to significantly more than a patent upon the [ineligible concept] itself.’

*Alice*, 573 U.S. at 217–18 (citing from *Mayo*, 566 U.S. at 75–77).

*Alice*, relying on the analysis in *Mayo* of a claim directed to a law of nature, stated that in the second part of the analysis, “the elements of each claim both individually and ‘as an ordered combination’” must be considered “to determine whether the additional elements ‘transform the nature of the claim’ into a patent-eligible application.” *Alice*, 573 U.S. at 217.

The PTO has published revised guidance on the application of 35 U.S.C. § 101. USPTO’s January 7, 2019 Memorandum, *2019 Revised Patent Subject Matter Eligibility Guidance*, 84 Fed. Reg. 50, 51–57 (2019) (“Eligibility Guidance”). This guidance provides additional direction on how to implement the two-part analysis of *Mayo* and *Alice*.

Step 2A, Prong One, of the Eligibility Guidance, looks at the specific limitations in the claim to determine whether the claim recites a judicial

exception to patent eligibility. In Step 2A, Prong Two, the claims are examined to identify whether there are additional elements in the claims that integrate the exception in a practical application, namely, is there a “meaningful limit on the judicial exception, such that the claim is more than a drafting effort designed to monopolize the judicial exception.” 84 Fed. Reg. at 54 (2. Prong Two).

If the claim recites a judicial exception that is not integrated into a practical application, then as in the *Mayo/Alice* framework, Step 2B of the Eligibility Guidance instructs us to determine whether there is a claimed inventive concept to ensure that the claims define an invention that is significantly more than the ineligible concept, itself. 84 Fed. Reg. at 56. In making this determination, we must consider whether there are specific limitations or elements recited in the claim “that are not well-understood, routine, conventional activity in the field, which is indicative that an inventive concept may be present” or whether the claim “simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, indicative that an inventive concept may not be present.” 84 Fed. Reg. at 56 (footnote omitted).

With these guiding principles in mind, we proceed to determine whether the claimed subject matter in this appeal is eligible for patent protection under 35 U.S.C. § 101.

#### Discussion

Claim 1 is directed to a system “for communicating an indication of interest message for a financial instrument.” The system comprises [1] first

and [5] second “computer elements.” The Specification does not define “computer element.” However, based on the description of the system in the Specification, we interpret a “computer element” to be a computer or server device. Spec. 11:6–18. A computer or server device is a “machine,” one of the four categories of patent-eligible subject matter enumerated in 35 U.S.C. § 101. We thus proceed to Step 2A, Prong One, of the Eligibility Guidance.

#### Step 2A, Prong One

In Step 2A, Prong One, the specific limitations in the claim are examined to determine whether the claim recites a judicial exception to patent eligibility, namely whether the claim recites an abstract idea, law of nature, or natural phenomenon. The Examiner found that the claim is directed to system for organizing human activity (Final Act. 11), which is one of the three groupings listed in the Eligibility Guidance as a patent-ineligible abstract idea. 84 Fed. Reg. 52.

The Specification explains that the invention relates to methods and systems for matching buyers and sellers of financial instruments based on historical trading activity. Spec. 1–2 (“Field of the Invention”; “Background of the Invention”). The system recited in claim 1 comprises: [1] a first computer element; [2] a trade messaging system; [3] a data analyzer module; [4] a database for storing trading posture; [5] a second computer element; and [6] a user computer.

A [1] first computer element receives “historical trading activity and current trading activity associated with each of a plurality of trading parties” from [2] a trade messaging system. The historical trading activity and current trading activity is used to compute “a trading posture” by [3] a data analyzer module. The trading posture is stored in [4] a database.

The system further comprises [5] a second computer element which communicates with [3] the data analyzer module, [4] the database, and [6] a user computer.

The [5] second computer element [7] “receive[s] an indication of interest message from [6] the at least one user computer.” An “indication of interest” or “IOI” is an indication that an entity is interested in buying or selling a financial instrument. Spec. 2:3–6.

