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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte FRANCISCO ALVAREZ CAVAZOS, JONATHAN M. CLASS,
JERRY JOYCE, JORDI MOLA, GUILLERMO ORTIZ PENA, and BEN
TRUELOVE

Appeal 2019-001724
Application 13/716,212
Technology Center 2800

Before LINDA M. GAUDETTE, JEFFREY B. ROBERTSON, and
DEBRA L. DENNETT, *Administrative Patent Judges*.

GAUDETTE, *Administrative Patent Judge*.

DECISION ON APPEAL¹

The Appellant² appeals under 35 U.S.C. § 134(a) from the Examiner's decision finally rejecting claims 1–20 under 35 U.S.C. § 101.³

¹ This Decision includes citations to the following documents: Specification filed Dec. 17, 2012 (“Spec.”); Final Office Action dated Dec. 13, 2017 (“Final”); Advisory Action dated Feb. 27, 2018 (“Advisory”); Appeal Brief filed May 21, 2018 (“Appeal Br.”); Examiner’s Answer dated Oct. 19, 2018 (“Ans.”); and Reply Brief filed Dec. 19, 2018 (“Reply Br.”).

² We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. The Appellant identifies the real party in interest as Microsoft Technology Licensing, LLC. Appeal Br. 4.

³ We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

CLAIMED SUBJECT MATTER

The invention relates to “a performance metric tracker that shows an operation performance metric in context with an operation performance history to a user.” Spec. ¶ 3. For example, the progress of an operation that transfers or modifies a data resource may be tracked and presented to a user so that the user is aware of operation efficiency. *Id.* ¶ 1. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A machine-implemented method, comprising:

tracking a current operation performance metric of a data resource operation by an operating system of a computing device, wherein the data resource operation includes ***altering a data file*** on the computing device;

maintaining an operation performance history as a record of previous operation performance metrics for the data resource operation;

presenting, via an input/output device, ***the operation performance history as a line graph linked to a percentage completion point in a fill frame, wherein the percentage completion point is related to the data resource operation***; and

presenting, via the input/output device, ***in realtime the current operation performance metric as a dynamic level line in relation to the line graph to show the current operation performance metric in context with the operation performance history***,

wherein the fill frame is filled by a loading bar when the data resource operation is completed.

Appeal Br. 14 (Claims Appendix) (emphasis added).

OPINION

The Examiner rejected claims 1–20 under 35 U.S.C. § 101 as directed to patent ineligible subject matter. *See* Final Act. 2–7. An invention is patent-eligible if it claims a “new and useful process, machine, manufacture, or composition of matter.” 35 U.S.C. § 101. The Supreme Court, however, has long interpreted 35 U.S.C. § 101 to include implicit exceptions: “[I]aws of nature, natural phenomena, and abstract ideas” are not patentable. *Alice Corp. v. CLS Bank Int’l*, 573 U.S. 208, 216 (2014). In determining whether a claim falls within an excepted category, we are guided by the Supreme Court’s two-step framework, described in *Alice* (*see id.* at 217–18), and *Mayo Collaborative Services v. Prometheus Laboratories, 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.

Concepts determined to be abstract ideas, and thus patent ineligible, include certain methods of organizing human activity, such as fundamental economic practices (*id.* at 219–20; *Bilski v. Kappos*, 561 U.S. 593, 611 (2010)); mathematical formulas (*Parker v. Flook*, 437 U.S. 584, 594–95 (1978)); and mental processes (*Gottschalk v. Benson*, 409 U.S. 63, 69 (1972)). Concepts determined to be patent eligible include physical and chemical processes, such as “molding rubber products” (*Diamond v. Diehr*, 450 U.S. 175, 191 (1981)); “tanning, dyeing, making water-proof cloth, vulcanizing India rubber, smelting ores” (*id.* at 182 n.7 (quoting *Corning v. Burden*, 56 U.S. 252, 267–68 (1854))); and manufacturing flour (*Benson*, 409 U.S. at 69 (citing *Cochrane v. Deener*, 94 U.S. 780, 785 (1876))).