The [5] second computer element [8] “compare[s] at least one information in the indication of interest message with information related to the trading posture of each of the plurality of trading parties.” In other words, [5] the second computer element determines whether a potential trading partner of [6] the user is interested in purchasing or selling a financial instrument that relates to the user’s IOI message. The determination is based on the trading posture computed in step [3].

The [5] second computer element [9] transmits the IOI message of [6] the user computer to a trading partner based on the trading partner’s trading posture, i.e., when a trading partner is willing to buy or sell the financial instrument to [6] the user. Messages in step [10] are blocked to trading parties if they are “not a trading counterparty.” An entity who is a “not a trading counterparty” is trading entity who, based on their historical trading activity and current trading activity (see limitation [10]), is a not a likely buyer or seller of the financial instrument or likely to have a “complementary posture” with respect to the financial transaction. Spec. 8:10–21.

Thus, the system enables IOI messages to be sent to a trading party who is a likely trading counterparty, and to block messages from being sent

to a party who is not a likely trading counterparty. These steps fall into the second group of abstract idea, “methods of organizing human activity” because, as stated in the 2019 Eligibility Guidance, the claim limitations, and claims as a whole, are “managing . . . relationships or interactions between people” (84 Fed. Reg. 52) by sending IOI messages to likely trading parties and blocking IOI messages to unlikely trading parties.

Appellant states that the Examiner’s finding that the claims recite an abstract idea was conclusory. Appeal Br. 11. We disagree. The Examiner expressly identified the steps in the claim that comprise the abstract idea and found that “the focus of the claim and its character as a whole is on the idea of managing the transmission of indication of interest messages, which is implemented by a system that uses computer and networking components.” The Examiner then explained that “[m]anaging the transmission of indication of interest messages is according to the court a ‘method of organizing human behavior’ that is similar to other concepts that have been identified as abstract by the courts.” Final Act. 11. The Examiner thus sufficiently identified the basis for finding that the claim recite an abstract idea. Appellant does not identify a deficiency in the Examiner’s reasoning. We therefore proceed to Step 2A, Prong 2 of the analysis to determine whether the abstract ideas are integrated into a practical application.

#### Step 2A, Prong Two

Prong Two of Step 2A under the Guidance asks whether there are additional elements that integrate the exception into a practical application. As in the *Mayo/Alice* framework, we must look at the claim elements individually and “as an ordered combination” to determine whether the

additional elements integrate the recited abstract idea into a practical application. As discussed in the Eligibility Guidance, “[a] claim that integrates a judicial exception in a practical application 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.” 84 Fed. Reg. 54.

Integration into a practical application is evaluated by identifying whether there are additional elements individually, and in combination, that go beyond the judicial exception. *Id.* at 54–55. As explained in the October 2019 Update to Subject Matter Eligibility<sup>3</sup> “first the specification should be evaluated to determine if the disclosure provides sufficient details such that one of ordinary skill in the art would recognize the claimed invention as providing an improvement.” Eligibility Update 12. Furthermore, the 2019 Oct. PEG Update explains that the “specification need not explicitly set forth the improvement, but it must describe the invention such that the improvement would be apparent to one of ordinary skill in the art.” *Id.*

The Specification teaches that, “[a]s is known in the art, an entity interested in purchasing (or selling) financial instruments can communicate its interest to other subscribing financial entities using an Indication of Interest (‘IOI’) message transmitted over a messaging system such as, for example, the Tradeweb Routing Network (‘TRN’) or Tradeweb’s AutEx Network (‘AutEx’).” Spec. 2:3–6. The Specification teaches that a disadvantage of sending IOI messages to a broad range of trading entities is

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<sup>3</sup> Available at [https://www.uspto.gov/sites/default/files/documents/peg\\_oct\\_2019\\_update.pdf](https://www.uspto.gov/sites/default/files/documents/peg_oct_2019_update.pdf) (last accessed Nov. 15, 2019) (“Eligibility Update.”)

that messages may be directed to entities who are not interested in buying or selling the financial instrument, but may use the information in such a way that it disadvantages the user, for example by altering the entity's trading behavior. Spec. 2–3. This is called “information leakage.” Spec. 3. On the other hand, by sending the IOI to a narrow group of potential trading entities, the user may prevent “information leakage,” but may also miss opportunities to trade the financial instrument on favorable terms. Spec. 3–4. The Specification explains:

As referenced, one technical problem with the prior art systems of FIGS. 3 and 4 is the IOI sending user's lack of relevant information as to the trading posture of potential counterparties. Another technical problem is that users are forced to choose between (i) broadly casting indications of interest to potential counterparties, which may result in information leakage and thereby further result in adverse changes in the market prices of the subject financial instruments, or (ii) narrowly casting indications of interest, which may result is a number of missed opportunities to trade the financial instrument on favorable terms. In light of the foregoing, the present invention seeks to address these and other problems.

Spec. 5:4–11.

The Specification teaches that this problem is addressed by identifying “entities that have a high probability of possessing a complementary posture (e.g., being on the opposite side of a hypothetical transaction) with respect to the financial instrument at issue,” thus minimizing information leakage. Spec. 8:15–21; *see* Claim 1, limitations [3], [8]. The system can then [9] send IOI messages to the likely trading entity and [10] block messages to entities determined not to be likely trading counterparties.

Appellant explains, with reference to the Specification, how determining the trading posture in limitation [3], and comparing it in limitation [8] to the information in the user's IOI, minimizes information leakage and constitutes an improvement to the prior art disclosed in Figures 3–4 of the Specification. Appeal Br. 12–14.

Having identified the improvement, it must next be determined whether the “the judicial exception [is integrated into the claim] 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.” 84 Fed. Reg. 54. The Eligibility Guidance describes a framework for this analysis as follows:

- (a) Identifying whether there are any additional elements recited in the claim beyond the judicial exception(s); and (b) evaluating those additional elements individually and in combination to determine whether they integrate the exception into a practical application, using one or more of the considerations laid out by the Supreme Court and the Federal Circuit.

84 Fed. Reg. 54–55.

In this case, the improvement described in the Specification resides in the determination of trading posture in limitation [3] and the IOI messaging in limitations [7]–[10]. *See* Appeal Br. 15–16. These steps are not “additional elements of the claim beyond the judicial exception” because they represent the judicial exception, itself. The claim steps and limitations fall squarely into the abstract idea of “organizing human activity” because determining trading posture and using that information to direct IOI messages to the appropriate trading entity is managing relationships between people. While the steps are performed on a computer, a judicial exception is not integrated into a practical application when the additional element

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“merely uses a computer as a tool to perform an abstract idea.” 84 Fed. Reg. 55. “Steps that do nothing more than spell out what it means to ‘apply it on a computer’ cannot confer patent-eligibility. *Alice*, 134 S.Ct. at 2359.” *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363, 1370–71 (Fed. Cir. 2015).

Appellant contends that the improvement is of the same type as in *Enfish, LLC v. Microsoft Corporation*, 822 F.3d 1327 (Fed. Cir. 2016). Appeal Br. 13. Appellant states, “[h]ere, like in *Enfish*, the claims comprise improvements in computer capabilities, through a data analyzer module to compute a trading posture using historical trading activity and current trading activity to each of the trading parties, and processes for transmitting an indication of interest message and blocking transmission if the potential trading party is not a trading counterparty according to the determined trading posture.” Appeal Br. 14.

In *Enfish*, the claims addressed by the court were directed to a data storage and retrieval system for a computer system that comprised a logical table including logical rows and logical columns for indexing data in the table. *Enfish*, 822 F.3d at 1336. The court referred to the logical table as a “self-referential table” and found that the table functioned differently from conventional database and “is a specific type of data structure designed to improve the way a computer stores and retrieves data in memory. *Id.* at 1336, 1339. Unlike the claims in *Enfish*, Appellant’s claim 1 does not recite a particular improvement that improves operation of the computer. Appellant argues that computing a trading posture using “historical trading activity” and “current trading activity” is an improvement in computing capabilities similar to that in *Enfish*. See Appeal Br. 13–14. But Appellant

has not explained how the historical trading activity and current trading activity used to determine the trading posture for transmitting or blocking of an IOI message is a “specific type of data structure” that improves the operation of a computer. *Enfish*, 822 F.3d at 1339. Indeed, given its broadest reasonable interpretation, claim 1 would seem to encompass the use of any data structure that includes data for such activity.