If a 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. “A claim that recites an abstract idea must include ‘additional features’ to ensure ‘that the [claim] is more than a drafting effort designed to monopolize the [abstract idea].’” *Id.* (quoting *Mayo*, 566 U.S. at 77).

In January 2019, the PTO published revised guidance on the application of Section 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 a 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) (“Guidance Step 2A, Prong One”), and (2) additional elements that integrate the judicial exception into a practical application (*see* MPEP § 2106.05(a)–(c), (e)–(h)) (“Guidance Step 2A, Prong Two”). 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 (“Guidance Step 2B”).

Judicial Exception — Guidance Step 2A, Prong One

The Appellant argues the claims as a group. *See generally* Appeal Br. 8–13. Accordingly, we focus our discussion on independent claim 1.

As indicated above, under Guidance Step 2A, Prong One, we consider whether claim 1 recites a judicial exception to the statutory categories of patent-eligible subject matter, including one of the following groupings of abstract ideas: (1) mathematical concepts, e.g., mathematical relationships, mathematical formulas or equations, and mathematical calculations; (2) mental processes, e.g., concepts performed in the human mind, including observations, evaluations, judgments, and opinions; and (3) certain methods of organizing human activity. *See* Guidance, 84 Fed. Reg. at 52.

The Examiner determined that the claim 1 steps of “tracking a current operation performance metric of a data resource operation,” “altering a data file,” “maintaining an operation performance history as a record,” “presenting . . . the operation performance history as a line graph,” and “presenting . . . in realtime the current operation performance metric as a dynamic level line in relation to the line graph” (*see* bolded, italicized claim 1 language *supra* p. 2) are directed to an abstract idea of “collecting, displaying, and manipulating data” using a generic, computerized system. Final 2–3; *see also* Advisory 4.

The Specification discloses that “a data resource operation” refers to a user-executed copy, move, or delete operation, a data property change, or a file or folder alteration. Spec. ¶ 15. The Specification discloses that “[a] performance metric tracker of the operating system may track an operation performance metric of the data resource operation.” *Id.* “An operation performance metric is a value that describes the manner that the operating

system is performing the data resource operation, such as operation speed, as opposed to whether the operating system has completed the data resource operation.” *Id.* The operating system may track the performance of each data resource operations and display a metric of the performance on a user interface. *Id.* ¶ 23. “For example, if 2.52 MB of a 5.6 MB data file 202 has been copied to a data target 208, . . . [a] simple percentage tracking dialogue box 302 may visually represent this data resource operation by expanding a loading bar 306 to . . . fill 45% of the fill frame 308.” *Id.* ¶ 23, Fig. 3. The loading bar continues to fill the frame proportionately as the data resource operation is completed. *Id.* ¶ 24. “The performance metric tracker may maintain an operation performance history for the data resource operation.” *Id.* ¶ 17. Operation performance history may be based on a previous average or on an intra-operation performance. *Id.* ¶¶ 32–33. “The performance metric tracker may present in realtime the current operation performance metric in relation to the operation performance history to a user.” *Id.* ¶ 17. For example, operation performance history may be displayed as a line graph and present the current operation performance metric as a dynamic level line. *Id.* ¶ 25.

The Specification discloses that “an exemplary computing device 100 which may act as performance metric tracker . . . may include a bus 110, a processor 120, a memory 130, a data storage 140, an input/output device 150, and a communication interface 160” (*id.* ¶ 18), each of which is described further as conventional in the art (*see id.* ¶¶ 19–20). For example, the Specification discloses that “input/output device 150 may include one or more conventional mechanisms that permit a user to input information to the computing device 100, such as a keyboard, a mouse, . . . etc.[, and] . . . [to]

output information to the user, including a display, a printer, [etc.]" *Id.* ¶ 20. The Specification discloses that "[e]mbodiments within the scope of the present invention may also include . . . any available [computer-readable storage] media that can be accessed by a general purpose or special purpose computer." *Id.* ¶ 35. "[C]omputer-readable storage media can comprise . . . any . . . medium which can be used to carry or store desired program code means in the form of computer-executable instructions or data structures." *Id.* "Computer-executable instructions include, for example, instructions and data which cause a general purpose computer, special purpose computer, or special purpose processing device to perform a certain function or group of functions." *Id.* ¶ 37.

Based on the above and other descriptions in the Specification, we determine that the claimed method steps recite collecting, manipulating, and presenting data using a generic computer system. *See* Ans. 4. These steps involve observations, evaluations, and judgments, i.e., steps that people can perform in their minds or using pen and paper. For example, an individual can obtain performance data by looking at a data base, and can chart the data in a desired format—e.g., line or bar graph—using pen and paper. Thus, claim 1 recites a mental process—an abstract idea. *See* Guidance, 854 Fed. Reg. at 52 ("If a claim, under its broadest reasonable interpretation, covers performance in the mind but for the recitation of generic computer components, then it is still in the mental processes category unless the claim cannot practically be performed in the mind."); *see also* *CyberSource Corp. v. Retail Decisions, Inc.*, 654 F.3d 1366, 1375 (Fed. Cir. 2011) ("That purely mental processes can be unpatentable, even when performed by a computer, was precisely the holding of the Supreme Court in *Gottschalk v. Benson.*").

Integration into a Practical Application — Guidance Step 2A, Prong Two

According to the Guidance, even if a claim recites any one of the three groupings of abstract ideas, the claim is still not “directed to” a judicial exception (abstract idea), and thus is patent eligible, if “the claim as a whole integrates the recited judicial exception into a practical application of that exception.” Guidance, 84 Fed. Reg. at 53. 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 id.* § 2106.05(b)); (3) effecting a transformation or reduction of a particular article to a different state or thing (*see id.* § 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 id.* § 2106.05(e)). *See* Guidance, 84 Fed. Reg. at 54–55 (“Prong Two”). 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, merely including instructions to implement an abstract idea on a computer, or merely using 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 id.* § 2106.05(g); and (3) generally linking the use of the judicial exception to a particular technological environment or field of use (*see id.* § 2106.05(h)). *See* Guidance, 84 Fed. Reg. at 54–55 (“Prong Two”).

The Appellant argues that the claims include limitations that are indicative of integration into a practical application. The Appellant argues that “the claims recite an improved [user] interface,” in particular,

an improved representation in the form of “the operation performance history as a line graph linked to a percentage completion point in a fill frame,” and “in realtime the current operation performance metric as a dynamic level line in relation to the line graph to show the current operation performance metric in context with the operation performance history.”

Appeal Br. 9–10. In support of its argument, the Appellant cites *Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc.*, 880 F.3d 1356 (Fed. Cir. 2018). Appeal Br. 9.

In *Core Wireless*, the court determined that the involved claims were patent eligible because they were “directed to an improved user interface for computing devices, not to the abstract idea of an index.” 880 F.3d at 1362.

The court reasoned that

[a]lthough the generic idea of summarizing information certainly existed prior to the invention, these claims are directed to a particular manner of summarizing and presenting information in electronic devices. Claim 1 of the ’476 patent requires “an application summary that can be reached directly from the menu,” specifying a particular manner by which the summary window must be accessed. The claim further requires the application summary window list a limited set of data, “each of the data in the list being selectable to launch the respective application and enable the selected data to be seen within the respective application.” This claim limitation restrains the type of data that can be displayed in the summary window. Finally, the claim recites that the summary window “is displayed while the one or more applications are in an un-launched state,” a requirement that the device applications exist in a particular state. These limitations disclose a specific manner of displaying a limited set of information to the user,

rather than using conventional user interface methods to display a generic index on a computer.

Id. at 1362–63. The court concluded that the claims were patent eligible because they “recite[d] a specific improvement over prior systems, resulting in an improved user interface for electronic devices,” and, therefore, were directed to “an improvement in the functioning of computers.” *Id.* at 1363.