Appellant also states the case is similar to the patent-eligible claim in *McRO, Inc. v. Bandai Namco Games Am. Inc.*, 837 F.3d 1299 (Fed. Cir. 2016) because “it is the incorporation of the claimed rules, not the use of the computer, that ‘improved [the] existing technological process’ of routing IOI messages.” Appeal Br. 14. Appellant further states that “the present disclosure is directed towards rendering information from different sources (i.e., receiving from one or more trading messaging systems historical trading activity and current trading activity) that is used to compute a trading posture.” *Id.* Appellant argues that the “claimed limitations are designed to achieve an improved technological result in conventional industry practice of sending IOIs by using the determined trading posture and therefore, are not directed to an abstract idea.” *Id.*

In *McRO*, the claims were directed to a method for automating 3-D animator tasks to “produce accurate and realistic lip synchronization and facial expressions in animated characters” that previously could only be produced by human animators. *McRO*, 837 F.3d at 1307. The steps of the claims comprised performing manipulations on “‘output morph weights’ . . . to produce lip synchronization and facial expression control of said animated characters.” *Id.* at 1308. While the claims involved the manipulation of data, e.g., generating morph weight sets to animate lip and facial expressions

of three dimensional characters, the court found that “the automation goes beyond merely ‘organizing [existing] information into a new form’ [as in *Digitech Image Technologies, LLC v. Electronics for Imaging, Inc.*, 758 F.3d 1344, 1348 (2014)], or carrying out a fundamental economic practice.” *McRO*, 837 F.3d at 1315. Instead, the court found that the “claimed process uses a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results: a sequence of synchronized, animated characters.” *Id.*

The rejected claims in this case are different because the “rules” identified by Appellant are the judicial exception, itself, namely, managing the trading relationship between the user and trading entity. The limitations in the claims utilizing the trading posture results in directing the IOI message to the appropriate entity and thus, contrary to Appellant’s contention, is broadly directed to the abstract idea of managing the interactions between trading entities. As explained in *Inventor Holdings, LLC v. Bed Bath & Beyond, Inc.*, 876 F.3d 1372, 1379 (Fed. Cir. 2017), the claims that “involve implementations of economic arrangements using generic computer technology” are patent-ineligible because such a claim “is attempting to broadly monopolize an abstract idea as implemented using generic computer technology.” Appellant has not provided evidence that the computer technology is improved. Rather, as found by the Examiner, the messages are transmitted “with generic technical components in a conventional way.” Final Act. 8.

Moreover, Appellant’s claim 1 is distinguishable from the claims in *McRO* by the extent to which steps [7]–[10] purport to preempt the recited abstract idea. In *McRO*, the court held that the “limitations in claim 1

prevent preemption of all processes for achieving automated lip-synchronization of 3–D characters.” *McRO*, 837 F.3d at 1315. The court explained that “[t]he specific structure of the claimed rules would prevent broad preemption of all rules-based means of automating lip synchronization.” *Id.* In contrast, steps [7]-[10] of Appellant’s claim 1 are recited in such general terms – receiving an IOI ([7]), comparing the IOI with trading postures ([8]), and transmitting ([9]) or blocking ([10]) the IOI information to trading parties based on the trading posture – that utilizing the computer trading posture to make the decision on whether to transmit or block the IOI message poses a risk that the abstract idea embodied in the claims would be largely preempted. Step [3] in which the trading posture is computed is also not stated in specific terms as in *McRO*, but instead simply states the result and not how it is computed. As stated in *McRO*, 837 F.3d at 1307, 1314, we must “look to whether the claims in these patents 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.” The recited limitations are directed to a result. The steps of the claim are not recited with sufficient specificity as to how the result is accomplished, e.g., by reciting a specific was that the IOI messages are transmitted and received.