The Appellant argues that, like the *Core Wireless* claims, the present claims “are not simply directed to displaying data, but are directed to a particular manner of ‘summarizing and presenting information.’” Reply Br. 5. The Appellant contends that, similar to the *Core Wireless* claims, the present claims include steps—*tracking* and *presenting*—requiring that the device application exist in a specific state, i.e., “the state of performing the data resource operation.” *Id.* The Appellant asserts that like the *Core Wireless* claims, “the claims of the subject application provide . . . a structured graphical user interface and prescribed functionality.” *Id.* (quoting Spec. ¶ 24 (“The operating system may provide a more data-rich user experience by presenting the current operation performance metric in relation to the operation performance history.”)).

The Examiner argues that the present claims are directed to “[a]n *improvement to the representation* in the format of the data presented to a user,” and are distinguishable from the *Core Wireless* claims, directed to “an *improvement to the interface*.” Ans. 6 (emphasis added). The Examiner explains that the claims are “directed to an improvement of the visual representation of the operation data (i.e. collecting, manipulating and displaying data) so that a user can be made aware of operation efficiency. That is, the claims amount to no more than customizing information and presenting it to users based on particular characteristics.” Ans. 4. The

Examiner contends that “the concept described in claim 1 is not meaningfully different from those concepts found by the courts to be an abstract idea.” Final 3 (citing *Intellectual Ventures I LLC v. Capital One Bank (USA)*, 792 F.3d 1363 (Fed. Cir. 2015)).

For the reasons discussed below, we agree with the Examiner that claim 1, as a whole, does not integrate the recited mental process into a practical application.

In *Data Engine Technologies LLC v. Google LLC*, 906 F.3d 999 (Fed. Cir. 2018), the court considered whether claims were akin to the patent-eligible *Core Wireless* claims, or were directed to patent-ineligible methods of organizing and presenting information such as the claims in *Affinity Labs of Texas, LLC v. DirecTV, LLC*, 838 F.3d 1253 (Fed. Cir. 2016) and *Intellectual Ventures I LLC v. Erie Indemnity Co.*, 850 F.3d 1315 (Fed. Cir. 2017). See *Data Engine*, 906 F.3d at 1010–11. In *Affinity Labs*, the court determined that claims directed to “streaming regional broadcast signals to cellular telephones located outside the region” were “entirely functional in nature,” and there was nothing in the claims “directed to *how* to implement out-of-region broadcasting.” *Data Engine*, 906 F.3d at 1010 (quoting *Affinity Labs*, 838 F.3d at 1258). “Although the representative claim also recited ‘a graphical user interface’ for displaying a menu of available media options from which a user could select, the limitation was . . . insignificant extra-solution activity and thus insufficient to confer patent eligibility.” *Id.* (quoting *Affinity Labs*, 838 F.3d at 1261). Similarly, in *Erie Indemnity*, the court held that claims reciting a method for searching a database using an index of descriptive terms associated with “category” and “domain” tags were patent ineligible, noting that the claims failed to recite any specific

structure or improvement of computer functionality sufficient to render them not abstract. *Id.* (citing *Erie Indemnity*, 850 F.3d at 1326–29). In *Data Engine*, the court determined that “[i]n contrast to *Affinity Labs* . . . and *Erie Indemnity*,” the involved claim was “not simply directed to displaying a graphical user interface or collecting, manipulating, or organizing information to improve navigation through three-dimensional spreadsheets[, but] . . . recite[d] a specific structure (i.e., notebook tabs) within a particular spreadsheet display that performs a specific function (i.e., navigating within a three-dimensional spreadsheet).” *Id.* at 1010–11. The court determined that, like the “claims in *Core Wireless*, [the] claim . . . recite[d] a ‘specific’ and ‘particular’ manner of navigating a three-dimensional spreadsheet that improve[d] the efficient functioning of computers,” i.e., the claimed method “provide[s] for rapidly accessing and processing information in three-dimensional spreadsheets.” *Id.* at 1009 (alteration in original) (internal quotation marks and citation omitted). As to the claims in a different patent, however, the court in *Data Engine* determined that the claim limitations of “tracking changes in a spreadsheet by: (1) creating a base version of a spreadsheet, (2) creating a new version of the spreadsheet, and (3) determining which cells of data have changed by comparing the new and base versions” was “an abstract idea,” and that “[t]he mere automation of this process [did] not negate its abstraction.” *Id.* at 1013. The court determined that the claims were akin to those held patent-ineligible in *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat’l Ass’n*, 776 F.3d 1343 (Fed. Cir. 2014): “There, the claims were directed to methods of extracting data from hard-copy documents using an automated scanner, recognizing information from the extracted data, and storing that data in

memory.” *Data Engine*, 906 F.3d at 1013; *see also Content Extraction*, 776 F.3d at 1347 (finding that “1) collecting data, 2) recognizing certain data within the collected data set, and 3) storing that recognized data in a memory” was an abstract idea because “data collection, recognition, and storage is undisputedly well-known” and “humans have always performed these functions”).

Like the patent-ineligible claims in the cases discussed above, claim 1 fails to recite limitations related to an improvement in the functioning of a user interface. The potential improvement to user experience provided by the claimed invention relates solely to the format or content of the displayed data, not to the functioning of the user interface itself. *See Spec.* ¶ 24 (“*may provide a more data-rich user experience by presenting the current operation performance metric in relation to the operation performance history*” (emphasis added)); claim 1 (“presenting . . . the current operation performance metric as a dynamic level line in relation to the line graph” of the operation performance history). There are no claim limitations that relate to a specific structure or an improvement to interface functionality—e.g., increased speed or accuracy. *See Data Engine*, 906 F.3d at 1010–11. Nor do we find any disclosure in the Specification that the claimed method solves a problem relating to prior graphical user interface devices. *See id.* Rather, similar to the patent-ineligible claims in the cases discussed above, the focus of the claims “is on collecting [data], analyzing it, and displaying certain results of the collection and analysis,” *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). “[M]erely presenting the results of abstract processes of collecting and analyzing information, without more (such as identifying a particular tool for presentation), is abstract as an

ancillary part of such collection and analysis.” *Id.* at 1354; *see also id.* at 1353 (“[W]e have treated collecting information, including when limited to particular content (which does not change its character as information), as within the realm of abstract ideas.”).

In sum, we determine that claim 1 as a whole does not integrate the judicial exception—a mental process—into a practical application of that exception.

Inventive Concept — Guidance Step 2B

Under Guidance Step 2B, we determine whether the claim provides an “inventive concept,” i.e., whether the additional elements beyond the judicial exception, individually and in combination, amount to “significantly more” than the judicial exception itself. Guidance, 84 Fed. Reg. at 56. According to the Guidance, “simply append[ing] well-understood, routine, conventional activities previously known to the industry, specified at a high level of generality,” is indicative that an inventive concept is absent. *Id.*

The Appellant argues that “by displaying the performance history of the operation that is actually occurring on the computer, in context with the current realtime operation performance,” the claims recite significantly more than “collecting and manipulating data into a format that conveys desired information to a user.” Appeal Br. 11. The Appellant argues that “[t]his function was not achievable before, as evidenced by the fact that the claims are indicated as novel over the prior art.” *Id.*

The Appellant’s argument is not persuasive because, as explained by the court in *Data Engine*, novelty and patent eligibility under 35 U.S.C. § 101 are distinct issues. *Data Engine*, 906 F.3d at 1011 (“The eligibility question is not whether anyone has ever used tabs to organize information.

That question is reserved for §§ 102 and 103. The question of abstraction is whether the claim is ‘directed to’ the abstract idea itself.” (citing *Alice*, 573 U.S. at 218 n.3)). Moreover, upon review of the claim 1 elements both individually and as an ordered combination, we do not find anything that amounts to significantly more than the judicial exception itself.