The claims in this appeal are like those in *Trading Technologies International, Inc. v. IBG LLC*, 921 F.3d 1084 (2019) which involved “displaying transactional information to a user regarding the buying and selling of items in a system.” The claims were found to be patent-ineligible because, while they “recite a purportedly new arrangement of generic information that assists traders in processing information more quickly,” the

court found that the claims as a whole were still directed to an abstract idea. *Trading Technology*, 921 F.3d at 1093. Similarly, while it may be true that the information about trading posture and its use to determine whether to send an IOI message is new and facilitates the trading process, it is still an abstract idea of organizing human activity. Appellant did not provide adequate evidence that computer technology is improved. Instead, the abstract idea is improved and such an improvement, even if new, is insufficient to confer patent-eligibility on the claim.

For the foregoing reasons, we conclude that the abstract idea of organizing human activity recited in claim 1 is not a patent-eligible improvement to computer technology and is not integrated into a practical application.

#### Step 2B

Because we determined that the judicial exception is not integrated into a practical application, we proceed to Step 2B of the Eligibility Guidance, which asks, as in the *Mayo/Alice* framework, whether there is an inventive concept. In making this Step 2B determination, we must consider whether there are specific limitations or elements recited in the claim “that are not well-understood, routine, conventional activity in the field, which is indicative that an inventive concept may be present” or whether the claim “simply appends well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality, to the judicial exception, indicative that an inventive concept may not be present.” 84 Fed. Reg. at 56 (footnote omitted). We must also consider whether the combination of steps in the claim perform “in an unconventional way and

therefore include an ‘inventive step,’ rendering the claim eligible at Step 2B.” *Id.*

Appellant asserts that “the claimed purported improvements are more than well-understood, routine, conventional activity previously known in the industry.” Appeal Br. 17. However, while the recited steps are performed on a computer, “a particular way of programming or designing the software” is not recited. *Apple, Inc. v. Ameranth, Inc.*, 842 F.3d 1229, 1241 (Fed. Cir. 2016). As discussed above, the solution provided by the claims is an improvement to the abstract idea of organizing human activity. Appellant has not identified any additional element which alone, or when considered as an ordered combination with the other elements of the claim, is sufficient to confer eligibility to the claims. *SAP America, Inc. v. Investpic, LLC*, 898 F.3d 1161, 1168–69 (Fed. Cir. 2018) explained:

What is needed is an inventive concept in the non-abstract application realm. Here, all of the claim details identified by InvestPic—including in the claims that emerged from reexamination—fall into one or both of two categories: they are themselves abstract; or there are no factual allegations from which one could plausibly infer that they are inventive

Appellant also has not established that the system recited in claim 1, comprising [1] a first computer element, [2] a trade messaging system, [3] a data analyzer module, [4] a data for storing trading posture, [5] a second computer element, and [6] a user computer, operate in an unconventional way when considered as an ordered combination with the other claim elements. Indeed, given its broadest reasonable interpretation, claim 1 merely recites conventional computer components (e.g., “database,” “computer element,” etc.) used in conventional ways (e.g., to receive, send

and process data) to automate the claimed abstract idea. This is insufficient to confer patent eligibility under Step 2B.

Accordingly, under Step 2B, we are not persuaded that the Examiner erred in determining that the limitations of claim 1 do not transform the claim into significantly more than the abstract idea.

### Summary

For the foregoing reasons, the rejection under 35 U.S.C. 101 of claim 1, and claims 2–5, 7–12, and 14–20 which were not separately argued, is affirmed.

### CONCLUSION

In summary:

<b>Claims Rejected</b>	<b>35 U.S.C. §</b>	<b>Reference(s)/Basis</b>	<b>Affirmed</b>	<b>Reversed</b>
1–5, 7–12, and 14–20		Obviousness-type double patenting	1–5, 7–12, and 14–20	
1–5, 7–12, and 14–20	101	Eligibility	1–5, 7–12, and 14–20	
<b>Overall Outcome</b>			1–5, 7–12, and 14–20	

### TIME PERIOD

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