Turning first to the individual claim 1 elements, as noted above, the Specification describes the “operating system of a computing device” and the “input/output device” used in the claimed method as well-known, generic, computer components. *See* Spec. ¶¶ 19–20, 35, 37 *supra* p. 6. The Specification indicates that the use of these devices to perform each of the individual claim 1 steps—*tracking* and *maintaining* (collecting data), *altering* (manipulating data), and *presenting* (displaying data)—was well-understood, routine, and conventional. *See, e.g.*, Spec. ¶ 35 (“[C]omputer-readable storage media for carrying or having computer-executable instructions or data structures stored thereon . . . may be any available media that can be accessed by a general purpose or special purpose computer.”), ¶ 19 (“The data storage 140 may include a conventional ROM device or another type of static data storage that stores static information and instructions for the processor 120.”), ¶ 37 (“Computer-executable instructions, associated data structures, and program modules represent examples of the program code means for executing steps of the methods disclosed.”), ¶ 20 (“The input/output device 150 may include one or more conventional mechanisms that output information to the user, including a display.”). “For the role of a computer in a computer-implemented invention to be deemed meaningful in the context of this analysis, it must involve more than performance of ‘well-understood, routine, [and] conventional

activities previously known to the industry.’” *Data Engine*, 906 F.3d at 1012 (quoting *Content Extraction*, 776 F.3d at 1347–48); see *Electric Power Group*, 830 F.3d at 1355 (“Nothing in the claims, understood in light of the specification, requires anything other than off-the-shelf, conventional computer, network, and display technology for gathering, sending, and presenting the desired information. That is so even as to the claim requirement of “displaying concurrent visualization” of two or more types of information, . . . even if understood to require time-synchronized display: nothing in the patent contains any suggestion that the displays needed for that purpose are anything but readily available.”). The Specification discloses that *tracking* the progress of an operation that transfers or modifies a data resource (“*altering* a data file” (claim 1 (emphasis added))) and *presenting* the progress to a user so that the user may be aware of operation efficiency, were well-known, routine, and conventional. See Spec. ¶ 1 (background of the invention). The Specification also discloses that *presenting* the progress to a user in the form of a loading bar within a fill frame was well-known, routine, and conventional. See *id.*

We determine, therefore, that an inventive concept does not arise in the claim limitations, taken individually, as they recite the use of generic computer components to perform only the well-known, routine, and conventional activities of data collection, manipulation, and display.

We next consider whether an inventive concept arises in the ordered combination of claim elements. The Appellant argues that the inventive concept lies in a method that provides an improved representation of an operating performance metric, i.e., by providing a comparison of the current operation performance metric as a dynamic level line in relation to operation

performance history, the user is provided with a more data-rich experience. *See* Appeal Br. 11–12. We are not persuaded that an improved representation of an operating performance metric amounts to an inventive concept because claim 1 is not limited to a *specific* technical solution of the abstract idea of collecting, manipulating, and displaying data. There is no indication that the claimed method overcomes a problem that existed in the display of operation performance metrics or improves the performance of the user interface itself. *See Bascom Global Internet Serv.’s, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1351–52 (Fed. Cir. 2016) (discussing prior cases involving the issue of inventive concept). In other words, claim 1 does not recite a technology-based solution that addresses an existing problem in the performance of an operating system used to track, alter, or maintain a record of an operating performance metric, or an existing problem in the performance of the input/output device used to display this information.

Accordingly, we determine that an inventive concept does not arise in the ordered combination of claim 1 elements, because claim 1 simply requires the performance of the abstract idea of collecting, manipulating, and displaying data on generic computer components using conventional computer activities.

In conclusion, for the reasons stated above and in the Final Office Action, the Advisory Action, and the Answer, we sustain the rejection of claims 1–20 under 35 U.S.C. § 101.

CONCLUSION

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1–20	101	Eligibility	1–20	

Appeal 2019-001724
Application 13/716,212

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